

 Jamaica Social Investment Fund 	Legal Regulatory and Other Requirements Sheet		Document No. EMS-I-RD-LRRS-24072008
Environmental Procedures Manual	Effective Date: January 1, 2017	Date Created: November 11, 2016	Page 1 of 7
ISO 14001:2015 – 6.1.3	Prepared by: Loy Malcolm	Approved by: George Blake	Revision No: 2

REVISION SCHEDULE

Date for Review	Actual Date of Review
November 2008	December 15, 2008
March 2009	April 1, 2009
June 2009	July 6, 2009
September 2009	October 9, 2009
January 2010	April 5, 2010
June 2010	July 6, 2010
November 17, 2016	

REVISION HISTORY

Revision No.	Effective Date	Responsible person	Description of Revision	Approved by
1	<i>March 30, 2010</i>	<i>Loy Malcolm</i>	<i>Agro-processing plants, aquaculture & eco-tourism mentioned for permits.</i>	<i>JSIF management through ratification of revised EMF (as per Loan Agreement)</i>
2	November 3, 2017	Keslyn Gilbert Stoney	Beach Control Act included as a compliance obligation in response to aspects identified under the Disaster Vulnerability Reduction Project	Loy Malcolm

JSIF – COMPLIANCE OBLIGATIONS

1. The Natural Resources and Conservation Act (NRCA) 1991

- encompasses Jamaica's environmental laws
- covers steps to ensure effective management of Jamaica's physical resources
- overseen by the relevant Ministry and administered by the National Environmental Planning Agency (NEPA)
- regulations under the Act include the **Permits and Licences Regulations (2004)** outlines the system for permits and licences which apply to new developments e.g. housing developments, roads, hazardous waste treatment facilities, agro-processing plants, aquaculture, eco-tourism activities etc.) **(See Listing EMS Guidelines to Conducting EIAs)**
- Act gives minister power to declare areas protected, national and marine parks
- regulations under the Act include the **NRCA Ambient Air Quality Regulations (2006)** which set parameters for emissions to air (particulate matter < 10µm)
- Applies penalties for failure to obtain permit before certain types of construction **(See Listing EMS Guidelines to Conducting EIAs)**
- Applied penalties for discharging effluent or constructing anything to discharge effluent without a licence)
- Offences under the Act carry penalties and prison terms

2. The Town and Country Planning Act 1958

- primary law governing land use in Jamaica
- overseen by the relevant Ministry and administered by the National Environmental Planning Agency (NEPA)
- the Act speaks to carrying out of operations (building, engineering, mining etc.) on, over or under land or the making of any material change in the use of any buildings or other land
- planning permission is required for development that falls under the above stated
- a NRCA permit if required must be granted before Planning permission is granted
- the Act allows for Stop Orders to be placed if permissions aren't granted or are breached
- tree preservation is covered under this Act through the **Tree Preservation Regulations (1967)**

- Offences under the Act carry penalties and prison terms

3. The National Solid Waste Management Act 2001

- provides for the regulation and management of solid waste in Jamaica
- the Act is overseen by the relevant Ministry
- solid waste under the Act includes i) refuse or sludge from a waste treatment plant, air pollution and garbage ii) solid, semi-solid or contained gaseous or liquid matter from industrial, commercial, mining or agricultural operations or domestic activities and iii) medical and hazardous waste
- Actions that attract penalties and imprisonment under the Act include i) unlawfully removing waste from or tampering with the operation of a solid waste disposal facility ii) disposing of solid waste in an unauthorized area, operating without a licence, impeding waste collection and disposal iii) littering in a public place or building without authorization (fine only)
- hindering or threatening authorized officers
- failure to obey notice to give information about performance of sewage or other waste treatment facilities

4. The Water Resources Act 1996

- focused on the protection and use of underground water resources and surface waters such as rivers and streams
- the agency with overall responsibility under this Act is the Water Resources Authority, its duty is to regulate, allocate, conserve and manage the water resources of Jamaica
- the Authority issues licences for the abstraction and use of water, the construction or alteration of water works, use of reserved water supplies and consents from drilling wells
- under the Act, the following may attract penalties i) abstracting or altering works related to water use without a licence ii) practicing as a well driller without a licence iii) causing or allowing underground water to waste from wells iv) failure to obey enforcement notices

5. The Public Health Act (1985)

- Overall aim is to protect the Public Health

- speaks to the regulation of measures targeted at reducing the spread of diseases including air and soil pollution, importation and distribution of food for human consumption and pest control
- under the Act penalties apply to nuisances and is covered by the **Nuisance Regulations (1995)**
- Nuisances address the ability of persons to enjoy their property e.g. defective structures, unsanitary conditions, deposits of human, solid or animal waste, dust, smoke, fumes

6. **The National Heritage Trust Act (1985)**

- the Act outlines the role of the trust in the preservation of national monuments and anything designated as protected national heritage, and also the recording of any precious objects or works of art to be preserved as well as protecting botanical or animal life
- penalties and imprisonment may apply under the Act for the destruction or removal of anything designated a national monument or protected

7. **The Mining Act (1947)**

- Covers the requirement for a licence to mine and therefore which locations are approved for mining.

8. **Beach Control Act (1956)**

- The Act and Regulations ensure proper management of Jamaica's coastal and marine resources by a system of licensing of activities on the foreshore and the floor of the sea.
- The Act also addresses other issues such as access to the shoreline, and other rights associated with fishing and public recreation, as well as establishment of marine protected areas.
- Administered by NRCA/NEPA
- Encroachment on or use of foreshore or floor of the sea without a licence is an offence
- Conserve, protect or rehabilitate protected area without license is also an offence.

9. Factories Act

The Act speaks to:

Ensuring the safety, health and welfare of persons who are employed in any factory or in connection with machinery, and in particular, and without prejudice to the generality of the foregoing provisions, any such regulations may provide for:

- the safe means of approach or access to, and exit from, any factory, or machinery;
- the fencing and covering of all dangerous places or machines;
- life-saving and first aid appliances;
- securing safety in connection with all operations carried on in a factory;
- securing safety in connection with the use of cranes, winches, pulley-blocks and of all engines, machinery, mechanical gear and contrivances generally whatsoever;
- the proper ventilation of any factory, having regard to the nature of the process carried on therein;
- the sanitation, including the provision of lavatory accommodation (having regard to the number of workers employed) at any factory

10. National Energy Policy

Government Ministries and Agencies are model/leader in energy conservation and environmental stewardship in Jamaica.

Jamaicans use energy wisely and aggressively pursue opportunities for conservation and efficiency.

Jamaica realizes its energy resources potential through the development of renewable energy sources and enhances its international competitiveness, energy security whilst reducing its carbon footprint.

11. Other Requirements

Loan Agreements – See Project Appraisal Documents (PAD) for all ongoing projects

LBS Protocol (Land Based Sources Protocol) – this is a regional agreement for the prevention, reduction and control of marine pollution from land-based sources and activities. The Protocol speaks to *governments' activities and efforts in the following areas:

- ✓ Coastal Management
- ✓ Environmental Monitoring

- ✓ Sustainable Agriculture
- ✓ Sewage Treatment
- ✓ Restoration of Contaminated Bays

*Jamaica has indicated its intention to ratify, however the areas to be covered have been recognized as

EMF – See JSIF’s Environmental Management Framework (EMF)

Permits and Licences – See Records and Documents as relevant.

ASPECTS	COMPLIANCE OBLIGATIONS
Solid waste	National Solid Waste Management Act
Discharge to Ground and Surface Water	Natural Resources Conservation Act
Health and Safety	Factories Act, Public Health Act
Disturbance of Coastal Processes	Beach Control Act and NRCA
Introduction of foreign material or organisms in marine environment	Beach Control Act and NRCA

Provision of Potable Water	Water Resources Authority Act
Noise	Public Health Act
Air Emission	Public Health Act and NRCA
Energy Consumption	National Energy Policy