

Trinidad & Tobago

Country: [Trinidad And Tobago](#) [1]

EIA Law: Environmental Management Act, 2000

Law Link: [Link](#) [2]

EIA Regulations: Certificate of Environmental Clearance Rules, 2001; Certificate of Environmental Clearance (Designated Activities) Order, 2001 & 2008 and amendments (2007 & 2008)

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: A Guide to the Application for a Certificate of Environmental Clearance

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: A certificate of environmental clearance (CEC) may be granted on the basis of information provided in the application alone. CEC Rules, secs. 3(5) (content of application), 4(1)(c)(authority to issue CEC without requiring EIA)

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: The project proponent submits an application describing the project with a brief summary of activities and impacts. The environmental authority will determine within 10 days whether an EIA must be prepared. CEC Rules, secs. 3(5) & 4(1)(d).

Criteria for Screening: List or appendix of project or activity types

Criteria for Screening Detail: See Certificate of Environmental Clearance (Designated Activities) Order, 2001 (as amended by orders in 2007 & 2008)

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: CEC Rules, sec. 10

Who Pays for EIA: Project Proponent

EIA Contractor Qualifications: No

EIA Contractor Qualification Detail: An EIA "shall be carried out by persons with expertise and experience in the specific areas for which information is required," but no specific qualifications or registrations are required. CEC Rules, sec. 10.

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: The environmental authority prepares a draft TOR and provides it to the project proponent. CEC Rules, sec. 5(1)(b).

Days for Decision Maker Review: 80 days (may be extended)

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: "[T]he Authority shall notify the applicant in writing of its determination with respect to a Certificate. . . ." CEC Rules, sec. 6.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: "After considering all relevant matters, including the comments or representations made during the public comment period, the Authority may issue a Certificate subject to such terms and conditions as it thinks fit, including the requirement to undertake appropriate mitigation measures." EM Act, sec. 36(1); see also CEC Rules, sec. 7 (a determination as to a certificate of environmental clearance may contain any terms and conditions that the environmental authority sees fit)

Expiry of Decision: 3 years

Expiry of Decision Detail: If the activity for which a Certificate is granted has not commenced within 3 years, the Certificate shall cease to have validity, force, or effect. CEC Rules, sec. 7(1)(a)(v).

Financial Assurances or Bond: No

Interdisciplinary Team: No

Interdisciplinary Team Detail: The EIA rules direct that preparation of the EIA "shall be carried out by persons with expertise and experience in the specific areas for which information is required[.]" CEC Rules, sec. 10. However, the rule does not specifically require an interdisciplinary team to be used.

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA may include "an evaluation of the alternatives to the activity, giving

consideration to concerns of environment, alternative sites, designs, approaches and processes. . . ." CEC Rules, sec. 10(f)

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Cultural impacts

Health impacts

Economic impacts

Mitigation: Sometimes

Mitigation Detail: The EIA may include "an account of the measures proposed to avoid, reduce, mitigate or remedy any of the significant adverse effects identified. . . ." CEC Rules, sec. 10(h). This information is not mandatory.

Monitoring Plans: Sometimes

Monitoring Plans Detail: The EIA may include "a description of the programme proposed for monitoring actual impacts and the effects of the mitigation measures at the various stages of the activity. . . ." CEC Rules, sec. 10(j). This information is not mandatory.

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: The environmental authority must publish notice of availability of the EIA in the Gazette and at least one newspaper of general circulation advising the public of the matter, indicating where the administrative record is maintained and available for inspection, stating the length of the public comment period, and advising where the comments are to be sent. EM Act, sec. 28

Final EIA Available: Yes

Final EIA Available Detail: The location for members of the public to access the EIA is not entirely clear from the EM Act and CEC Rules. At a minimum, the EIA is accessible as part of the administrative record maintained by the environmental authority. However, it appears in practice that EIAs are also published on the environmental authorities website.

Final EIA Locations: Internet

Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: Supporting documentation must be made available to the public through the administrative record; however, the environmental authority has discretion to decide which documentation will assist the public in understanding the proposed activity. EM Act, sec. 28(2). The administrative authority must identify a location or locations where the administrative record may be viewed. EM Act, sec. 28(1)(b).

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The decision is entered into a National Register of Certificates of Environmental Clearance, which shall be open for public examination when and where the EMA Authority may notify in the Gazette and in one or more daily newspaper of general circulation. CEC Rules, sec. 9(1). In addition, "[t]he applicant shall cause the certificate to be displayed in public view at the place from which the applicant carries on the designated activity for which the Certificate was issued." CEC Rules, sec. 7(2)

Public Scoping: Yes

Public Scoping Detail: "The applicant shall, where appropriate, conduct consultations with relevant agencies, non-governmental organisations and other members of the public on the draft TOR. . . ." CEC Rules, sec. 5(2)

Public Review of TOR: Yes

Public Review of TOR Detail: The project proponent shall "where appropriate" consult with relevant agencies, non-governmental organizations and other members of the public on the draft TOR over a 28-day period. Following consultation, the project proponent submits written representations to the environmental authority requesting any changes to the draft TOR. The TOR is finalized by the environmental authority. CEC Rules, sec. 5(2).

Public Participation Opportunities: Scoping

Terms of reference

Public Meetings and/or public hearings

Public Meetings: Sometimes

Public Meetings Detail: If the Environmental Management Authority "determines there is sufficient public interest, it may hold a public hearing for discussing the proposed action and receiving verbal comments." EM Act, sec. 28(3)

Public Input at Meeting: Yes

Public Input at Meeting Detail: [I]f the Authority determines there is sufficient public interest, it may hold a public hearing for discussing the proposed activity and receiving verbal comments." EM Act, sec. 28(3)

Criteria to Hold Public Meeting: Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: 30 days

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: The environmental authority "shall receive written comments for not less than 30 days from the date of notice in the Gazette[.]" EM Act, sec. 28(3)

Response to Public Comments: Yes

Response to Public Comments Detail: The environmental authority must consider "all relevant matters, including the comments or representations made during the public comment period" before issuing a Certificate of Environmental Clearance. EM Act, sec. 36(1).

Facilitation of Public Participation: No

Citizen Administrative Review: No

Citizen Administrative Review Detail: Appeals to the Environmental Commission are limited to those filed by the party seeking environmental clearance. See EM Act, secs. 40 & 81(5)(commission has jurisdiction over appeals only as permitted by the EM Act).

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: An application for judicial review of a decision of an inferior Court, tribunal, public body, public authority or a person acting in the exercise of a public duty or function in accordance with any law shall be made to the Court in accordance with this Act and in such manner as may be prescribed by Rules of Court. Judicial Review Act, sec. 5 (1).

Project Monitoring: Yes

Project Monitoring Detail: The Environmental Management Authority "shall monitor the performance of the activity to ensure compliance with any conditions in the Certificate, and to confirm that the performance of the activity is consistent with...the information provided in any environmental impact assessment." EM Act, sec. 37.

Enforceability of EIA: Yes

Enforceability of EIA Detail: The Environmental Management Act (EMA) establishes a "direct private party action." A private party may institute a proceeding before the Environmental Commission against any person who violates "environmental requirements," including failure to obtain a certificate of environmental clearance or failure to comply with the terms and conditions in a certificate. See EM Act, sec. 69. The Act clearly states: "[A]ny individual or group of individuals expressing a general interest in the environment or a specific concern with respect to the claimed violation shall be deemed to have standing to bring a direct private party action." Id., sec 69(2). The Attorney General may intervene in the proceeding at any time as of right. Id., sec. 69(3). See also EM Act, sec. 89 (additional provisions governing direct party actions)

Enforceability of Permit: Yes

Enforceability of Permit Detail: The Environmental Management Act (EMA) establishes a "direct private party action." A private party may institute a proceeding before the Environmental Commission against any person who violates "environmental requirements," including failure to obtain a certificate of environmental clearance or failure to comply with the terms and conditions in a certificate. See EM Act, sec. 69. The Act clearly states: "[A]ny individual or group of individuals expressing a general interest in the environment or a specific concern with respect to the claimed violation shall be deemed to have standing to bring a direct private party action." Id., sec 69(2). The Attorney General may intervene in the proceeding at any time as of right. Id., sec. 69(3). See also EM Act, sec. 89 (additional provisions governing direct party actions)

Days for Public to Review Draft EIA: 0 days

Modified: June 8th, 2020

Source URL: <https://elaw.org/eialaw/trinidad-tobago>

Links

[1] <https://elaw.org/countries-and-regions/trinidad-and-tobago>

[2] <https://elaw.org/environmental-management-act-2000>

[3] <http://www.cbd.int/doc/case-studies/lr/lr-tt-rule-env-en.pdf>

[4] https://www.ema.co.tt/images/Files/CEC/CEC_Process_Guidebook.pdf