OIL EXPLORATION, OIL SPILLS AND ENVIRONMENTAL DAMAGE CONFERENCE
College of the Bahamas
Environmental Law and Policy Conference and Clinic

‘Legal and Policy Regulation of Marine Pollution in the Caribbean: A case study of Trinidad and Tobago’

Alicia Elias-Roberts
Lecturer, The University of the West Indies,
St. Augustine Campus, Trinidad & Tobago.
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Outline of Presentation

Examine the principal legal and policy issues that impact the oil and gas industry:

- Internationally – treaties, declarations, principles, etc.
- Regionally – treaties and other policy documents.
- Nationally – in Trinidad and Tobago.
- Recent Oil spill in La Brea Beaches and the NOSCP.
- Question – Whether the laws and regulations in Trinidad and Tobago are effective.
Some relevant International Treaties

- *Convention for the Establishment of an International Fund for the Compensation of Oil Pollution, 1971*
- *Convention on Liability and Compensation from Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996*
- *Convention on Civil Liability for Bunker Oil Pollution Damage, 2001*
- *International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990*
- *Basel Protocol on Liability and Compensation from Trans-boundary Movement of Hazardous Waste and their Disposal, 1999*
International Law Perspective

- Couple of relevant Environmental Law Principles
  - *Rio Declaration on Environment and Development, 1992*
  - Principle 16
    - National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.
  - Principle 17
    - Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.
Regional Perspective

- **Protocol Concerning Specially Protected Areas and Wildlife (SPAW) in the Wider Caribbean Region** adopted in 1990 and entered into force on 18 June 2000.
- **Protocol Concerning Pollution from Land-Based Sources and Activities** adopted in 1999 and entered into force on 13 August 2010.
Trinidad’s Domestic Perspective

- There are various pieces of legislation and the National Oil Spill Contingency Plan (NOSCP) which concerns oils spills and the notification of spills, releases and other incidents.
- Note in particular the Environmental Management Act 2000 and Oil Pollution Of Territorial Waters Act 1951.

General environmental provisions:
- Oil pollution is a criminal offence
- Reasonable steps provides a valid defence

Note – the NOSCP is a source of regulation, not law.
Trinidad’s Domestic Perspective

- *Oil Pollution Of Territorial Waters Act 1951*, Section 3 and 4
- *The Territorial Sea Act 1969* 6A
- *Continental Shelf Act 1969* Section 7
- *Petroleum Act 1969* Section 29 (1) (h), (j)
- *Petroleum Regulation 1970* Section 42 (2) (c), (d), (i), (j), (k), (l), (m); 43 (r), (s)
- *Archipelagic Waters and Exclusive Economic Zone Act 1986* Section 28, 30, 32
Trinidad’s Domestic Perspective

- *Environmental Management Act 2000* and applicable Rules- CEC rules Section 24, 25, 53, 55, 61 and 70 (1)

- 61 *Notification of spills, releases and other incidents.*

(1) As soon as practicable after the commencement of this Act, and thereafter as appropriate, the Authority shall investigate and designate categories of circumstances involving accidental spills or other releases of pollutants, or other incidents with respect to hazardous substances, which may present a risk to human health or the environment....
Trinidad’s NOSCP

- *National Oil Spill Contingency Plan 2013* provides:
- Appendix B – Initial Oil Spill Notification Report; and
- Instructions For Preparation of the Initial Oil Spill Notification Report.
  ◦ Note - this report is due within four working days following discovery of a physical loss (and must be submitted in the case of a significant or material loss of petroleum or petroleum product or any unusual or significant event resulting in the loss of petroleum or a petroleum product.)
Petrotrin fined TT$20million

- EMA identified Petrotrin as the violator and initiated legal proceedings by serving two Notices of Violations, with respect to several breaches of the *EM Act*. These breaches include:
  - 1. The failure of Petrotrin to submit for approval the required methods for the disposal and treatment of waste generated from the aforementioned oil spills.
  - 2. The failure of Petrotrin to report all accidents, emergencies and spills within the stipulated time frame.
  - 3. The failure of Petrotrin to comply with health and air-monitoring requirements
  - 4. The failure of Petrotrin to submit a complete written report of the incident
Conclusion

- The media reported that the NOSCP collapsed after the oil spill- 2 weeks after there was no statement from Gov.
- The Min. of Energy and Energy Affairs responded to the report and said the NOSCP has worked well.
- Question for the audience: in light of the recent oil spill in La Brea Beaches, do you think the Trinidad NOSCP worked well and could serve as a model for other Commonwealth Caribbean territories?

- Questions and Answers segment