

# Noise pollution and the associated laws in trinidad



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First and foremost, what is noise pollution? As stated in the EMA 1999 state of the environment, noise pollution is defined as any audible acoustic energy or vibration that will disturb, cause the annoyance or discomfort of the physiological and/or psychological well being of living things. As for Jamaica there is two types of noise pollution faced, one being occupational noise and the other being environmental noise.

Beginning with the legislations and environmental policies applied within Trinidad we see that there are rules which govern noise pollution. According to the Environmental Management Act, 2000, " noise pollution" means any disturbance of the environment by a pollutant consisting of sound or other vibrations". This act divided the country into three zones: zone 1- industrial zone, zone 2- environmentally sensitive areas and zone 3-general areas. The act specified a prescribed level of sound for each zone. Variations above this prescribed level are prohibited. Penalties are in place for those who exceed these limits. However, for variation above the prescribed standard of noise, a variation application must be submitted to the relevant authorities. The process is well detailed in the rules. Before being given the grant for variation, applicants must place their venture in the news papers so that those that maybe affected can air their views. We see that with the rules put into place there are fines if violated. As stated on the state of the environment yearly report these rules towards noise pollution were enacted by parliament and implemented by EMA in 2001. According to Section 70 of the Summary Offences Act: " Any person who causes a nuisance to the public is liable on summary convictions to a fine of \$1, 500 or to imprisonment for six months."

As for most countries, local police officers are usually the first line of defense against excessively noisy neighbours, with noise specialists from environmental and public health agencies being used only as a backup. The whole issue of controlling noise in TT is difficult business since people's reaction to noise can vary widely. One person's music can be another's intense irritation, and the EMA is faced with the challenging role of striking difficult balances.

Under the EMA Act, 2000, one of the orders given to the EMA is to manage and control pollution in Trinidad. This directive gave life to the Noise Pollution Control Rules, 2001, one of the pillars on which the EMA has built its campaign to protect the citizens while allowing reasonable activities in the social, commercial, cultural and industrial sectors.

Due to its nature, noise pollution is unlike any form of pollution that the EMA has to deal with. Sometimes, there is no physical or tangible evidence of this type of pollution and the offender can disappear as quickly as the noise. This makes enforcement difficult since the offender has to be caught in the act. However, Since the Noise Pollution Control Rules, 2001 became law in Trinidad and Tobago the EMA has received complaints numbering in the hundreds ranging from noise from entertainment activity to noise from woodworking shops, metal fabrication and other commercial activity. The EMA has also received and processed over five hundred applications for variations which helps control the level of noise from various activities including entertainment and commercial activity.

The Noise Pollution Control Rules, 2001 sets prescribed standards for noise in order to control the emission of sounds in the environment that can be considered noise pollution. In Jamaica noise pollution is monitored and controlled by national environment and planning agency (NEPA). NEPA started its operation in April 2001. Relating to Jamaica there is the Noise Abatement Act 1997, and as stated the level of noise in Jamaica both by day and by night has become truly horrendous and it is affecting the health and welfare of the nation. There is a fine not exceeding fifteen thousand dollars or, in default of payment, to imprisonment for a term not exceeding three months in a first offence whereas in the case of a second offence, a fine not exceeding thirty thousand dollars or, in default of payment, to imprisonment for a term not exceeding six months. In the case of a subsequent offence, a fine not exceeding fifty thousand dollars or, in default of payment, to imprisonment for a term not exceeding twelve months and, in addition, the Court may, upon the application of the prosecution, order the forfeiture of the specified equipment used in the commission of the offence. Based on the data collected, the Jamaican Noise Abatement Act is usually called the Night Noise Act, reason being is it applies to various activities that take place during the night period, whether it is music for entertainment purposes, loud speakers for meetings whether it is in public or private property.

In Trinidad the main concerns with noise pollution according to the EMA mainly come from traffic, vehicles with loud music, no silencers or altered silencers in cars. In both countries we would say that there are both environmental noise and occupational noise, these both vary along the same lines of noise pollution. Both act were put in place to ensure a safe level of

sound in the respective countries. Each has a penalty for breaking the law. Both allows for the variation above the prescribed standard. In both cases an application for variation must be submitted and an entry must be made in the news paper so that anyone that may be affected can air their discrepancies. Contrariwise, the noise pollution control rules of 2001, covers a wider range than the Noise Abatement Act 1997. The noise pollution control rules of 2001 encompass a very important aspect in its highlighting of an environmentally sensitive zone.

An analysis of the breakdown of complaints received based on the level of noise generation activity, indicates that the highest source of noise pollution came about from loud music, whether it be from vehicles, parties, or whatever entertainment purposes it is used for. The environmental police unit is the primary enforcement arm in investigating noise complaints. They have conducted close to two thousand (1965) site visits on behalf of the EMA. The Legal and Policy Department of the EMA is responsible for enforcement of the EMA Act. They do this through the issuance of Notices of Violations which may result in entering into Consent Agreements with the party who is in breach of the Noise Pollution Control Rules, 2001 or take further action by service of an Administrative Order where a Consent Agreement cannot be agreed upon. The Following is a breakdown of legal action taken under the Noise Pollution Control Rules 2001 Notices of violations served in the year 2002 is 23 and for the year 2003, 45 were served.

From studies done a proposition that should be put into operation is for the Police Service to start using its powers to confiscate music systems or other

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equipment if they cause real nuisance to others. Nonetheless, the regular Police Service will have other pressing priorities for some time to come and as a result, a more viable strategy in the short term might be to expand the number of specialist environmental police and locate them in different parts of Trinidad and Tobago. Conversely, in the year 2002-2003 fourteen Police Officers were trained in the use of Noise Measurement Equipment. Where as in Tobago an Environmental Police Unit (EPU) was established and this will be followed by the Establishment of an EPU in South Trinidad as stated in the state of the environment annual report. In addition to increasing the number of Noise Meters will enable faster response to Noise Complaints and will allow greater coverage over Trinidad.

Contrariwise, in Jamaica the act represents a creditable attempt to introduce an easily understood subjective criterion, “audible beyond a distance of one hundred metres”, which does not require the use of a sound meter or other measuring device. An analysis of this law revealed that by the legislation of maximum noise levels may never solve the noise pollution problem simply because the law is too restrictive. The problem lies where at one hundred meter the approximate sound level is that of a radio/television playing in a living room at normal listening distance, therefore in order for a speaker to be heard by a reasonably quiet crowd of average size, the law must be broken. This makes it extremely difficult for police officers to charge for violation of the law. However, it has not so far had the desired effect in generally quieting the loud sources, and also cannot be applied to most of the sources of noise pollution.

As part of the implementation of Noise Rules, noise pollution variation application forms along with instructional booklet and policies for noise complaint processing have been developed. With aid of getting people to comply with Noise Pollution Control Rules, some Magistrates request that persons applying for a bar license have a Noise Variation. The Noise Pollution Control Rules, 2001 provides the legislative power to deal with noise pollution. Legislative power is not a sufficient tool to effectively combat pollution in general and specifically noise pollution.

Apart from the noise control rules the government of Trinidad is committed to developing a framework for the diminution of all noise that is deleterious to health or may cause a nuisance. Correspondingly in regulating the sources of noise pollution intends to identify a list of activities that must be exempted, establish noise zones that represent industrial, environmentally sensitive and general areas, endorse the prescribed noise standards that apply to these noise zones and thereby provide a variation to the standards where the circumstances warrant. Additionally, as part of Government's strategy for achieving the goals of the Policy, economic instruments such as fees, charges and taxes will be used in conjunction with persuasion and appeal to the public. However, there is currently insufficient public participation in environmental decision-making in matters of environmental impact assessment, environmental monitoring and enforcement for both Trinidad and Jamaica. Subsequently, there is a widespread lack of awareness of environmental issues especially pertaining to noise pollution among these population. Contributing to this problem is the fact that environmental

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studies are not fully incorporated into the formal education programs in schools nor are they adequately addressed in informal educational programs available to the community. A national program for achieving sustainability in Trinidad and especially Jamaica must involve all interest groups and seek to anticipate environmental problems specifically on the fragile problem of noise pollution. Knowledge is, therefore, the key factor in any effort to promote policy, and knowledge of environmental dangers and impacts is the cornerstone of public awareness.

Noise pollution rules have been in force for a decade, however, the effectiveness of these rules since initial implementation are still unclear. Although there is no physical or tangible evidence of this type of pollution and the fact that offenders can disappear as quickly as the noise, there have been few policies set in place to curb the nuisance. Whether these are a more rigorous system of noise monitoring, prompt and strict enforcement with penalties for breaches etc., there will be significant benefits and costs to derive from these policies and their further implementation.

The implementation of policies like the National Environmental Policy (1997) provides a set of well governed rules for members of the public to comply with. However, even the most ambitious policies will fail unless it works in accordance with educating the general public first. Public awareness of the environmental dangers is the key factor to promoting these policies.

Therefore it is only through the commitment, co-operation and dedication of the citizens that can truly make a difference. Although this is a fundamental factor, this can pose a disadvantage as these education programs will be very expensive in time and money.



With significant costs factors out of the way, the regulators may find there are rewards to reap. After successful policy implementation there are advantages for all, ranging from government agencies, to local industries and even to individuals themselves. One of the major advantages of policy implementation is that it helps persons to stay within the law, resulting in fewer penalties and suits. This can in turn lead to potential cost savings especially in the industrial sector as it reduces incidents that result in liability. For example, there will be less occupational safety hazards relating to high noise levels and this complies with the OSHA standards for the safety of employees.

Another advantage is that these policies will keep citizens informed about their environmental roles and responsibilities. There will be increased information transfers and improved monitoring of overall environmental impacts. This in the long-run would lead to protection of the receiver.

Although noise pollution has become more problematic with the developments of industrialization, these industries have begun adopting their own environmental policies so as to better their public image with the local community and regulators as well. There has been greater compliance in general with the implementation of policies, and has improved the efficiency of processes in different spheres. This can also cause a renewed confidence of citizens in their government and the environmental agencies as well. This will foster the ideas of a democracy as citizens can assist in the decision making, and can be afforded through the public comment process and the right of private party to institute civil action against any other person for violation of any environmental requirement.

The effects of noise pollution vary from simple annoyance and avoidance to temporary or even permanent damage. The disadvantages of implementing stricter policies are evident, in that there needs to be a commitment of resources to run the various environmental programs. This can be extremely costly to promote and to carry out as sometimes the cost may appear to outweigh the benefits. For example, there is the need for scientific approaches for dealing with the problem, building shelter against the noise, i. e. interruption of transmission paths like barriers, enclosures and other forms of soundproofing, all of which require substantial funds to become in full effect.

Apart from this there may not always be sufficient public participation in these programs and there will be a lack in certain aspects which may corrode the overall effectiveness of the policy. There is also the possibility that the effects will be felt greater by some than others either because of strained efforts by some or lack of interest in citizens that are not adversely affected by the noise levels. In order for the policies to work it must be a united effort on all citizens and this can be very difficult to gather a unanimous vote on the issues at hand.

With some of these policies implemented, the resultant increase in the cost of production in sectors that use environmental services will cause negative effects on the productivity levels of many of the industries. Some policies can also reduce a country's comparative advantage in environmental-intensive goods, because stricter policies reduce the supply of the 'dirty' good. This can in turn dampen the economic growth of the country and by

extension these actions can negatively impact on the achievement of sustainable development.

Sometimes the policies implemented by the less developed countries of the world are generated by looking into environmental policies that were adopted by the developed countries and which were successful in that country. However it is not sensible to adopt a policy based upon its success in other countries because there are differences not only in the environmental and economic aspects, but also the mindset of the citizens and the ability to adapt to the culture that is foreign to their own.

In light of this policies that are in place can be further improved to accommodate the system requirements. With the limits on noise pollutants there should also be a taxing system in place to compensate for shortcomings in the laws itself, meaning that institutions being classed as high emitters of noise should have to pay a proportionate tax relative to their emissions. An example of this is in more developed countries like Italy that charges an airfare noise tax to airlines. Likewise, moving across nations there can also be the implementations of congestions taxes to motorists in the city. This concept was first seen in the United Kingdom as vehicles entering the city had to pay taxes to the state. This can be implemented in Trinidad, in both cities, to work parallel to the Jamaican Noise Abatement Act and the Noise pollution control rules of 2001. Following the taxing system there can also be price discrimination to certain companies, where is company who is on the higher end of the noise polluting scale is taxed a greater amount than someone who possess a low emission level. Along the

lines of micro theory where different people are charged different rates, whether it is first degree or third degree price discrimination.

Lastly, the only viable solution to reduce noise pollution resides in research and development (R&D). Though the term is sometimes used loosely in relation to economic growth, it can be used in developing innovations or improving old technology in order to reduce the amount of emissions from machinery. Similar to the research put into cars to make them sound quieter, the same can be possible from industrial machinery by making adjustment it is may be possible to cause a reduction in disturbances. It is also noted that other aspects of economic ideas may not be possible as it is not possible to stop noise pollution; the aim is to reduce it to levels that do not affect the public.

When looking at these possible improvements there are certain costs and benefits associated with its potential application. As a result the benefits will be that there will be an improvement in the welfare of individuals as they will now be experiencing a higher standard of living. Also with an increase in R&D there will also be increased efficiency in the production and industrial sector. On the other hand, there is a main issue with all of these improvements: firstly with the taxation system there is the problem with the acceptability with such a tax in the public. Then there will have to be sub divisional areas where they will have to ensure payment of the levy. Setting up sub institutions in a developing country takes a relatively large amount of time and costs in doing so may be a concern to countries with a large deficit. Also, if the tax is implemented this means that the price of goods produced will rise by the same amount of the tax passing the tax onto consumers.

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Lastly with the R&D aspect the topic of costs once again come to the forefront as developing countries like Trinidad and Jamaica do not have the resources to invest in these areas of research.

## **Finally, reconcile your findings (a-c) with the countries' performance on the 2010**

### **Environmental Performance Index**

In my view, the effectiveness of the noise pollution laws and regulators within both Jamaica and Trinidad and Tobago has been relatively ineffective in the attempt to control and reduce the level of pollution. The probable reason for this is that noise pollution may be considered a relative outcome of production. Meaning that the economic concept of externalities comes into play as previously defined as the third party spillover effects resulting from the production of a good or service, noise pollution may be a negative externality as it takes away from a person's welfare. Likewise, it can be also viewed as a positive externality as music from an entertainment event may be to the enjoyment of nearby patrons.

Secondly, when addressing the issue of noise pollutants and laws passed there is a main problem that is associated. Being that man power necessary to enforce the laws is at it optimal potential is not readily available to the heads of the environmental studies. Also with the findings obtained in order for each policy to work in sync, there needs to be public participation not only by selected groups but all of the population. Though in Tobago there is an environmental police unit, in the case of Jamaica one such organization can't become mainstream. The reason for this the budgetary deficit with in Jamaica is too high to maintain funding an enforcement unit. With reference <https://assignbuster.com/noise-pollution-and-the-associated-laws-in-trinidad/>

to Trinidad there is a level of viability as the economy has experienced current account surpluses over the years however the volatility of the economy being heavily reliant on oil and gas production causes any analyst to ask how long will it be in existence.

Similarly when it comes to the economic application to the existing policies there is the problem of applicability to the conditions within the infrastructure of the state. This can be seen in the hypothetical situation of a tax on congestion with certain areas, in a developing country like Trinidad or Jamaica that may not be possible. The likelihood that the public will adhere to these control rules is a 'stretch of the imagination'. Also in order for such an idea to work there has to be an efficient public transport system that works alongside it. Islands within the Caribbean are unable to do so due to the nature of the economy, since when there is structural reformation the first area in which spending is cut is in the public sector.

When looking at the Environmental Performance Index it is seen that Jamaica ranks at 89 with a score of 58.0 while Trinidad and Tobago ranks at number 103 with a score of 54.2. These figures show that in the area of environmental development Jamaica is of a higher standard than Trinidad. As the Jamaican economy pays close attention to ecosystem vitality with a score of 45.8 and environmental health with a score of 70.3, while Trinidad and Tobago ecosystem vitality score of 38.3 and environmental health a score of 70.2. The reason for these figures is that the Jamaican economy is reliant on the tourism sector as a key GDP contributor while in Trinidad and Tobago the main GDP earner is the oil and gas sector. Simply put one state relies on the land as a medium to deliver a service while the other uses the

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non renewable resources found within the environment. This point can be demonstrated via a trend between the EPI and GDP, where the higher the level of GDP the lower the score on the environmental index. Since, developing countries that do not have a large amount of investment and endowment in natural resources are reliant on nature thus they use it accordingly and try to maintain a stable regenerate rate to their environment. Whereas the more industrialized and developing economy tends to, it does not follow the same set of policies.