

MINISTRY OF ECONOMIC GROWTH AND JOB CREATION

**PRIVATE SECTOR CONSULTATION
ON
THE NATIONAL POLICY
FOR ENVIRONMENTALLY SOUND
MANAGEMENT OF HAZARDOUS WASTES
(GREEN PAPER)**

March 5, 2019
Knutsford Court Hotel

Rapporteur's Report
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ACRONYMS

EHU	Environmental Health Unit
ESM	Environmentally Sound Management
JCA	Jamaica Customs Agency
MEGJC	Ministry of Economic Growth and Job Creation
MICAF	Ministry of Industry, Commerce, Agriculture and Fisheries
MOH	Ministry of Health
MSET	Ministry of Science, Energy and Technology
MTM	Ministry of Transport and Mining
NEPA	National Environment and Planning Agency
NRCA	Natural Resources Conservation Authority
NSWMA	National Solid Waste Management Authority
ODPEM	Office of Disaster Preparedness and Emergency Management
ODS	Ozone Depleting Substances
PCA	Pesticides Control Authority
SAICM	Strategic Approach to International Chemicals Management
SRD	Standards and Regulations Division

BACKGROUND NOTE

The consultation with the private sector on the National Policy for Environmentally Sound Management of Hazardous Wastes (Green Paper) was held on 5 March 2019. It was the second in a series of consultations on the Policy to ensure that all views were shared and accommodated where relevant. The public sector consultation, the first, was held on 12 February 2019.

Hazardous wastes are dangerous to health and the environment and this Policy covers the Environmentally Sound Management (ESM) of this type of waste. It should be noted that the Policy adopts the definition of the ESM of Hazardous Wastes as defined under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which is “taking all practicable steps to ensure that hazardous wastes and other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.” In addition, hazardous waste is considered as any substance which by reason of its chemical activity, toxicity, explosivity, corrosivity or other characteristics, causes or is likely to cause, danger to health or the environment, whether of itself or on contact with other waste.

The Policy is in keeping with Jamaica’s National Development Plan-Vision 2030 Jamaica, in particular, Goal 4: Jamaica has a Healthy Natural Environment. Under this Goal, Jamaica focuses on the effective management of the country’s natural resources to ensure the continued provision of essential environmental services. It also focuses on the design of environmental policies that internalize the cost of pollution and environmental damage into the production costs of all economic activities. It also acknowledges the fundamental right of Jamaicans in keeping with the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011 specifically, Section 13 (3) (I) the right to enjoy a healthy and productive environment free from the threat of injury or damage from environmental abuse and degradation of the ecological heritage. In recognition of this right, the goal of this Policy is for the environmentally sound management of hazardous wastes in Jamaica in keeping with international and regional best practices, to ensure the protection of human health and the environment.

The strategic component of the Policy outlines actions to be undertaken and, where possible, the timeframe for their implementation by various stakeholders to ensure that the policy goal and objectives are realized.

The directives stated in the Policy are in accordance with Jamaica’s obligations under key multilateral environmental agreements and arrangements related to the management of chemicals and hazardous wastes, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants (POPs), the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management (SAICM).¹

The consultation was attended by key private sector stakeholders and public sector partners: Ministry of Health (MOH); National Solid Waste Management Authority (NSWMA); and the National Environment Planning Agency (NEPA).

¹ Taken from the Executive Summary of the National Policy for Environmentally Sound Management of Hazardous Wastes.

EXECUTIVE SUMMARY

The opening ceremony was chaired by Ms. Gillian Guthrie, Senior Director, Environment and Risk Management Branch, MEGJC, who moderated the morning's proceedings. The welcome was given by Mr. Yaneke Watson, Chief Technical Director, Policy, Planning and Evaluation, MEGJC and Mr. Phillip Morgan of the National Solid Waste Management Authority (NSWMA), one of MEGJC's key partners in the implementation of the Hazardous Waste Policy, brought remarks on behalf of his agency.

Mr. Watson noted that the Policy being discussed was critical to the path that the country would take in terms of managing hazardous waste. It was paramount, he said, to ensure that the standards that we sought to achieve were embedded in the Policy. He emphasized the danger that hazardous waste posed for human health and the environment. The MEGJC was committed to working with the private sector to create the synergy to ensure that the Policy comes to fruition. The feedback provided would guarantee that we were all of one accord in developing a Policy that would address not only the immediate needs but create the foundation for a productive business sector and a healthy environment in which we could all live and enjoy the benefits and heritage of the environment.

Mr. Morgan observed that waste, including hazardous waste, has been a major issue in Jamaica. He said it was generally the last thing individuals implementing large projects thought about. Huge edifices were constructed with no planning for dealing with the waste generated. He encouraged open and frank discussions in this consultation to allow the Policy to recommend specific actions to effectively address the issue of waste and particularly hazardous waste.

Ms. Gillian Guthrie provided an overview of the Policy. She highlighted the major agreements that guided the Policy, the four stated objectives along with the associated strategic actions, the proposed five-year timeline as well as the proposed institutional framework.

Ms. Guthrie concluded by noting that the Policy: acknowledges the fundamental rights of Jamaicans in the Charter of Fundamental Rights and Freedoms Act, 2011 i.e. the right to a healthy and productive environment; would be reviewed every five years and amendments recommended as necessary; would have a positive effect on both the health of the environment and the citizens of Jamaica; and was aligned with Vision 2030 Jamaica, in particular Goal 4: Jamaica has a Healthy Natural Environment.

Ms. Guthrie introduced the discussion on the Policy by underscoring the fact that the document being explored was a draft document which was subject to open and constructive critique with the objective of preparing a policy that responded to the Jamaican situation.

She reminded the members of the private sector that this was the opportunity for them to recommend the initiatives and actions they wanted to be included in the policy to ensure that the appropriate environment would be created to enable their members to operate effectively and recognize reasonable returns on any investment made in the sector. She reiterated that several business opportunities would be opened up as the government wished to restrict its activities to regulation of the sector rather than its day-to-day operations.

WELCOME

Ms. Gillian Guthrie, Senior Director, Ministry of Economic Growth and Job Creation (MEGJC) welcomed the private sector stakeholders to the consultation on the National Policy for Environmentally Sound Management of Hazardous Wastes. To open the day's proceedings she invited public sector partners Mr. Yaneke Watson, Chief Technical Director of the Policy Planning and Evaluation Division of the MEGJC and Mr. Phillip Morgan, National Solid Waste Management Authority (NSWMA) to make remarks.

Mr. Yaneke Watson, Chief Technical Director, Policy, Planning and Evaluation, MEGJC

Mr. Watson noted that the Policy being discussed was critical to the path that the country would take in terms of managing hazardous waste. He noted that the Policy acknowledged the fundamental rights of Jamaicans and was in keeping with the Charter of Fundamental Rights and Freedom, and focusses on a healthy and productive environment with regard to freedom from injury and damage as a result of environmental abuse. He pointed out that it was in keeping with the tenets of the Vision 2030 and also in line with the United Nations' Sustainable Development Goals (SDGs). It was paramount, he said, to ensure that the standards that we sought to achieve, internationally, were embedded in the Policy. He emphasized the danger that hazardous waste posed for human health and the environment.

He noted that those stakeholders who, from time to time might be involved in utilizing materials that generate hazardous waste and thus have to dispose of this waste, needed to consider business opportunities 10 to 15 years in the future. He observed that short-term gains should not take precedence over environmental responsibility. The MEGJC was committed to working with the private sector to create the synergy to ensure that the Policy comes to fruition. The feedback provided would guarantee that we were all of one accord in developing a Policy that would address not only the immediate needs, but establish the foundation for a productive business sector and a healthy environment in which we could all live and enjoy the benefits and heritage of the environment.

Mr. Phillip Morgan, National Solid Waste Management Authority

Mr. Morgan observed that waste, including hazardous waste, has been a major issue in Jamaica. He said it was generally the last thing individuals implementing large projects thought about. Huge edifices were constructed with no planning for dealing with the waste generated. It became more problematic when the by product was of a hazardous nature. He said the Policy was well timed as the NSWMA was in the process of strengthening its regulations to manage some of these by products.

He encouraged open and frank discussions in this consultation to allow the Policy to recommend specific actions to effectively address the issue of waste and, particularly, hazardous waste. The NSWMA, he reported, was currently drafting three regulations. The one which had most relevance to hazardous waste was the electronic and electrical waste generated (E-waste). The Authority would be launching its take back legislation under which any entity that sold electrical products would be mandated to take back products at the end of their life. He shared that these products were responsible for many of the fires started in the disposal site. He said that the NSWMA would be consulting with the private sector on this. They had already consulted with public sector.

POLICY OVERVIEW

Ms. Gillian Guthrie, Senior Director, Environment and Risk Management Branch, MEGJC

Ms. Guthrie described the process of policy formulation. The first step was the preparation of a concept note that is submitted to Cabinet for approval to prepare a national policy. A consultation was then held and then a draft policy document prepared. This draft, described as a green paper, was submitted to Cabinet for review. After Cabinet approved the green paper it was tabled in Parliament and became a public document. The green paper on Hazardous Waste was now at that stage and open for public consultation. Consultations had already been held with the public sector and, in due course, the public would be consulted. Based on the amendments arising from the consultations, the Ministry would revise the text which would become a white paper to be submitted to Cabinet. This is subsequently tabled in Parliament and the result is a national policy document.

She noted that the hazardous wastes Policy was at the green paper stage and thus it was imperative that robust feedback was received to complete the process. She explained that while the Ministry had begun to amend the document based on some comments received from Cabinet, it was the original document on which the morning's discussions would be based.

Ms. Guthrie reiterated the point that environmental health was enshrined in the Jamaican Constitution (section 13.3.1) and Goal 4 of Jamaica's National Development Plan – Vision 2030 – “Jamaica has a Healthy Natural Environment” highlighted the importance of a safe and healthy environment. She also introduced several key public sector agencies which were involved in the management of hazardous waste: Ministry of Transport and Mining (MTM), Ministry of Industry, Commerce, Agriculture and Fisheries (MICAF), Ministry of Health (MOH) and MEGJC. Instruments that were either in draft format or had been finalized:

- Energy Policy (2009-2030)
- Revised Motor Vehicle Policy (2014)
- Medical Waste Management Policy (draft)
- National Policy on Environmental Management Systems (draft)
- Emissions Policy Framework (draft).

She emphasized that all drafts would go through the public consultation process. She highlighted the Medical Waste Management Policy noting that Cabinet had recommended that that Policy be combined with the hazardous waste Policy. The amended draft would include the contents of that Policy to produce a comprehensive hazardous waste management Policy.

International Instruments

Ms. Guthrie introduced key regional and international instruments stating that Jamaica, as a party to all these, was legally bound to honour their provisions. The instruments highlighted were:

- ***Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal*** (ratified by Jamaica 23 January 2003). Obligations state that countries should do their utmost to dispose of hazardous waste internally and to minimize movement across boundaries. Provisions can be accessed at basel.int.

- ***Stockholm Convention on Persistent Organic Pollutants (POPs)*** (ratified by Jamaica 1 June 2007) mandates a precautionary approach in the management of POPs which are carcinogens that persist for a long time in the environment. This Convention controls certain chemicals including pesticides. She cited the Pesticide Control Authority (PCA) banning Endosulphan that is used to control the coffee berry borer. Also polychlorinated biphenyl used primarily in transformers had been listed as a POP under this convention. Provisions can be accessed at pops.int.
- ***Minimata Convention on Mercury*** (ratified by Jamaica 19 July 2017) deals with the management of mercury and mercury compounds to protect health and environment. This convention called for the phasing out of the manufacture, import and export of mercury added products. She also cited an article in the convention which stated that mercury emissions, sources of which include coal fired power plants, waste incinerators, cement clinker production, production of non-ferrous metals (copper, zinc, lead), and so on, should be reduced. Another article dealt with the management of mercury releases and she noted that there are local entities with operations that release mercury into the environment. Provisions of the Convention can be accessed at mercuryconvention.org.
- ***Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade*** (ratified by Jamaica 20 August 2002). Under this Convention permission must be sought to move certain chemicals. Provisions can be accessed at pic.int.
- **The Strategic Approach to International Chemicals Management (SAICM)** (ratified by Jamaica 6 February 2006) was voluntary and not legally bound. Provisions can be accessed at saicm.org.

Ms. Guthrie noted that definitions of hazardous waste reside in the NRCA and Solid Waste Acts. The definition currently being used in the Policy excluded aspects of medical waste. Hazardous medical waste was defined as infectious waste displaying the following features – explosive, corrosive, toxic, eco-toxic, poisonous, oxidizing, organic, and peroxide.

She clarified what was meant by Environmentally Sound Management – “taking all reasonable steps to protect human health and the environment (adopted from the Basel Convention).” It followed a life cycle approach, hence, at every stage of the product measures must be put in place to protect human life and the environment.

The goal of the Policy was to ensure that Jamaica’s management of hazardous waste was in keeping with international and regional best practices to ensure the protection of human health and environment.

SWOT Analysis

Ms. Guthrie shared the results of a SWOT analysis of Jamaica’s hazardous waste management status.

Strengths: a strong body of legal instruments that dealt with hazardous waste (as listed above); it was party to international treaties; some treatment/disposal capacity existed nationally.

Weaknesses: a decentralized framework. It was necessary for a decision to be taken on who had lead responsibility; no current disposal sites were equipped to treat/dispose of hazardous waste in an environmentally sound manner. NSWMA has a permit from NEPA to dispose of one category of hazardous waste.

Opportunities: public/private partnerships may be pursued in hazardous waste operations including investment; opportunities for waste to-energy research.

Threats: training and capacity building was required; inadequate infrastructure; lack of awareness among public/waste handlers about health hazards. She emphasized the need for a rigorous public awareness campaign on hazardous waste for the general public as well as waste handlers and waste pickers.

Ms. Guthrie explained that according to the Ministry of Health, 20 per cent of the medical waste generated was categorized as hazardous waste. She noted that some 1600 tons of medical waste generated annually. In terms of the management of this waste there was one steam generator located at the Kingston Public Hospital which had a capacity of 1,000 tons annually. There were four additional incinerators located across the island that were not working. This was identified as an opportunity for the private sector to invest in the treatment of medical waste. She said that three trucks had received permits from NEPA to transport medical waste. She spoke of being aware that there were more than three trucks in the business of transporting medical waste and made an appeal to those who are transporting infectious medical waste to be responsible in ensuring that their operations were not posing a danger to the public and to get themselves licensed.

There had been a plan to have had four steam sterilizers and shredding facilities in the island to deal with infectious medical waste which had not materialized. She shared that the government wanted to divest its responsibility for waste management and was pushing for private sector to deal with waste as a business opportunity. It wanted to focus on regulation rather than management of the sector. She said that the NSWMA had been invited to facilitate a discussion on its role in waste management.

Policy Objectives

Ms. Guthrie explained that the draft Policy document that had been distributed was the identical document that had been submitted to Cabinet. However, a few minor recommendations that arose in the public sector consultation had been included in the presentation being made.

Objective 1. had been changed to read – to establish comprehensive legislative and infrastructural frameworks for the ESM of hazardous and other wastes (e.g. tyres).

Strategy 1.A. To encourage the ESM of hazardous wastes through strengthening of the regulatory frameworks using an integrated life cycle approach. *Legislation to address this is already under development – NSWMA Act, E-Products Take Back regulation, EIA Regulations.*

Strategy 1.B. To facilitate the treatment and disposal of hazardous wastes in an ESM through the upgrade and institution of infrastructural works. *At least one HW disposal facility in the island or a HW cell at the disposal site to deal with the highest priority of HW is to be proposed to the NSWMA. One facility would not be able to handle all categories of HW.*

Strategy 1.C. To increase compliance and enforcement measures to ensure conformity with applicable legal requirements. *The agencies need to have the ability to effectively enforce compliance. Voluntary certification schemes under the private sector would be involved in a Green Business Certification Programme.*

Objective 2. To improve information sharing, education and awareness raising at all levels of society to support and facilitate active participation in the decision-making processes.

Strategy 2.A. To minimize the generation of hazardous wastes and risk of exposure to human and environmental health

Objective 3. To promote sustainable financing mechanisms for hazardous wastes management

Strategy 3.A. To encourage joint ventures and partnerships between and among the public and private sectors and public interest groups in financing national hazardous wastes management initiatives

Objective 4. To develop a comprehensive national data system on hazardous wastes to inform decision-making at all levels.

Strategy 4.A. To establish a repository (data and information on types and quantities) of hazardous wastes within the island.

The strategies were linked to a set of actions to ensure implementation of the policy. A five-year timeline was proposed for the completion of all actions. The following table details the strategies, activities and proposed timelines.

Ms. Guthrie advised that there was a plan to develop a hazardous waste database to capture the information held by the public sector and to streamline the collection of hazardous – generation, treatment, disposal, reuse and recycle. Also a National Chemicals Emergency Risk Management Plan had been developed by the Office of Disaster Preparedness and Emergency Management (ODPEM) in association with the MEGJC. It was available at ODPEM. She also described a “Chems app” which was linked to the plan and which identified locations of large volumes of toxic chemicals in the island as well as the related response mechanisms such as hospitals and clinics included their capability of responding to certain emergencies.

The development of a robust public awareness programme on hazardous waste was also in the pipeline.

Ms. Guthrie shared that many actions currently being pursued were the result of government initiatives such as the scrap batteries being exported which came out of a national programme for the management of lead acid batteries.

Institutional Framework

The decision was made that the MEGJC, with NEPA as the technical agency, would take the lead on the preparation of the document and would report to Cabinet. A technical working group would comprise the MOH (Environment and Health Unit (EHU), Pesticide Control Authority (PCA), Standards and Regulations Division, EHU laboratory); MEGJC (NEPA); Ministry of Local Government (NSWMA, ODPEM); and representatives from the private sector, civil society and academia. Supporting agencies included the Ministry of Finance and the Public Service, Ministry of Transport and Mining, Ministry of National Security (JDF, JCF), Jamaica Customs Agency, Maritime Authority, Fire Brigade, Bureau of Standards Jamaica and National Compliance and Regulatory Authority.

In summary, the Policy acknowledged the fundamental rights of Jamaicans in the Charter of Fundamental Rights and Freedoms Act, 2011 i.e. the right to a healthy and productive environment; will be reviewed every five years and amendments recommended as necessary; will have a positive effect on both the health of the environment and the citizens of Jamaica; and is aligned with Vision 2030 Jamaica, in particular Goal 4: Jamaica has a Healthy Natural Environment for transition to a green economy.

DISCUSSION

Ms. Guthrie initiated the discussion by underscoring the fact that the document being explored was a draft document which was subject to open and constructive critique with the objective of preparing a policy that responded to the Jamaican situation. She requested that written comments on the document could be submitted to Gillian.guthrie@megjc.gov.jm and joanne.felix@megjc.gov.jm.

She explained that an amended text was not provided as the private sector comments were desired on the original document that had been submitted to Cabinet.

<p>Page 9</p>	<p><i>The question was raised regarding the absence of medical waste in the current document.</i></p> <p>Ms. Guthrie explained that a separate policy had been developed to cover medical waste but Cabinet requested that the hazardous waste Policy include medical waste. She advised that a system was already in place to manage radioactive substances; the Hazardous Substances Authority which resided in the Ministry of Industry, Commerce, Agriculture and Fisheries (MICAFA). They are guided by the Radiation Safety Bill. She added that the Basel Convention did not cover radioactive material.</p> <p>The Policy was to be amended to reflect this. The last part of the penultimate paragraph would be deleted. It would be noted that radioactive material would be dealt with by the authority cited above.</p>
<p>Page 12</p>	<p><i>It was asked why dunder had not been listed as an example of hazardous waste.</i></p> <p>Ms. Guthrie observed that to be considered hazardous the substance must be explosive, flammable, corrosive, toxic ecotoxic, and poisonous. She noted that the Minister had the authority to designate certain substances as hazardous waste. Ms. Guthrie asked NEPA to advise if they considered dunder hazardous waste.</p> <p>NEPA advised that dunder was considered hazardous waste, its pH is low and is acidic making it corrosive and ecotoxic. It required an environmental permit for movement. It was explained that if dunder were to be released in a waterway it could result in fish kill, low oxygen and so on.</p> <p>A substance can have high bod loading and still not be low pH which would make it acidic which dunder is. Any food material of a certain volume can cause eutrophication but that food material would not be classified as hazardous based on this definition. But under this definition has been categorized as HW and obtains instruments from NEPA for its movement by road.</p> <p>Ms. Guthrie agreed to accept the recommendation but emphasized that listing was not comprehensive and highlighted the primary substances. There would be further discussion with the Sugar Industry Authority (SIA) and NEPA on this subject before any amendment.</p>

	<p><i>What would be deemed other waste?</i></p> <p>There was some high volume waste, which by virtue of volume became hazardous, e.g. tyres. Examples of these may be included.</p>
	<p><i>How much benchmarking of the definitions was done against other jurisdictions (US EPA)?</i></p> <p>The Policy document referenced Jamaica’s legislation which was based on the definition in the Basel Convention.</p>
	<p><i>Are the terms human health and public health being used interchangeably?</i></p> <p>The Policy will use public health.</p>
Page 28	<p>Ms. Guthrie noted that there had been a change to Objective 1 and Objective 4 to include the establishment of a database.</p>
Policy Goal	<p><i>Will international expertise be brought in to certify facilities?</i></p> <p>International expertise would only be brought in if did not reside locally.</p>
	<p><i>Are animals covered under policy?</i></p> <p>Yes. Veterinary clinics are included under infectious medical waste.</p> <p><i>How will the differentiation between ‘best practice’ and ‘standard practice’ be determined? In terms of the former, companies might need to improve facilities. Could this be defined for the private sector? Sometimes standard practice is enough and best practice an overkill.</i></p> <p>The recommendation was accepted that the wording of Goal 3 be amended to read “The environmentally sound management of hazardous wastes in Jamaica taking into account international and regional best practices, to ensure the protection of human health and the environment.”</p>
Objectives	<p>Ms. Guthrie asked if there were any recommendations for amendments to the objectives.</p> <p><i>Objective 3 – Could the objective be strengthened to have the desired outcome?</i></p> <p>Ms. Guthrie pointed to the actions recommended on page 36 to ensure sustainable financing for ESM. She advised that action might be impacted by the current IMF regime under which Jamaica operated.</p> <p>Actions would be included for private sector action.</p> <p><i>It was recommended that in order to encourage private sector engagement in HW management the government should include the private sector to build capacity, through their tendering process, handle public sector waste. Having garnered the capacity the private sector would then be able to seek other markets for sustainability.</i></p> <p>It was agreed that the suggestion would be taken on board.</p> <p>Ms. Guthrie urged the private sector to consider the enabling environment required by the private sector for them to become involved in waste management.</p>

It was observed that the private sector did not have access to funds collected by government. The example of the Environmental Levy was cited.

Ms. Guthrie shared that the Policy included the recommendation to use funds from the Environmental Levy in the reuse and recycle programme. This had already been seen by Cabinet and the Ministry of Finance and the Ministry had not indicated that the recommendation would pose any difficulty.

A question arose in relation to the private sector upgrading their infrastructure.

Ms. Guthrie noted that the Basel Convention required minimal movement of hazardous waste across boundaries. Thus, it was necessary to have adequate infrastructure in the country to reduce waste and consequently the need to export waste. She said a lot of waste was simply stockpiled. She noted that there was a local company that had the capability to deal with disposal of certain categories of waste. She suggested that companies which had these capabilities wish to explore public private partnerships or other types of investment projects to allow them to handle some categories of waste. It might require some upgrade of infrastructure but essentially their operation enabled them to handle some local hazardous waste. The Policy referred, therefore not only to upgrading of existing public sector facilities but also the private sector infrastructure. The government was encouraging companies which were already in the business of hazardous waste disposal to upgrade their facilities as an investment in the sector.

Ms. Guthrie then encouraged those companies who were in the business of exporting waste to continue exporting those categories of waste that could not be dealt with in the country.

The point arose regarding Jamaica's obligations to Basel, the observation was made that there were countries that were not linked to Basel which were prepared to accept our waste and also willing to provide financial and other aid. Was there anything in the Policy that gave the private sector leverage to deal with those countries outside of the Basel Convention?

Ms. Guthrie advised that as a party to the Basel Convention Jamaica could not deal with these countries. However, Basel did not mean we gave up responsibility for our borders and Basel allowed Jamaica to deal with other countries through bilateral agreements. She noted that Jamaica had two agreements with the French Government. On the third attempt to renew this agreement France told Jamaica to ratify the Basel Convention. She added that she was aware of the country to which the reference was being made, as there were very few countries that were not parties to Basel. She reported that Jamaica had indeed attempted to broker an agreement with that country but their response was that our waste was not substantial and thus did not represent any value to them. Jamaica might renew negotiations as the Policy does address negotiation of bilateral agreements. She added that Jamaica was allowed, under Basel, to transit the country but not to dispose of the waste in the country.

She acknowledged that there were many countries that might be willing to assist. In the first instance, Jamaica would need to explore opportunities within these countries. She shared that Jamaica had had movement of hazardous waste to China, South Korea, Canada, France, and some countries in Africa under the Transboundary Treaty. The countries were obliged to

assure us that the companies to which the waste was being shipped had the competence to deal with it.

The issue with Basel was that it was difficult to get transboundary documentation to move waste from Jamaica to one of the simpler parts of the world. Countries that gave aid to Jamaica should not be able to dictate to Jamaica. There were countries that were willing to take certain categories of waste but the country could not get the appropriate documentation. Did the opportunity to discuss the issue with the government exist?

Being party to Basel did not divest the country of its sovereignty. Each government had to give permission for waste to pass through their countries. She underscored that it is not the private sector in a country that gives consent for waste to enter the country but the government.

Ms. Guthrie advised the companies that had a problem with the current transboundary arrangements to speak to NEPA which will elevate it to the Convention. She advised a Basel meeting had been scheduled for the end of April and country A would be attending. She recommended documenting the issues and they would be brought up at the meeting.

A recommendation was made for a more explicit statement on the government's desire for the private sector to be involved in the management of hazardous waste (by building capacity), it should be included as strategy 3B in the Policy.

Ms. Guthrie highlighted the objectives on the building of a repository for information. She noted that a lot of data resided in the private sector. What would be the best method through which to channel information from the private sector to the public sector? (volumes, types, sources)

The question arose in regard to data collected by Jamaica Customs Agency in regard to imports.

Ms. Guthrie advised that information was channeled through STATIN. Information was also gleaned through the MOH which issued permits for imports of hazardous materials. She believed that the private sector might have more information.

It was explained that no permit was required for the importation of batteries but the export of used batteries required permits.

It was agreed that NEPA held the information related to the permits they issued. Jamaica Customs Agency would not have data on hazardous substances. The Ministry would need to identify substances of specific interest. Ms. Guthrie noted that those batteries that were assembled in Jamaica would call for the importation of some hazardous substances and this information would be held by the private sector.

It was suggested that some information could be mined through the TCCs, at least to determine the companies that were involved in the manufacture of the batteries.

Ms. Guthrie advised that tax information was not as robust as desired. She noted that a robust database required buy in and cooperation of private sector in providing information. Consequently an appropriate mechanism for the collection of data from the private sector was needed.

	<p>NEPA could confirm whether existing mechanism can be developed further. When private sector attempted to export hazardous waste, the process involved several discussions with NEPA, JCA and public health. The existing system could be used to gather data. It was suggested that at least 80 per cent of requests were channeled through NEPA.</p> <p>NEPA was unable to determine the percentage of requests.</p> <p>Ms. Guthrie expressed the intention to establish a formal inventory system.</p>
Actions	<p>Kirk emphasized that the government needed to assist the private sector. If the government desired cooperation from the private sector then they needed to speedily improve application processing time and this was directly related to Basel and the attendant documentation. Also, if private sector was asked to tender on a project then the government must be able to pay for the service. Private sector often experienced difficulty in collecting payment.</p> <p>There was reference in the Policy to low interest loans but that as not translated in the rates quoted by financial institutions. Additional funding was required for disposal of waste. The government needed to plan for and budget for efficient disposal of waste.</p> <p>There would be every attempt to reflect concerns expressed in the draft Policy. In discussions on the Policy with Cabinet evidence had to be presented. The private sector was requested to document and submit their issues to the Ministry. She reiterated that Government wanted the private sector to deal with waste generally; government wanted to be regulators and not implementers.</p> <p>There was a recommendation for the Ministry to incentivize the implementation of green businesses. It was expensive but little tangible benefits accrued to the operators through concessions and tax waivers.</p> <p>Ms. Guthrie observed that the government had in the past given incentives to the private sector which had not been taken up. She further observed that government also needed to see a return on their investment. She asked that in document recommendations it should be very specific. She reminded the group that Jamaica was operating in the context of IMF regime. Those asking for tax waivers must be tax compliant.</p>
	<p>Ms. Guthrie said that the next consultation on this document would be with the general public</p>

Miss Guthrie closed the session by thanking all participants for attending and contributing to the discussion on the Policy. She reminded the group to submit their comments to her, copied to Miss Joanne Felix. She advised that those individuals and companies who were not able to attend were also welcome to review the Policy and submit comments. She emphasized that comments should be specific, referencing the paragraph/page number and recommended change.