

ABSTRACT**A CRITICAL EVALUATION OF
ADMINISTRATIVE CIVIL ASSESSMENTS UNDER
THE ENVIRONMENTAL MANAGEMENT ACT, 2000:
A COMPARISON WITH ENVIRONMENTAL ECONOMICS
METHODOLOGIES****ANDREW DALIP**

Administrative Civil Assessments under the Environmental Management Act 2000 potentially represent a significant tool for implementing the Polluter Pays principle in Trinidad and Tobago by making polluters liable to pay compensation for environmental degradation. An issue however arises as to whether the measure of compensation under the Act is the loss in Total Economic Value of the affected environmental asset or is instead the cost of remediation or replacing the asset.

This paper approaches this issue by a comparative analysis between the relevant provisions of the Environmental Management Act, 2000 and the provisions of legislation in other jurisdictions including the United States, the United Kingdom, Canada, Australia, India, and Sri Lanka. The legislative regime in the United States was however found to be the most helpful. The legislative provisions were analysed in the context of contemporary literature on environmental economics methodologies and taking into account the experience of various courts in applying similar legislation.

The paper concludes that diminution of Total Economic Value is the correct measure of

compensation under the Environmental Management Act, 2000 but identifies several weaknesses and gaps in the legislative regime that should be addressed by amendment and the development of appropriate policies.

Keywords: Andrew Dalip; Environmental Management Act, 2000; Section 66; Administrative Civil Assessment; Natural Resource Damage; Environmental Economics Methodologies.