Final Report

Legislative Policy Brief
On
Food Safety, Water Quality & Environmental Health

In
ST. KITTS

For

Pan American Health Organisation (PAHO)

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# TABLE OF CONTENTS

BACKGROUND, OBJECTIVE AND SCOPE ................................................................. 3

TERMS OF REFERENCE AND METHODOLOGY ......................................................... 4

COUNTRY REPORT

ST. KITTS .................................................................................................................. 6

STAKEHOLDER WORKSHOP ..................................................................................... 10

APPENDIX I

SUMMARY OF REGIONAL CONCLUSIONS ............................................................ 13

APPENDIX II

LIST OF PERSONS/ORGANISATIONS CONSULTED ............................................... 17

APPENDIX III

LEGISLATIVE POLICY BRIEF ................................................................................... 18

APPENDIX IV

LIST OF ACRONYMS ................................................................................................ 22

APPENDIX V

SELECTED BIBLIOGRAPHY .................................................................................... 23
Legislative Policy Brief on Food Safety, Water Quality

And

Environmental Health

A. Background, Objectives, Scope

Summary

This section describes the background to the project, identifies its objectives and explains its scope.

Background

Public health legislation in the Caribbean has become outdated and irrelevant in many ways to the needs of a modern developing society the results of environmental studies in the Caribbean community indicate that their legislative framework for environmental health has received little attention in recent times. Except for the Litter Act, which was enacted in these countries around the early 1980’s, the most comprehensive environmental health legislation dates back to their Public Health Act, which is itself in need of general revision.

This weak legislative framework for environmental health has severely constrained the activities of Public Health/Environmental Health Departments in the discharge of their responsibilities. As such, the ability of countries to tackle pollution and environmental health problems is greatly restrained by a lack of resources as pollution control and health protection measures have often not kept pace with economic development.

The regulatory framework is equally weak and does not include provisions for standard-setting, monitoring and the establishment of modern criteria that promote food safety and water quality.

The relatively new approach to the prevention and control of food-borne diseases is the hazard analysis critical control point (HACCAP) system. This system seeks to identify hazards associated with any stage of food production, processing or preparation, assess the related risks and determine the operations where control procedures will be effective. The system places emphasis on assessing hazards and risks and identifying critical control points, rather than on control criteria and monitoring procedures. The implementation of HACCAP hazard measures is therefore placed on educating people who prepare and store foods.

The threats to human health associated with poor drinking-water quality were critically assessed by WHO in its Guidelines for Drinking Water Quality, 1985. Of particular concern and addressed in the report, is the fact that there is increasing evidence that drinking water sources are being contaminated and that a natural resource, vital to health and development is being threatened.

At the 1992 UNCED, States were requested to develop national sustainable development plans; and the World Health Organisation (WHO) and by extension PAHO proposed to assist countries with the health and environment component of such plans. Chapter 6 of Agenda 21 states that health and development are intimately connected and has identified activities aimed at “reducing health risks from environmental pollution and hazards” as a priority programme area to be co-ordinated by the WHO or achieving the goal of sustainable development.

Furthermore the recent analysis of WHO has clearly established the interdependence among the factors of health, environment and development and has revealed that most countries are lacking such integration as would lead to an effective environmental health programme.

**Objectives and Scope**

The Pan American Health Organisation has commissioned the present study. Its main objective is to review the legal framework for food safety and water quality in selected Caribbean countries and to identify the areas which require improvements in this framework. The central objective of this study is to provide St. Kitts with the opportunity to modernise their legislative instruments for the practices of environmental health in the area of food safety and water quality/wastewater management.

**B. Terms of Reference and Methodology**

*Summary:*

*This section of the Report describes the terms of reference, which guided the study, and the methodology that was implemented in its conduct.*

**Terms of Reference**

In accordance with Contractual Services Agreement, the Consultant was required to carry out the specific activities as follows -

(a) Develop strategy and workplan for reviewing environmental health legislation or components of same in each of the countries.

(b) Visit Barbados and hold a meeting with Environmental Health Technical Officers and the Programme Officer Eastern Caribbean (POEC) to discuss plans and compile relevant background documents at CPC.

(c) In consultation with Technical Officers of PAHO, draw up an action plan, which would contain a schedule of the visits and activities to be carried out in the project countries.
(d) Obtain consensus from the nationals on the scope of change or adaptation to other models through facilitating technical consultations, workshops or other gatherings as judged appropriate.

(e) Prepare legislative brief outlining specific aspects of the legal framework in the Environmental health Components as indicated below:

- Anguilla and BVI - Food legislation and water quality
- Dominica - Food Safety and water quality
- Grenada - Environmental Health legislation, food safety and water quality
- St Kitts and Nevis - Food safety and water quality

(f) Provide PAHO CPC officials with mid-term and final reports indicating status of activities, achievement and constraints.

Methodology

The methodology employed took into account a multi-sectoral approach involving consultations with the public sector and private where possible and the promotion of inter-agency collaboration. Agencies that were constituted in the preparation of this report included Ministries of Health, Environment, Bureaux of Standards and Water Authorities. This consultancy sought to highlight inter alia, the collaboration possibilities that already did or could exist between and among sectors and institutions with regard to the environmental health framework.

The selected CARICOM - CEHI countries were Anguilla, British Virgin Islands, Dominica, Grenada and St. Kitts. Generally the institutions and national co-ordinator were identified by PAHO. The Consultant also extended the consultations to other agencies as were considered useful to the study. A Summary of Regional Conclusions is at Appendix I to this report.

In accordance with the Terms of Reference, fact-finding missions were conducted to select countries to develop a plan to action for the implementation and enforcement of a revised legal framework for food safety and water quality/waste water management within the context of environmental health. A list of persons/organisations that were consulted is at Appendix II. The existing institutional capacity, technical capability and institutional strengthening needs of the selected countries with regard to implementing and enforcing the standard were also considered. The visit was co-ordinated by PAHO and national counterpart Mr. Carlton Frank and Mr. Oliver Lawrence.

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1 On request from the Environmental Health Officials in Dominica requested that the scope of the Legal Consultant’s work was extended to also include water quality. CAP. 194 No. 10 of 1976
2 On request from the Environmental Health Officials in Grenada requested that the scope of the Legal Consultant’s work was extended to also include water quality.
3 On request from the Environmental Health Officials in St. Kitts and Nevis the scope of the Legal Consultant’s work was extended to also include water quality.
A draft report was submitted as the basic working for a Stakeholder Workshop, which was held in St. Kitts on 2\textsuperscript{nd} March 2000. The results of the Workshop forms part of this final report and outlines the agreed national priorities for legislative review and incorporates a legislative policy brief that may be presented by executives to the Cabinet for agreement on the preparation of national legislation in the areas of environmental health, water quality and food safety. The legislative policy is at Appendix III.

The Consultant extends her appreciation to the national counterparts for their support in organising the visits to St. Kitts-Nevis and for the hospitality of all persons that were interviewed. These visits were successfully conducted and served the objective of heightening and promoting awareness of the need for improvements in the legislative framework for environmental health generally and specifically for food safety and water quality.

C. COUNTRY REPORT

Summary: This section of the report describes the legislative and policy framework for food safety and water quality within each of the study areas. It represents the views of the persons interviewed in each study and presents a workplan for effecting the recommended changes.

St. Kitts & Nevis

General

The developments in the Frigate Bay area in St. Kitts, along with Government’s tourism thrust, indicate in part that the future for St. Kitts-Nevis will be marked by a noticeable increase in the demand for water and waste disposal services. The increasing use of pesticides and herbicides, including household pesticides is noticeable and presents challenges for the maintenance of safe drinking water in the islands. At the environmental health level, wastewater management is becoming increasingly important as part of the pollution control regime. The need to ensure a continued safe water supply is also important, given the emphasis on tourism.

A considerable volume of legislation is in place in St. Kitts-Nevis, much of which is outdated and inapplicable to modern trends. Foremost among them, is the Public Health Act and regulations under which they are made.

Food safety

The principal enactment on food safety is the Public Health Act No. 22 of 1969, which repealed and replaced Act No. 2 of 1951 and the several regulations saved under it which include the Food Regulations, No. 12 of 1953. The Minister, under the Act, and in relation to food safety is empowered to make regulations in accordance with section 10 –

- respecting the slaughter of animals and poultry for use as food consumption.;

- for the examination of animals and poultry before and after slaughter….
for the medical examination and registration and licensing of persons engaged in the
slaughter of animals and poultry;

- regulating dairies and any premises where any business in relation to which the
production, reconstitution, sale, delivery or distribution of milk is carried on…;

- prescribing measures to be taken for the protection of the public health with respect to
the production, preparation, manufacture, storage, preparation, manufacture,
distribution and sale of food intended for human consumption;

- for the licensing and inspection of premises where any article of food is manufactured,
prepared, packed, handled, stored or sold;

- for the labelling and packaging and the offering, exposing and advertising for sale of
food and cosmetics and devices;

- the sale or condition of sale of any food…; and

- the seizure, forfeiture and destruction of any food…

In very few cases have the required regulations been enacted and in the cases where the
enactment has been made such as the Milk Regulations and Bakehouses Regulations they are
in need of updating. Some aspects of the CODEX Alimentarius system which provides a
broad framework on food standards and codes of practice is being implemented in practice
though it as yet has not formally been introduced into the legislative framework for food
safety. Nor have HACCP measures; which seek to identify the hazards associated with any
stage of food production, processing or preparation; assess the related risks and determine the
operations where control procedures will be effective have not been introduced in St. Kitts,
due to the costs and complexity of the system, a position not similar to the other project
countries.

The Food Regulations of 1953 require any person who engages in food handling to obtain a
licence and a Health Permit issued by the Local Authority and the Medical Officer of Health
respectively. Both the licence and the permit may be cancelled for cause.

The licensing requirements cover the following areas –

- licensing of rooms within which food handling is conducted;

- cleaning of rooms and furniture;

- cleansing of utensils and equipment; and

- storage, exposure and carriage of food.

Any breach of the provisions of these regulations attracts a fine not exceeding two hundred
and forty dollars. But these legal provisions are grossly inadequate to the task of eliminating
if not reducing the risk of food contamination.
The issue of enforcement is critical especially as it pertains to mobile food vendors. The home-based food industry, backyard slaughtering are also unregulated and unlicensed.

A recently developing trend in relation to meat inspections is the shift of responsibilities from the for meat inspection from the Public Health Department towards the Agriculture Department. This has added a further strain to its already limited resources.

Other agencies discharge responsibilities with regard to food safety and include the Port Authority, Agriculture Department (Public Market and Caribbean Food Corporation Act) and the Pesticides Board. A CARICOM/USAID Project on Food Safety, organised as an Agriculture initiative focuses upon the export of food and food borne diseases is also in progress; but co-ordination among these agencies is weak. There exists little or no capability for microbiological but plans are underway to establish a food microbiological laboratory to expand the capabilities of the already existing multipurpose laboratory. These improvements are important to facilitating improvements in the area of food safety and to underpin legal procedures that will rely on sampling as an enforcement tool. A reformed legal framework that introduces modern scientific standards and technology as well as an increase in the numbers of officers, adequate training for environmental health officers in the detection of food safety and food-borne diseases, are however the necessary and urgent first steps.

**Drinking Water Quality**

Authority and responsibility for the management and regulation of water resources in St. Kitts-Nevis are unclear. Administrative authority in the general area of water resource management is shared by the Agriculture Department (Ministry of Agriculture), Health Department (Ministry of Health) and the Water Department, (Ministry of Communications, Works and Public Utilities).

The *Watercourses and Waterworks Ordinance* of 1956 (with regulations enacted in 1973) established a Water Board, which is responsible for the control, management, maintenance and supervision of all waterworks and watercourses in St. Kitts. Provision is also made for declaring certain areas to be watersheds. Of importance is the fact that, unlike many Caribbean territories, the Act does not vest the Board with the responsibility for the collection and disposal of sewage or the development of sewerage facilities. These matters are considered to be within the domain of environmental health.

With regard to contamination of the water supply due to agricultural run-off containing pesticides, the *Pesticides Act* No. 20 of 1973 is inadequate. By section 3(1) regulations the power to make regulations for controlling the use of pesticides for the destruction of pests over land or on particular crops or pests. These regulations are absent. In addition, the monitoring and enforcement measures proposed in the Act appear to focus upon the manufacture and transportation aspects of pesticide use and does not include the taking of action by authorised officers in cases where contamination of the public water supply has occurred. The sampling procedure therefore refers to the taking of articles. The Act should therefore be amended with regard to the powers of officers in cases of contamination caused by agricultural run-off and pesticide use. The regulations should also prescribe standards for the use of pesticides.
The Public Health Act also assigns responsibilities for drinking water in the environmental health department. According to the Act, the Minister is empowered to make regulations for:

- the inspection and approval of sources of supply, and the conditions, if any, on which such approval is granted;

- the construction, maintenance and purification of water supplies and water distribution systems;

- the supervision and control of any stream, river, spring or part thereof contributing to a public water supply;

- the regulation and prohibition of persons bathing, washing clothes, cleansing vehicles, utensils or animals at or in any river, stream, spring or part thereof contributing to a public water supply, or at any part of a domestic water system;

- prescribing or limiting the purpose for which water may be used and prescribing or delimiting the manner in which it shall be used and distributed.

In very few cases have these regulations been made so that the activities of the Water Authority has generally been unregulated by the environmental health department. The Authority enforces WHO Drinking Water Quality Guidelines and liaises with the Bureau of standards with regard to their applicability. Some activity is being conducted at the level of the Multi-purpose laboratory to adopt St. Lucia/CARICOM standards too. The Guidelines have not been difficult to maintain as most intakes are located above agricultural and housing districts. With regard to institutional capacity, the Water Authority intends to appoint additional inspectors and laboratory technicians, some collaboration between the environmental health department is foreseen with regard to this. Generally, it is considered that mechanisms should be put in place to improve co-ordination between these agencies and in particular at early stages in project development. These mechanisms should be implemented through regulations. In addition the National Conservation and Protection Act provides for water and watershed management. Section 34 regulates the cutting and felling of timber while section 39 allows the Minister, in consultation with the Water Board, to make regulations to conserve and develop the nation’s water resources. Such regulations have not been enacted and in any event before these are made, it is recommended that consideration be given to extending the parties involved in the making of them to include the environmental health department.

Wastewater Management

The starting point for legislation dealing with wastewater management in St Kitts-Nevis is the Public Health Act, No. 22 of 1969. The Act deals with a wide range of environmental health issues and sets out an administrative framework for management for the country. The Act gives relevant powers to the Minister but more significantly, it allows for the delegating of such powers to local councils and authorities. Indeed these bodies health are responsible for implementing the key aspects of the Act.
In accordance with Statutory Rules and Orders 1952, No.19 made by the Central Board of Health under section 14 of the Public Health Ordinance; every local authority is responsible, inter alia, for-

(a) (ii) keeping all sewers, drains, privies…fittings and other sanitary conveniences in a sanitary condition so as not to be a nuisance or dangerous to health;

(e) shall in every case provide efficient supervision so that a nuisance or insanitary condition may not be caused.

A Local Authority is required to make quarterly reports to the Board on the administration of the Ordinance within their respective district and on any matter relating to public health.

Powers may also be delegated to relevant officers. More importantly the Act provides for the sanitary disposal of waste.

The Act also provides in part for the regulation and construction of sewerage systems and sewers and for their cleaning; there is however no connected citywide sewerage disposal system. These provisions are further enhanced by the general provision for regulations for the prevention, abatement and removal of nuisances. But while these general provisions of the Public Health Act are good, a comprehensive review of the Act is long overdue to enable the environmental health sector to keep pace with modern trends such as standard setting, sampling and monitoring and compliance mechanisms. Additionally, and which similarly is the case in the other project countries except Dominica, the penalties are far too low and should be increased to support the cost of enforcement.

Several reports have identified undesirable industrial, commercial and liquid waste pollution as existing in St. Kitts & Nevis. In accordance with the Public Health Act the responsibility for the protection of water from contamination and pollution, the testing and analysis of water, and the disposal of wastewater and effluents vests with the Ministry of Health. With regard to enforcement, the Act empowers the Minister to make regulations respecting these matters. These regulations have not been made, nor standards regarding discharges been adopted and while monitoring activities are conducted in certain sensitive areas, such as Basseterre Harbour, Lime Keel Bay and Frigate Bay and from institutions, households and from some vessels, the results are lack enforceability. This situation also pertains to sewage. Even so, these activities are severely limited in addressing the existing problems associated with wastewater management. A comprehensive framework for the collection and disposal of liquid waste including sewage is urgently needed and should include the construction of sewerage works. Consideration should be given to vesting this responsibility in the Water Authority. The Public Health Act, and regulations thereunder address some concerns related to water and sewerage management. These functions should be transferred to the existing Water Authority.

**Stakeholder Workshop, 2nd March 2000**

The Pan American Health Organisation together with the Government of the St. Kitts–Nevis hosted a Stakeholder Workshop on 2nd March 2000. The workshop presented an excellent opportunity to explore the wide range of issues pertaining to environmental health generally,
food safety and water quality in St.Kitts-Nevis. The participants at the Workshop made the legislative policy recommendations in the following areas:

**A. Public Health Act, No 22 of 1969**

A comprehensive review of the Public Health Act to introduce provisions for standard-setting, monitoring, enhanced powers of enforcement for EHO’s and the establishment of a fee for service regime is recommended.

**B. Food Safety**

(i) veterinary control from the farm to the abattoir should be required in law;

(ii) regulations to provide for animal inspection from production to slaughter, from the abattoir to the consumer including for the processing of meats;

(iii) health and sanitary requirements relating to dairies and any premises where the production, reconstitution, sale, delivery or distribution of milk is conducted;

(iv) persons engaged in the slaughter of animals, poultry, fish and all other food should be required to be registered;

(v) the introduction of the HACCP methodology and the strengthening of the application of the Codex Alimentarius management system for food safety in the regulatory framework;

(vi) collaborative arrangements between the Public Health and Agriculture Departments for the inspection of meat should be established, consideration being given to the attainment of the most effective arrangement in relation to meeting the global standards and requirements.

(vii) notwithstanding the regulations of the Bureau of Standards the revised Public Health Act should contain provisions for the labelling and packaging of foods.

**C. Water Quality**

(a) Establish National Drinking Water Quality Standards.

The Environmental Health Department is responsible for monitoring and enforcing drinking water quality. The implementation requirements of the WHO Guidelines for Drinking Water Quality are beyond local capacity. National standards that take into account the WHO Guidelines should be developed.
(b) Transportation vehicles and containers should be certified and licensed.

There are no specific requirements in place for vehicles that deliver water to consumers and for containers that store water. Regulations should be introduced under the Public Health Act to licence and certify these vehicles. Guidelines for storage containers should also be developed.

© Water catchment areas should be protected from contamination.

EHO’s should be empowered to enter private property to facilitate monitoring of the quality of water sources. Collaborative arrangements to enforce against offenders should be developed between the Water Department and the Environmental Health Department.

(d) A drinking water monitoring programme should be established.

The coverage of the existing monitoring programme is of limited scope and therefore inadequate.

(e) Inspection of treatment plants etc. should be mandated.

The inspection of treatment and bottled water plants is not conducted on a routine basis. This requirement should be mandated in law. Self-auditing programmes by plant owners and operators should also be required.

(f) Provisions for an adequate wastewater disposal system should be established.

An adequate wastewater disposal system that prevents the disposal of grey water directly into open drains and from unauthorised development. Standards for effluent discharges, the establishment of self-auditing requirements, regulations for the design of waste disposal systems, sampling procedure and a protocol on wastewater monitoring and sampling should be established.

Conclusion

The need to curtail current practices of waste disposal is evident, however these carry high costs which, like in all the countries that were visited during this assignment, are beyond the countries' and industries’ capabilities. The local population is aware of the health implications that are associated with poor waste disposal practices. In this regard the introduction of standards to control the quality of effluent discharges should be considered a priority issue for St. Kitts-Nevis.

Although implementing regulations may be enacted to enhance the obvious gaps they would be limited in the ability to address current problems and should therefore await a comprehensive revision of the Public Health Act to match current issues. Subsequently, early attention must be given to the enactment and updating of regulations.

There is also the need to rationalise the use of available manpower. Consideration should be given to the appointment of additional environmental health officers and to increases in the budgetary allocations for this sector. Consideration should also be given to the include the Environmental Health Division in the development approvals process and in planning activities of the Water Department with regard to drinking water.
APPENDIX I

Summary of Regional Conclusions

Water Quality/Wastewater Management

As in other regions of the world, activities related to human settlements, agriculture and industry have been identified as major contributors to the pollutant loads reaching coastal and marine waters of the Caribbean. In order to mitigate and control the impact of these pollutants it is essential that the equality and levels of discharges be reduced. Sewage and industrial effluents have been identified as two of the most significant pollutants affecting the coastal and marine environment of the Caribbean. In response to this and recognising the health implications of pollution and the need to protect the health of human beings and to sensitise people to environmental problems CEHI developed guidelines for sewage and the more important industries in the region. While these guidelines are actively being considered in relation to the development of a Protocol on Land Based Sources of Marine Pollution; not much work with regard to their adoption as the basis for the development of national standards is taking place within the individual PAHO-project countries. The results of an assignment by the Consultant reveal that there is a general interest on the part of the officials within the countries that were visited in the adoption of national standards for both sewage and industrial effluent, though sewage tended to occupy a higher priority.

Sewage disposal issues also occupy a high priority in the project countries particularly due to the importance of the tourism industry to the national economy. Because of the pressing economic problems that prevail however, activities for the adoption of the guidelines do not occupy a high priority. The officials will require active support to promote the activity. A lack of resources, both human, technical and financial is prevalent among all of the countries visited and it is very clear that it will be necessary that serious consideration be given to the provision of appropriate assistance to not only adopt national standards but also to implement and effectively enforce them.

Generally, there is considerable public concern in all the countries visited, about the impacts of contamination from sewage and industrial effluent on the coastal and marine environment and its impact on the domestic water supply. In relation to this it was the prevailing view that activities to promote the adoption and later implementation and enforcement of national standards for discharges should be on a regional basis and include all POEC countries. The information obtained would be useful in developing a regional proposal for funding from the international donor community. This initiative by PAHO to promote and support improvements in the legislative framework for wastewater management in five selected countries has laid the groundwork for the commencement of activities to adopt national standards for sewage and industrial effluent and has heightened awareness among officials.

A public awareness programme involving health, environment, tourism, water authorities and industry should be undertaken by PAHO to sensitise decision-makers and the public generally, to the adverse environmental, health and economic effects of pollution of the coastal and marine environment and drinking water sources, caused by wastewater discharges. Environmental audits should be required annually for existing businesses to improve wastewater generation and disposal.
In the regional context support from regional agencies such as PAHO and CEHI should be obtained to support a multi-step process for setting regional and national standards consisting of recommending guidelines, adopting regional guidelines and enacting national standards. Once the Guidelines are adopted the emphasis shifts from the regional to the national level. Training programmes for environmental health inspectors to approve applications, licences, inspect and monitor waste water treatment plants, including control sampling and enforce Acts and Regulations should be conducted. Activities for the strengthening of laboratory capabilities should also be included in the regional work programme.

**Drinking Water Quality**

It is recognised that PAHO-POEC States have made rapid progress in the water sector during the past decade. In general, progress in the water sector have achieved basic professional standards of operation and have succeeded in meeting some of the most critical water quality objectives. The success of the achievements in providing piped drinking water supplies to a high percentage of the region’s population, as well as protection from water-borne diseases, has generated expectations of even greater reliability and quality.

A key organisational rule is that the institutional and legal arrangements for the monitoring of drinking water quality could only be achieved through inter-sectoral co-ordination. This should include not only the agencies in charge of supplying water and promoting environmental health but also the set of institutions with responsibility for development and education. Those agencies that are responsible for the protection of environmental health and for the supply of water should consult with one another in order to agree on safe and feasible water quality standards. Local communities should also become involved together with major water users, including industrial or agricultural users, which may compete for the same source or water supply.

Drinking water quality legislation should clearly define that the water supply agency is legally responsible for the continuous quality of the water sold and/or supplied to the consumer and for proper supervision, maintenance, inspection and the safe operation of the water supply system. It is the water supply agency that provides water to the public. This agency should therefore be held legally responsible for the quality of the water up to a certain point in the distribution system. The Environmental Health agencies should therefore be responsible for monitoring and enforcing the prescribed standards for drinking water quality against these water suppliers.

Regulations should also place controls on the use of bottled water or water truck delivery services. A proposal has been made for the establishment of an independent certification of bottled water sources on a regional basis. Quality assurance should also be introduced and monitored by water supply agencies and certified laboratories. A network of regional reference laboratories, such as CEHI, should be identified which can provide the necessary technical support, advanced analytical services and assess quality assurance.

Legislation to protect water sources from contamination should also be introduced and should contain provisions for the protection of catchment areas, the conservation of water resources,
the orderly development and use of water resources for other than domestic purposes, and for the collection, treatment and safe disposal of sewage to control pollution.

Food safety

Food legislation at all levels is paramount to good health and healthy living. The general objectives of the legislation are to provide a safe food supply which is nourishing, unadulterated and to set compliance standards in accordance with other agencies, to prevent the sale of unwholesome products, provide a vehicle for information exchange between food producers and the consumer and employ current technologies.

The legislative framework for the countries under study are in need of review. They lack appropriate standards, provisions for public awareness and education, information gathering and dissemination and for the most part rely on outdated technologies for enforcement. The regulations that deal with codes of sanitation, good manufacturing practices, packaging components, processing and labelling requirements and risk detection and assessment and such as CODEX Alimentarius and HACCP should be incorporated in the regulatory framework in so far as they are practicable, implementable and enforceable.

Environmental Health Legislation

Though seriously outdated, the Public Health Acts are the main legislative vehicles for addressing environmental health issues in Anguilla, BVI, Dominica, Grenada, and St. Kitts... It does not address important issues of wastewater management including the discharge of untreated sewage, waste reduction, collection, storage transport, recycling or any of the present day concepts regarding waste management. As such, the scope of the legislative framework for environmental health revolves around the maintenance of general sanitary conditions and cleanliness. Growing development pressures eventually will require intensified control over environmental pollution and waste disposal.

A revised framework should introduce compliance and enforcement techniques such as standard setting rather than be based upon nuisance theory solely. Environmental standards based on a no-discharge level could even be considered for some activities such as marinas. These Acts are also deficient in implementation machinery and should be revised to include provisions for sampling, monitoring and compliance procedures. Water quality testing needs to become more regularised with stronger monitoring and enforcement powers over activities over both drinking water supplies and water used for other purposes.

The principal objective of the revised legislative framework for environmental health should therefore be to broaden the scope of the public health aspects of the legislation and to establish appropriate institutional arrangements to support, co-ordinate and direct relevant environmental health activities.

Far too often the proper enforcement and implementation of parent legislation is undermined by the absence or inadequacy of regulations. The deficiencies of the Public Health Acts of Anguilla, BVI, Dominica, Grenada and St. Kitts will have to be addressed through comprehensive environmental health legislation. Taking into account the unavailability of
resources to undertake this task, some of these deficiencies may be corrected by appropriate implementing regulations and may improve the existing legal and enforcement capabilities of environmental health agencies in the immediate and short term. A greater rationalisation of legislation and functions of various departments and agencies in similar or overlapping areas is also required. In some instances, enforcement measures will have to upgraded and in a large number of cases penalties are inadequate. Finally, legislative efforts must be supported by ancillary factors such as education and public awareness.

Public health and environmental protection is a multi-faceted issue. The project countries, the subject of this study, evidence the need for greater harmonisation between the legislative framework of even related agencies. The need for sharing information and experiences among other Caribbean countries and institutions such as CEHI is also proposed. Because the task of law revision in environmental health is substantial and lengthy, international donor support might be obtained from agencies such as PAHO.
APPENDIX II

List Of Persons/Organisations Consulted

During Consultant Missions:

Dr. A. Martin, Hon. Minister of Health _Mr. Douglas Wattley, Permanent Secretary, Ministry of Health _Mr. Delano Bart, Honourable Attorney-General__Dr. Thelma Philip-Browne, Director of Community Health _Dr. Tisser Ramsuriya, Chief Medical Officer of Health, Ministry of Health__Mr. Oliver Lawrence, Principal Environmental Health Officer__Mr. Carlton Frank, Senior Environmental Health Officer__Mr. Elton Morton, Senior Environmental Health Officer__Mr. Errol Rawlins, Deputy Chief Environmental Health Officer__Mr. Attell Rawlins, Water Engineer, St. Kitts Water Services Department__Dr. Whittaker, Director Multipurpose Laboratory__Alphonso Bridgwater, OECS Project Manager__Dr. Jerome Thomas, Director of Agriculture.

During Stakeholder Workshop:

Mr. Carlton Frank, Senior Public Health Inspector__Mr. Sylvester Belle, Senior Environmental Health Officer__Mr. Errol Rawlins, Public Health Inspector__Anthony Webb, Public Health Inspector__Mr. Denison Paul, Water Engineer__Mr. Llewellyn Wiltshire__Water Engineer__Cromwell Williams__Asst. Water Engineer__Novetta Morton-Headley, Snr. Project Officer, Hotel & Tourism Association__Mr. Randolph Hamilton, Tourism Manager, Ministry of Tourism__Mr. Charles Pemberton, Livestock Programme Officer__Mr. Ralph Wilkins, Fisheries Officer__Ms. Tracey Phillip, Veterinary Officer__Mr. Stephen Duggins, Chief Extension Officer, Ministry of Agriculture__Ms. Dolly Tweed, Windmill Farms (Bottled Water).
APPENDIX III

*Legislative Policy Brief for the revision of legislation pertaining to Food Safety, Water Quality and Environmental Health*

1. Introduction

The subject matter for consideration is the revision of the *Public Health Act, (No. 22 of 1969)*, the *Public Health (Nuisance) Regulations and Food Regulations of 1953* made thereunder.

Public health legislation in St. Kitts-Nevis has become outdated and irrelevant in many ways to the needs and requirements of a modern developing society. The Government of St. Kitts-Nevis, has as a result, been experiencing difficulties in implementing its environmental health programme. The Pan American Health Organization has been supporting national efforts to reform the legislative framework to improve environmental health conditions in the country. In this regard, conclusions and recommendations have been made for strengthened legal framework for environmental health generally and for food safety and water quality.

2. Background

The developments in the Frigate Bay area in St. Kitts, along with Government’s tourism thrust, indicate in part that the future for St. Kitts-Nevis will be marked by a noticeable increase in the demand for water and waste disposal services. The increasing use of pesticides and herbicides, including household pesticides is noticeable and presents challenges for the maintenance of safe drinking water in the islands. At the environmental health level, wastewater management is becoming increasingly important as part of the pollution control regime. The need to ensure a continued safe water supply is also important, given the emphasis on tourism.

A considerable volume of legislation is in place in St. Kitts-Nevis, much of which is outdated and inapplicable to modern trends. Foremost among them, is the *Public Health Act* and regulations under which they are made.

Several activities have been conducted by the Ministry of Health in the interest of achieving legislative reform. With technical assistance from PAHO the following activities were conducted:-

- An inventory of all relevant legislation on environmental health, food safety and water quality;
- Conduct of a Stakeholder Workshop on 2\textsuperscript{nd} March, 2000, involving ministry and environmental health officials and representatives from other Government agencies;
- Discussions with officials of other relevant agencies;
- Recommendations for strengthening the legislative framework.
3. Issues for consideration

The results of the several activities that were conducted have all agreed that the Public Health Act, 1969, the Milk Regulations, Bakehouses Regulations, Nuisance Regulations and Food Regulations made thereunder are in need of revision. The principal provisions regarding these revisions should address:-

A. Scope, Powers and Functions of Environmental Health

The exiting scope and definition of environmental health contained in the Public Health Act, is too narrow. It is also equally weak and does not include provisions for standard setting, monitoring and the establishment of modern criteria to promote environmental health quality. It does not adequately address or correct environmental health problems such as the disposal of liquid and solid waste, the discharge of untreated sewage, waste reduction, collection, storage, transport, recycling or any of the present-day concepts regarding waste management, air, noise or marine pollution. As such, the scope of this legislative instrument revolves around the maintenance of general sanitary conditions and cleanliness.

It was recommended that a revised Public Health Act should introduce modern day compliance and enforcement techniques such as standard setting. It should establish the power of the Environment Section to conduct baseline research as well as provisions for the institution of class action suits. This latter mechanisms has been found to be very useful especially where enforcement capability is low; similarly with regard to the use of incentives to encourage environment-friendly practices.

The revised Act should facilitate voluntary compliance and not merely threaten and penalise but provide appropriate incentives for compliance. Citizen enforcement provisions may be considered for inclusion as well as dispute resolution techniques and the establishment of an Intersectoral Committee to hear and resolve environmental health disputes. Specific recommendations are as follows:

B. Food safety

In general, the existing food safety regulations are in need of revision to establish firstly, a comprehensive legislative framework for its management and importantly to incorporate adequate enforcement powers for food handling and safety in St. Kitts-Nevis. Specific amendments that will be required to be made are as follows:

(i) veterinary control from the farm to the abattoir should be required in law;

(ii) regulations to provide for animal inspection from production to slaughter, from the abattoir to the consumer including for the processing of meats;

(iii) health and sanitary requirements relating to dairies and any premises where the production, reconstitution, sale, delivery or distribution of milk and all other foods including fish is conducted;
(iv) notwithstanding Part V of the *Fisheries Regulations*, every person engaged in the slaughter of animals, poultry, fish and all other food should be required to be registered and licensed;

(v) the introduction of the HACCP methodology and the strengthening of the application of the Codex Alimentarius management system for food safety in the regulatory framework;

(vi) collaborative arrangements between the Public Health and Agriculture Departments for the inspection of meat should be established, consideration being given to the attainment of the most effective arrangement in relation to meeting the global standards and requirements;

(vii) notwithstanding the regulations of the Bureau of Standards the revised *Public Health Act* should contain provisions for the labelling and packaging of foods.

### C. Water Quality

(a) Establish National Drinking Water Quality Standards.

The Environmental Health Department is responsible for monitoring and enforcing drinking water quality. The implementation requirements of the *WHO Guidelines for Drinking Water Quality* are beyond local capacity. National standards that take into account the *WHO Guidelines* should be developed.

(b) Transportation vehicles and containers should be certified and licensed.

There are no specific requirements in place for vehicles that deliver water to consumers and for containers that store water. Regulations should be introduced under the Public Health Act to licence and certify these vehicles. Guidelines for storage containers should also be developed.

© Water catchment areas should be protected from contamination.

EHO’s should be empowered to enter private property to facilitate monitoring of the quality of water sources. Collaborative arrangements to enforce against offenders should be developed between the Water Department and the Environmental Health Department.

(d) A drinking water monitoring programme should be established.

The coverage of the existing monitoring programme is of limited scope and therefore inadequate. .

(e) Inspection of treatment plants etc. should be mandated.

The inspection of treatment and bottled water plants is not conducted on a routine basis. This requirement should be mandated in law. Self-auditing programmes by plant owners and operators should also be required.
(f) Provisions for an adequate wastewater disposal system should be established.

An adequate wastewater disposal system that prevents the disposal of grey water directly into open drains and from unauthorised development. Standards for effluent discharges, the establishment of self-auditing requirements, regulations for the design of waste disposal systems, sampling procedure and a protocol on wastewater monitoring and sampling should be established.

4. **Legislation (including draft legislation) that will be affected**

   Public Health Act, No. 22 of 1969  
   Public Health (Nuisances) Regulations  
   Public Health (Food) Regulations, No. 12 of 1953  
   Milk Regulations  
   Bakehouses Regulations  
   Watercourses & Waterworks Ordinances  
   Pesticides Act No. 20 of 1973  
   Fisheries Regulations No. 11 of 1995

5. **Time Factor**

   The activities of St. Kitts-Nevis regarding the revision of the legislative framework for environmental health, food safety and water quality has maintained the attention of PAHO which considers that the country’s bold initiative in addressing the weaknesses in the legislative framework for these areas can provide impetus for regional initiatives to harmonise the environmental health framework. PAHO is committed to seeing this exercise to completion.

   There exists a heightened sensitivity, enthusiasm and awareness among public officials in St. Kitts-Nevis, which could stand to be lost, should the momentum and the flow of activities be subjected to inordinate delays. The urgency of the task ahead in making the recommended amendments to the legislative framework cannot be overemphasised.

6. **Recommendation**

   That amendments be made to the legislative framework for environmental health, food safety and water quality be made according to the recommendations specified herein.
APPENDIX IV

List of Acronyms

CEHI - Caribbean Environmental Health Institute

EHO’s – Environmental Health Officers

HACCP - Hazard Analysis Critical Control Point Evaluations

PAHO - Pan American Health Organisation

UNCED - United Nations Conference on Environment and Development

WHO - World Health Organisation
APPENDIX V

Selected Bibliography


