

Public Health (Public Health Hazard) Regulations

SAINT LUCIA

STATUTORY INSTRUMENT, 2020, No. 25

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[9th March, 2020]

In the exercise of the power conferred under section 9 of the Public Health Act, Cap 11:01 the Minister responsible for health makes these Regulations:

Citation

1. These Regulations may be cited as the Public Health (Public Health Hazard) Regulations, 2020.

Interpretation

2. In these Regulations —

“Act” means the Public Health Act, Cap 11.01;

“public health officer” means a public officer appointed under section 7 of the Public Health Act, Cap 11.01;

“management plan” means a plan determined or developed by the owner or occupier of premises to prevent, remedy or mitigate a public health hazard and to identify or remove the source of the public health hazard;

“reported public health hazard” means a report of a public health hazard under regulation 3 or 4.

Requirement for report in writing

3. A public health officer may require a person reporting the belief of the existence of a public health hazard to provide the report in writing.

Information on public health hazard

4. A public health officer who believes that a person has engaged or is engaging in an activity which may result in a public health hazard may instruct the person in writing to provide the public health officer with information with respect to the activity and the

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action the person is taking or has taken to ensure that a public health hazard does not occur.

Investigation of report

5.—(1) A public health officer shall investigate a report of a public health hazard to determine whether a matter is a public health hazard.

(2) In determining whether a matter is a public health hazard, a public health officer shall consider —

- (a) the number of people that are or may be affected by the matter;
- (b) the nature and seriousness of the public health risk that could arise from the matter;
- (c) precautions that the person responsible for the matter is taking or has taken to avoid or minimize an adverse effect or potential adverse effect; and
- (d) additional factors that the public health officer considers relevant.

Notification when matter is not a public health hazard

6. If a public health officer reasonably believes that a reported matter is not a public health hazard, the public health officer shall —

- (a) notify the reporting person of the public health officer's determination; and
- (b) inform the reporting person of other options that are available to deal with the matter.

Risk assessment

7.—(1) If a public health officer reasonably believes that a reported public health hazard exists, the public health officer may conduct or cause a risk assessment to be conducted.

(2) A risk assessment may include —

- (a) an identification of the level of exposure to the public health hazard that is likely to cause an adverse effect;

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- (b) an estimate of the risk to the public of exposure to the public health hazard, taking into consideration the magnitude, duration and frequency of exposure;
- (c) the number of people that are or may be affected by the public health hazard; and
- (d) the degree to which exposure to the public health hazard would affect the public health.

Communication of results of risk assessment

8. On the completion of a risk assessment, a public health officer shall establish a communication process to inform an affected person or a community —

- (a) of the outcome of the risk assessment; and
- (b) if a risk is determined to exist, the strategies for managing the risk.

Obligation to determine or develop management plan

9.—(1) If an owner or occupier of premises reasonably believes that a reported public health hazard exists, the owner or occupier of the premises shall determine or develop a management plan for the public health hazard.

(2) A management plan must be determined or developed in accordance with procedures or guidelines approved by the Chief Medical Officer.

(3) An owner or occupier of premises shall not determine or develop a management plan without first having conducted a risk assessment.

(4) On determining or developing a management plan for a public health hazard, the owner or occupier of the premises shall provide the management plan to —

- (a) a person who is or appears to be responsible for the —
 - (i) condition of the premises,
 - (ii) substance, thing, plant, animal or organism other than a human on the premises,

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- (iii) solid waste, liquid or gas on or emanating from the premises,
- (iv) radiation, noise, vibration or heat on or emanating from the premises,
- (v) noxious or deleterious emissions on the premises, or
- (vi) activity in or on the premises; and

(b) a public health officer for review.

(5) In this regulation, “premises” means a location at which a public health hazard is determined by a public health officer to exist.

Failure to follow management plan

10. A person who fails to manage, remedy, mitigate or remove a public health hazard in accordance with a management plan determined or developed under regulation 9(2) contravenes these Regulations.

Notification of other government department or agency

11.—(1) If responsibility for a public health hazard is assigned to a government department or agency other than the Ministry responsible for health, a public health officer shall —

- (a) advise a person reporting the public health hazard to notify the government department or agency; and
- (b) notify the other department or agency directly,

about the public health hazard.

(2) At the request of a government department or agency that is responsible for a public health hazard, a public health officer may advise or consult with the department or agency about the public health hazard.

Signage

12.—(1) A person shall not interfere with or obstruct a public health officer in displaying or requiring the display of signage on premises.

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(2) A person shall not remove, conceal or mutilate signage without the authority of a public health officer.

(3) If signage is removed, concealed or mutilated without the authority of a public health officer, the occupant or owner of the premises where the signage was displayed shall immediately notify a public health officer.

Penalty

13. A person who contravenes these Regulations commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Made this 7th day of February, 2020.

MARY ISAAC
Minister responsible for health.