



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

JAMAICA

We have not been able to find case law in Jamaica and will describe here the legal basis for waste liability in Jamaica.

Waste law in Jamaica is not as well-developed as in the United States or Europe. The basic law in the [National Solid Waste Management Act of 2003](#). Section 45 contains the criminal provisions for unauthorized waste disposal and has considerable penalties:

“45. Every person who (a) disposes of solid waste in any area or in any manner not approved by the Authority; (b) operates a solid waste disposal facility, provides solid waste collection or transfer services or otherwise manages solid waste, without a valid licence or operating certificate under this Act or any regulation hereunder; or not approved by the Authority; (c) impedes in any manner the collection and disposal of solid waste, commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment.”

The Jamaican Government has declared its policy to pursue waste generators for improper waste management, but the underlying legal foundation is still under development. [National Policy for the Environmentally Sound Management Of Hazardous Wastes \(Green Paper\) December 2017](#) stated:

“Given the existing policy and regulatory frameworks, to advance the ESM of hazardous wastes the Policy encourages the pursuit of measures that will: 1. safeguard human health and the environment 2. utilize economic instruments to finance ESM projects and programmes, 3. address accountability, such as liability and compensation (financial responsibility, including insurance or bonds, should be required of all generators, transporters, treatment facilities, and disposers of hazardous wastes to assure their ability to compensate for any damage/injury to property, human health and/or the environment) 4. facilitate the enforcement of hazardous wastes standards and laws.”(emphasis added).

For [general links to Caribbean environmental law](#).

CONTACT INFORMATION:

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607339012, europa@chwmeq.org.

To report dead links in the above, provide feedback, or to notify CHWMEG that updates to this information are necessary, click the link below to send an email to Randy Mott (type a brief note with your feedback before sending your email):
<mailto:europa@chwmeq.org?subject=-- JAMAICA -- Feedback/Dead Link/Update Required for Accessing CASE STUDY Information>