noise FAQ BOOKLET

YOUR GUIDE TO UNDERSTANDING THE NOISE POLLUTION CONTROL RULES
EMA’S GUIDE

TO THE NOISE POLLUTION CONTROL RULES

The Environmental Management Authority (EMA) recognises the need to address the chronic issue of noise pollution in Trinidad and Tobago and with the Noise Pollution Control Rules, 2001 (NPCR), seeks to mitigate the harmful effects of noise.

While music is a part of our culture, noise is not and through the NPCR, the EMA seeks to control levels of noise pollution in various environments for the benefit of all.

The following represents answers to frequently asked questions (FAQs) regarding noise so as to facilitate a better understanding of the NPCR. A more comprehensive understanding of the NPCR can only be gained by reference to the Rules which remain the ultimate source of information on the Noise Pollution Control Rules.
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What is Noise Pollution?

Noise pollution generally refers to unwanted, excessive or displeasing sound produced by human, animal, or machine-created environmental noise that disrupts the activity or balance of human or animal life.  

A sound might be unwanted because it has one or more of these features. It is:

- Loud
- Unpleasant or annoying
- Intrusive or distracting

Noise can have serious ill effects on human health and interfere with daily activities at work, school, home or during leisure. The main health risks include:

- Sleep deprivation
- Irritability
- Hearing impairments
- Cardiovascular effects – increased heart rate, and hypertension
- Stress related illnesses
- Interference with speech perception especially in developing children
- Disturbance in emotional or mental state of well-being
- Interference with social behaviour (aggression, protest and helplessness)

The EMA operates within the framework of the Environmental Management Act (EM Act), Chapter 35:05. According to the EM Act, pursuant to the Noise Pollution Control Rules (NPCR) section 51 (2), it states that “No person shall emit or cause to be emitted any noise greater in volume or intensity than prescribed in Rules made under section 26 or by any applicable standards, conditions or requirements under this Act.” The EMA is therefore guided by these Rules - the NPCR, as it relates to addressing matters characterised as noise pollution.

1 Adapted from, http://www.eoearth.org/article/Noise_pollution
## QUESTION

**What types of Noise Pollution are there?**

### Sources of Noise Pollution

<table>
<thead>
<tr>
<th>Road Traffic</th>
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<tbody>
<tr>
<td>Increase in the number of vehicles on the nation's roads and greater use of public transportation</td>
</tr>
<tr>
<td>Land use planning has not been well integrated with transport planning, allowing residential developments and major transport corridors to occur in close proximity without appropriate buffer zones or treatment to buildings</td>
</tr>
<tr>
<td>Traffic on many existing roads through developed areas has increased well beyond expectations and increases during construction of roadways</td>
</tr>
<tr>
<td>Inconsiderate drivers, speeding and honking uncontrollably</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Neighbourhood and Domestic Noise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Close proximity of homes to one another without good soundproofing, results in neighbours having to endure the noises made for e.g. loud music</td>
</tr>
<tr>
<td>Dogs barking repeatedly during the night when the neighbourhood’s ambient noise level is minimal</td>
</tr>
<tr>
<td>Lawn mowers, brush cutters (see exemptions list pg.17 &amp; 18), and social gatherings</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation of heavy machinery and mechanisms can produce deafening sounds e.g. Manufacturing process of goods and services</td>
</tr>
<tr>
<td>Mechanical components fuelled by electricity or petroleum derived fuels for manufacturing plants, plants that generate electricity, oil and gas industries, etc.</td>
</tr>
</tbody>
</table>

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3 Adapted from bit.ly/Nl2N4
How does Noise affect children?

Children may be more prone to adverse effects of noise since their auditory systems are more sensitive. Those at risk include: the foetus, babies and infants born preterm, with low birth weight. The known increased risk is due to the following:

- Different perception of the dangers of noise - they cannot recognise the dangerous exposure
- Lack of ability to control their environment- children would not be able to identify and avoid the source of the noise
- Noise can interfere with the communication of danger
- Children can be more exposed due to their behaviour i.e. exploratory or risky behaviour

Excessive Noise Exposure and its Effects on Children

Children might be more susceptible to noise effects, due to immaturity, critical periods in relation to learning and lack of developed coping mechanisms, vulnerable tasks or vulnerable settings such as school, home or even the streets. Children exposed to excessive noise for a prolonged period may experience the following:

- Exposure to excessive noise during pregnancy may result in high frequency hearing loss in a newborn
- Lifelong impairment of learning and education
- Short-term deficit in hearing followed by adaptation
- Non-intentional lesions or scarring on the skin


*Source: (taken from, Children and Noise: Children’s Health and Environment – WHO Training package for the Health Sector www.who.int/ceh)
**What are the Noise Pollution Control Rules?**

The Noise Pollution Control Rules (NPCR) is a piece of legislation developed under the provisions of the Environmental Management Act Chapter 35:05, which falls under the purview of the EMA. The ‘Rules’ set prescribed standards for noise and control the emission of sounds in the environment which are considered to be noise pollution.

The Rules were laid in the House of Representatives on March 9th 2001 and in the Senate on March 13th, 2001. These Rules are the law of Trinidad and Tobago.

**What are the Prescribed Standards?**

<table>
<thead>
<tr>
<th>ZONE</th>
<th>PRESCRIBED STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DURATION OF SOUND</td>
</tr>
<tr>
<td>Industrial Area</td>
<td>Continuous*</td>
</tr>
<tr>
<td></td>
<td>Instantaneous*</td>
</tr>
<tr>
<td>Environmentally Sensitive Area</td>
<td>Continuous</td>
</tr>
<tr>
<td></td>
<td>Increase above background</td>
</tr>
<tr>
<td></td>
<td>Instantaneous</td>
</tr>
<tr>
<td>General Area</td>
<td>Continuous</td>
</tr>
<tr>
<td></td>
<td>Increase above background</td>
</tr>
<tr>
<td></td>
<td>Instantaneous</td>
</tr>
</tbody>
</table>

*Continuous* means noise with minor fluctuations in the decibel level for the duration of a single event, e.g. an event such as a party or fete. Continuous sounds must be measured for a minimum of 30 minutes.

*Instantaneous* means the variation in background sound pressure level at a given instant in time, e.g. an extraneous source that may cause a spike in the ambient sound level, such as an ambulance siren.
QUESTION

How does one know if one is exceeding the standard?

Measurements must be taken using sound level meters (which must be NPCR compliant) to determine the sound pressure level (SPL). SPL is recorded in decibels (dB) and one can then compare the readings with the standard set in the Rules.

Measurements must be taken at the boundary of the property where the sound is generated or at the boundary of the property of a person impacted by the sound.

QUESTION

What is meant by Decibel Levels?\(^5\)

When we talk of decibels (dB), most people do not have an understanding of the numbers. The following is a rough guide:

<table>
<thead>
<tr>
<th>Noise Source</th>
<th>Decibel Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>A quiet home, normal talking</td>
<td>20dB-40dB</td>
</tr>
<tr>
<td>Ringing telephone, shouting, honking horns, most household appliances, and hand held tools</td>
<td>60dB-75dB</td>
</tr>
<tr>
<td>Jack hammers, extremely loud music</td>
<td>80dB-100dB</td>
</tr>
<tr>
<td>Fireworks, firing of bamboo, jet taking off</td>
<td>exceeds 120dB</td>
</tr>
</tbody>
</table>

\(^5\) Must comply with Schedule 2 of the NPCR to compare to standards

Source: (adopted from the Code of Practice for the Entertainment Industry in T&T and the World Health Organization)

NOTE: SUSTAINED EXPOSURE TO NOISE OVER 85DBA (DECIBELS OVER AVERAGE OF 30 MINUTES) CAN CAUSE PERMANENT HEARING LOSS. NOISE EXPOSURE SHOULD NEVER EXCEED 140 dBA FOR ADULTS AND 120 dBA FOR CHILDREN. INTERNATIONAL SAFETY PRACTICES STATE THAT HEARING PROTECTION SHOULD BE WORN WHEN EXPOSED TO SOUNDS MORE THAN 85 dB FOR ANY PERIOD OF TIME.
Will the EMA conduct a measurement exercise for individuals requesting Noise Measurements?

There is neither a requirement for nor is it the responsibility of the EMA to take noise level measurements for people inquiring whether or not they are above the limit. Just as a person is responsible to ensure that one keeps within the speed limit while driving on the nation’s roads, it is the responsibility of that individual to use a sound level meter to check the levels of sound being emitted by an activity or event.

**NOTE** NOISE POLLUTION IS NOT EASY TO MEASURE, BECAUSE THE VERY DEFINITION OF NOISE DEPENDS ON THE CONTEXT OF THE SOUND AND THE SUBJECTIVE EFFECT IT HAS ON THE PEOPLE HEARING IT. ONE PERSON’S IDEA OF JOYFUL MUSIC MAY BE ANOTHER PERSON’S TORMENTING EXPERIENCE.

Who can I contact if I require relief from noise?

According to the laws of Trinidad and Tobago, the Trinidad and Tobago Police can take action against noise; as such **you can contact your nearest police station for relief**. There are over 10 pieces of legislation outlined on the next page, that equip the Trinidad and Tobago Police Service (TTPS) with the powers to address the issue of noise pollution.
Noise Pollution Legislation

- Police Service Act [Chapter 15:01]
- Summary Offences Act [Chapter 11:02]
- Fireworks Permits Regulations [made under section 101 SOA]
- Explosives Act [Chapter 16:02]
- Public Holidays & Festivals Act [Chapter 19:05]
- Theatres & Dance Hall Act & Regulations [Chapter 21:03]
- Liquor Licenses Act [Chapter 4:10]
- Shops (Hours of Opening & Employment) Act [Chapter 84:02]
- Motor Vehicles & Road Traffic Regulations [Chapter 48:50]
- Maxi Taxi Act [Chapter 48 :53]/ Maxi Taxi (Radio) Order
- Registration of Clubs Act [Chapter 21:01]

NOTE: THE EMA CANNOT STOP ANY PERSON FROM MAKING NOISE; THIS IS A MATTER FOR THE POLICE.

For continuous noise pollution emanating from a neighbour, nearby facility, venue or club that exceeds 80dBA, you can also fill out and submit to the EMA a complaint form via the EMA's website at ema.co.tt for investigation and action.

OR

Send an email to complaints@ema.co.tt with the following information:

- Name, address and contact information of person making the complaint
- Location of the complaint
- Source of the complaint
- Best time to observe the issue in question
Can the EMA address all Noise Related Issues?

The EMA can only handle issues that are found to breach the NPCR. This requires measuring the source of a continuous noise only where the noise exceeds 85dBA. There are many sources of noise that are a nuisance, however if these are not in excess of 85 dBA and not continuous, the EMA cannot take action. There are also exemptions under the NPCR including: compressors, leaf blowers, welding plants, angle grinders, vehicle horns and reverse alarms, musical instruments, domestic radios and stereos, entertainment systems, animal sounds (barking chirping, crowing etc), manual hammering, sawing etc. See pgs. 17 & 18 for a full list of these Exemptions.

Are there other avenues where I can address Noise Pollution concerns?

Noise pollution in Trinidad and Tobago can also be handled under Environmental, Civil and Criminal Law.

- **THE ENVIRONMENTAL MANAGEMENT AUTHORITY (EMA)** controls noise pollution within the limits of the Noise Pollution Control Rules (NPCR) that were created pursuant to sections 26 and 51(2) of the Environmental Management Act, Ch 35:05, which was gazetted in April 19, 2001.

- **CIVIL LAW REMEDIES INCLUDE** the private action for nuisance, which can be tried in either the High Court or Magistrates’ Court, depending on the severity of the matter. Action can also be taken under the Liquor Licences Act and the Theatres and Dancehall Act, where a licence can be suspended or cancelled on the grounds of causing a public nuisance.
**CRIMINAL** LAWS OPTIONS ENCOMPASS LEGISLATION UNDER WHICH THE TTPS CAN ACT. These include: the Summary Offences Act and the Motor Vehicles and Road Traffic Regulations. The criminal law option provides immediate action and remedy to noise pollution, as the TTPS has the authority to instruct an offender to cease the offending activity. The offender can also be charged as some of the activities listed in these various pieces of legislation are ticket-able offences.

**NOTE:** ENVIRONMENTAL AND CIVIL LAW OPTIONS ARE LENGTHIER PROCESSES, AS BREACHES MUST BE FOUND AND A LEGAL PROCESS MUST OCCUR BEFORE ANY RESOLUTION IS REALISED FOR THE NOISE TO STOP.

**QUESTION**

What is a Noise Variation?

The Noise Pollution Control Rules refers to a “Variation” as a deviation from the prescribed standards or sound levels. Once approval is granted, this document allows the applicant to vary from the prescribed standards, **but also limits the level of sound that can be emitted.**

**NOTE:** THE VARIATION IS NOT A LICENCE TO MAKE NOISE. IF YOU HAVE A VARIATION YOU CAN STILL BE SHUT DOWN IF YOUR NOISE LEVELS GO BEYOND WHAT IS PRESCRIBED IN THE VARIATION.
Who is required to apply for a Variation?

- Any person who proposes to conduct an activity or an event that will cause sound in excess of the prescribed standards.
- A person in a facility that causes sound in excess of the prescribed standards and is notified by the EMA to apply for a variation.
- The operator of a facility who wishes to permit a person to conduct, in that facility, an event or an activity that will cause sound in excess of the prescribed standards.
- A person that emits a sound in a noise zone within the prescribed standards for that noise zone but which results in the creation of a sound in excess of the prescribed standards in an adjoining noise zone. The EMA may notify that person to submit an application for a variation.

What is the Application Procedure?

- Steps for applying for a noise variation
- Publish a notice in the newspaper for two consecutive days, at least five weeks or 35 days before the event/activity
- Submit to the EMA, the application form (in duplicate), including a map of the location of the event and a copy of a valid form of ID of the applicant at least 28 days before the event/activity
- Pay the prescribed fee of $250

These conditions are requirements in the process of determining whether a Variation is granted.
MISCONCEPTIONS

ALL NOISE COMPLAINTS FALL WITHIN THE JURISDICTION OF THE EMA

The EMA receives numerous noise complaints on a daily basis. A vast number of these complaints, however, do not fall under the jurisdiction of the EMA in that the sound level is below the prescribed standards of the NPCR and/or can be addressed more effectively under one of the other legal methods outlined above.

The NPCR also states permissible decibel levels for different zones in the country, for different time periods. For example, one sound level may be appropriate in Point A, while the same sound level may be deemed too loud at Point B (a residential area or environmentally sensitive area).

ALL NOISE COMPLAINTS WILL BE INVESTIGATED BY THE EMA

Noise complaints that can be addressed within the NPCR only are investigated. Site visits and noise meter readings are conducted and used to determine a breach of the NPCR.

Once a breach is found, the information is forwarded to begin enforcement proceedings. The violator is then served with a Notice of Violation. After representations are made, the violator is fined a sum that is commensurate with the severity of the breach committed. The NPCR therefore does not allow/support immediate solution oriented actions as investigating officers do not have the authority to stop an offender.

NOISE VARIATIONS ALLOW YOU TO MAKE NOISE AND TO HOLD AN EVENT

Noise variations essentially allow an applicant to breach the prescribed standards of the NPCR, but up to a certain level within a specified timeframe and under certain conditions/limitations.

The variation is not a ‘permission to hold an event’ as is the general misconception of the public. A noise variation also does not supersede the Summary Offences Act.

NOTE: ONCE AN EVENT IS FINISHED THE EMA CANNOT INVESTIGATE A COMPLAINT IN THE MATTER FOR A BREACH AGAINST THE NPCR.

Environmental Management Act, Ch 35:05 Section 62, 63.
EXEMPTIONS

The NPCR prescribes the standards for noise levels within specific zones (industrial, environmentally sensitive and general areas), with the intent to control the emission of sounds in the environment that can be considered noise pollution (i.e. when these standards are exceeded). There are however exemptions to these Rules.

ACCORDING TO THE LAWS OF TRINIDAD AND TOBAGO THE FOLLOWING ACTIVITIES ARE EXEMPT FROM THE PRESCRIBED STANDARDS OF THE NOISE POLLUTION CONTROL RULES:

The Noise Pollution Control Rules do NOT apply to sounds generated by nature without human intervention;

1. Religious events and activities **without the use of sound amplifying equipment** when conducted between 6.00 a.m. and 11.00 p.m. of the same day and of a duration of no more than 5 hours;

2. Sporting events and activities **without the use of sound amplifying equipment** when conducted between 8.00 a.m. and 9.00 p.m. of the same day and of a duration of no more than 5 hours;

3. Educational instruction, educational classes and recreation in schools or other educational institutions as defined by the Education Act, when between 7.00 a.m. and 9.00 p.m. of the same day;

4. Public march, meeting, procession and gatherings if approved in accordance with the Summary Offences Act;

5. Any alarm or emergency device, apparatus or equipment when triggered in event of an emergency for a continuous period of not more than eight (8) hours;

6. Sound associated with the installation, repair or replacement of public utilities in a public place between the hours of 7.00 a.m. and 11.00 p.m. of the same day;

continues on page 18
EXEMPTIONS

7 Emergency work required to be performed either before a period of public emergency or after a period of public emergency, to protect persons or property from exposure to danger or hazards, including the restoration of public utilities or other public services following a storm, earthquake, accident or other like occurrence;

8 Warning devices for the protection of the public, including police, fire, ambulance, automobile horns, vehicle alarm devices when used for the purpose of warning;

9 Activities of the armed forces conducted in the course of duty;

10 The use of motor-operated garden equipment such as lawn mowers, brush cutters, hedge trimmers, mist-blowers, leaf-blowers and power tools (whether electrically, pneumatically or other non-manually operated) for the general repair and maintenance of property which require the constant presence of an operator for normal use, where such use is conducted between the hours of 7.00 a.m. and 7.00 p.m. of the same day manually operated grass cutters which can be operated from 4.30 a.m. to 7.00 p.m. on the same day;

11 Construction activity when conducted on a construction site between the hours of 7.00 a.m. and 7.00 p.m. of the same day;

12 Use of agricultural machinery and equipment on agricultural lands between the hours of 4.30 a.m. and 7.00 p.m. of the same day;

13 Testing of emergency alarms, devices and equipment when conducted between hours of 8.00 a.m. and 4.00 p.m. of the same day and for a continuous period of not more than five minutes.
Noise can have serious effects on babies, the elderly, at-risk patients and pets. It can cause migraines, irritability, hearing loss and sleep deprivation.

Remember, music is our culture, noise is NOT!

TO FIND OUT MORE CALL THE EMA AT 628-8042 OR VISIT EMA.CO.TT