**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE**

**(HUMAN RIGHTS DIVISION)**

**Materials for the Report of the Special Rapporteur on toxics and human rights – Questionnaire: “The impact of toxics on indigenous peoples”**

**Introduction**

1. The population of the State of Mauritius consists of people of various origins, coming specifically from Africa, Asia and Europe.
2. As such, **it does not have an indigenous community** and, therefore, the Questionnaire would not be applicable for Mauritius.

However, given that toxics affect people irrespective of their origin, we are submitting below measures taken by the State of Mauritius for the management of hazardous wastes.

**Measures regarding the promotion of a sustainable environment and ecosystem in Mauritius and mitigating the effects of toxics**

1. The State of Mauritius is fully committed to, and is continuously progressing towards, an inclusive society where the rights of the citizens are respected and protected, including the right to a healthy and sustainable environment.
2. As a Small Island Developing State, Mauritius has a fragile ecosystem and is increasingly faced with global crisis namely climate change, loss of biodiversity, poor management of toxic chemicals and hazardous waste, marine pollution.  In view of the magnitude of the global challenges and with limited technical and financial resources, Mauritius has joined the world community to address global environmental problems in a concerted manner. Some 36 multilateral environmental agreements (MEAs)related to chemicals, biodiversity, marine and atmosphere have been signed by Mauritius.

**A. Legislative Framework**

1. The Environment Protection Act (EPA) is the bedrock of environment law in Mauritius. It binds all citizens of Mauritius to use their best endeavours to preserve and enhance the quality of life by caring responsibly for the natural environment in Mauritius (section 2). Examples of Constitutional provisions, legislations and others are at ***Annex I.***
2. Under the Environment Protection Act (EPA) 2002, the Ministry of Environment, Solid Waste Management and Climate Change is empowered to prescribe standards for hazardous waste. The Environment Protection (Standards for hazardous waste) Regulations 2001 was promulgated under the EPA 2002. The waste declared to be hazardous under the regulations include laboratory and industrial chemical wastes (acids, alkalis, heavy metals, spent organic solvent, organic sludge), paint wastes, used batteries, asbestos wastes, waste oils, obsolete pesticides, pharmaceutical wastes, gas cylinders and waste aerosols, electrical and electronic wastes (e-wastes) amongst others. The regulations require generators of hazardous waste to ensure that wastes are properly stored, treated on site or disposed of as approved by the enforcing agency.
3. The EPA 2002 empowers the Minister of Environment to prescribe national environmental standards for the protection and management of the environment on air, water and effluent limitations among others.
4. Several regulations have been promulgated under the EPA 2002 which aim at protecting the public against toxic exposure of pollutants namely the:
5. Environment Protection (Standards for air) Regulations 1996; and
6. Environment Protection (Drinking water standards) Regulations 1995;
7. These regulations are based on WHO guidelines and prescribe permissible limits for a variety of toxic pollutants. Both are currently being reviewed for enhanced protection and to be in line with new scientific evidence on toxicity of substances to human health and the environment.
8. In addition, several similar regulations were promulgated under Sections 39 and 96 of the EPA 2002 which regulate the discharge of effluents into water bodies, onto land and watercourses. These regulations are as follows:
9. the Environment Protection (Standards for effluent discharge) Regulations 2003;
10. the Environment Protection (Effluent Discharge Permit) Regulations 2003;
11. The Environment Protection (Standards for effluent discharge) Regulations 2003 prescribe permissible limits for more than 40 parameters which are stringent. Highly polluting industrial activities such as the textile industry, canning and food processing, laundry processes have to apply for an Effluent Discharge Permit to the appropriate enforcing agency prior to discharging any effluent into a watercourse, water body or onto any land under the Environment Protection (Effluent Discharge Permit) Regulations 2003. The discharge of any effluent into any watercourse or water body from which water is, or is likely to be abstracted for domestic purposes is strictly prohibited under these regulations.
12. The EPA 2002 also makes provision for pollution control by means of an Industrial waste audit. The Environment Protection (Industrial Waste Audit) Regulations came into force on 1st April 2009. It is a tool to encourage industries to adopt a culture of self-compliance and adopt clean technologies. Under these regulations, listed industries are required to conduct an Industrial Waste Audit of the solid, liquid, gaseous or radioactive waste generated from the industrial activity.
13. Under the Occupational Safety and Health Act 2005, the safe (precautionary measures in practice) handling, storage and use of ‘substances hazardous to health’ are ensured by every employer and compliance to the relevant provisions of the law are verified through inspections of places of work by the Occupational Safety and Health Division of the Ministry of Labour, Human Resource Development and Training.
14. Regarding hazardous substances, close collaborations and consultations in terms of visits of Specialists, programs, projects and training with organizations like International Labour Organization (ILO). Several staff of the Occupational Safety and Health Division of the Ministry of Labour, Human Resource Development and Training has participated in workshops, programs of the Organization for the Prohibition of Chemicals Weapons (OPCW) on Chemical Safety. Moreover, several ILO Conventions related to Occupational Safety and Health have been ratified by the Republic of Mauritius (C187 -Promotional Framework for Occupational Safety and (2006), C155-Occupational Safety and Health Convention (1981) and several of their provisions have been included in our legislations.
15. Furthermore, as part of its strategy for hazardous waste management in Mauritius and in its capacity as enforcing agency for hazardous wastes in Mauritius and the competent authority for the Bamako and Basel Conventions in Mauritius, the Solid Waste Management Division of the Ministry of Environment, Solid Waste Management and Climate Change has set up an Interim Storage Facility for Hazardous Wastes at La Chaumière, Bambous whereby hazardous wastes, in particular hazardous chemical wastes at generators’ premises are inspected, sampled and tested, repackaged on site and collected and transported to the facility where they are sorted and regrouped based on chemical compatibilities, repackaged, labeled, stored and exported to licensed recovery/disposal facilities, in compliance with the provisions of the Basel Convention.
16. A 5-year contract for the operation, management and maintenance of the Interim Storage Facility was awarded to Polyeco S.A on 16 December 2016, which has been extended up to 23 July 2022. The facility can accept the following hazardous wastes:

(a) Inorganic liquid wastes such as alkaline wastes comprising, acidic wastes, wastes containing hexavalent chromium and other heavy metals

(b) Inorganic solid wastes such as sludge containing heavy metals, oxidising wastes, unused/expired chemicals, other than reactive and oxidizer wastes

(c) Flammable solid and liquid organic wastes

(d) Non-flammable solid and liquid organic waste

(e) Mixed inorganic/organic liquids and solids, including pesticides

(f) Pharmaceutical wastes

(g) Waste aerosols

(h) Compressed waste gas cylinders

1. It is to be highlighted that Government has approved the payment of a subsidised fee, by hazardous waste generators, for the disposal of hazardous wastes at the facility. In line with the “Polluter Pays Principles”, hazardous waste generators are required to pay a fee of MUR 100 per kg of hazardous wastes and an additional fee of MUR 2,500 for hazardous wastes quantities exceeding one tonne, for the disposal of hazardous chemical wastes at the facility.
2. With the setting-up of the Interim Storage Facility for Hazardous Wastes and experience gathered in the field of hazardous waste management, there was a need to review the existing Environment Protection (Standards for Hazardous Wastes) Regulations 2001.
3. A draft regulation has been worked out and submitted to the Attorney General’s Office for vetting. The revised draft regulations contain specific obligations for hazardous waste generators, carriers and hazardous waste disposal facilities for the environmentally sound management of hazardous wastes as well as additional provisions for the transportation of hazardous wastes, which are already regulated under the Road Traffic (Construction and Use of Vehicles) Regulations 2010. The exportation, importation and transit, that is, the transboundary movements, of hazardous wastes are also being regulated in accordance with the provisions of the Basel Convention, to which Mauritius is a Party since 1992.

**B. Master Plan on the Environment for Mauritius (2020-2030)**

1. The Ministry of Environment, Solid Waste Management and Climate Change is currently finalising its Master Plan on the Environment for Mauritius (2020 – 2030) whose primary purpose is to establish the foundations to support the “*transition écologique*” for Mauritius and Rodrigues by 2030 while allowing Mauritius to become “*an inclusive, high income and green society forging ahead together*”.
2. The Master Plan aims to adapt lifestyle, economic development, institutions and legislations to the fast-changing global realities and to the specific socio-economic and environmental conditions of Mauritius. While focused primarily on the 2020 to 2030 period, the policy and strategy will include renewing legislations and institutions that will guide Mauritius’ development over the next decades.
3. The Mauritius Master Plan comprises a total of 113 policy recommendations emanating from the *Assises de l’environnement* for the 2020 to 2030 period. For Mauritius, 34 overarching cross-cutting policies and 45 thematic policies are proposed while there are 35 overarching policies for Rodrigues. For each policy, a number of strategies are proposed to achieve the desired outcome. Moreover, 9 specific policies and a number of strategies are presented to operationalise those broader policies through institutional and legal framework changes.
4. The Action Plan consists of some 734 actions for both Mauritius and Rodrigues, drawn from the working group consultations, the gaps and challenges analysis and recommendations. The Action Plan will be delivered mainly through the following 8 Thematic Areas:
	1. *La culture environnementale;*
	2. *Urbanisme et politique environnementale;*
	3. *Le changement climatique;*
	4. *Zones côtieres et environnement marin;*
	5. *Biodiversité et ressources naturelles;*
	6. *Lutte contre la pollution;*
	7. *La gestion des déchets; and*
	8. *Contrôle des déchets plastiques.*
5. Each theme aims to build on existing activities and introduce new approaches to further improve the benefits to the Mauritius Environment. The projects under each theme are priority actions for the next five years.
6. The projects would be carried out by Government, in collaboration with relevant stakeholders. The Total Estimated Cost for implementation of Mauritius Action Plan will be around Rs 15 Billion and Rs 1 Billion for Rodrigues
7. Some of the major actions will be delivered through projects that combine benefits for the economy, the society and the environment.
8. Funding for the Action Plans is contingent on obtaining budget from annual government appropriations and/or from Donors. It needs to be recognised that over the past two years, some thematic areas have evolved and Mauritius has already implemented some of the policy recommendations and actions contained in the Master Plan.
9. These include the formulation of the Solid Waste Management Strategy, the updating of the Nationally Determined Contributions, the national dialogue on plastic and the promulgation of Regulations on plastics. Recently, the Government of Mauritius also approved the Capacity for Disaster Reduction Initiative (CADRI) Report 2020 and the National Disaster Risk Reduction Management Policy, Strategic Framework and Action Plan 2020-2030.
10. It is worth noting that during the past two years, some thematic areas have evolved and Mauritius has already implemented some of the policy recommendations and actions contained in the Master Plan. These include the formulation of the Solid Waste Management Strategy, the updating of the Nationally Determined Contributions, the national dialogue on plastic and the promulgation of Regulations on plastics. Recently, Government also approved the Capacity for Disaster Reduction Initiative (CADRI) Report 2020 and the National Disaster Risk Reduction Management Policy, Strategic Framework and Action Plan 2020-2030.

**C. Measures taken in different sectors**

**Agricultural sector**

1. In the context of Agro Industry, misuse and overuse of pesticides in crop production contribute to pollute the environment and underground water. Excessive use of pesticides also leaves pesticide residues in the agricultural produce which adversely affect the health of the consumers. Those who are most affected are the users of pesticides, workers in the field and consumers of vegetables and fruits.
2. Some areas characterized by unhealthy levels of pollution and high risks of exposure to toxic substances are at ***Annex II.***
3. Since the enactment of the Use of Pesticides Act, fruits and vegetables are collected on a regular basis to monitor the level of pesticide residues. Growers are moving towards organic production, adopting good agricultural practices and are following integrated pest management for the control of pests and diseases.
4. Over the years, there are many toxic and hazardous pesticides which have been banned especially the persistent organic pollutants. Growers are using safer products and less-toxic bio-pesticides for pest control.
5. The Agricultural Chemistry Laboratory under the Ministry of Agro and Food Security is mandated to monitor pesticide residues in Fruits and vegetables through its testing activities. The laboratory also provides testing facilities for other food contaminants like mycotoxins and heavy metals. Moreover, soil testing facilities are available to the farming community.
6. Some examples of monitoring concentrations of toxic substances in air, water, soil and food are listed at ***Annex III.***

**Industrial Sector**

1. The most heavily polluted places tend to be the zones where most industries are located. In the State of Mauritius, La Tour Koenig and Pointe aux Sables are the regions where ambient air quality issues are reported. There is close proximity between the residential and industrial zones in these regions. This is due to limited availability of land and hence absence of buffer zones. There have been several important industrial developments in the past years in these regions. The State of Mauritius has a prevailing wind regime from the south east and La Tour Koenig and Pointe aux Sables are located in the North West of the island, hence almost all over the year being downwind of potential sources.
2. Government has to set up the necessary legal, institutional framework, standards and ensure enforcement of laws and regulations. The businesses have to comply with the laws and regulations. However, there is a lack of trained personnel to enforce the legal provisions and to sensitize the population.
3. The Specific obligations of the State and responsibilities of businesses in terms of preventing exposures to unhealthy levels of pollution and toxic substances, rehabilitating toxic sites, and providing compensation to adversely impacted individuals are listed at ***Annex IV.***

**Marine sector**

1. The Albion Fisheries Research Centre under the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping (MBEMRFS) monitors coastal projects and ensures that there is no pollution caused by coastal developments, such as the construction of hotels and desalination plants.
2. Long-term monitoring of coastal water quality is conducted for physico-chemical parameters and levels of coliform bacteria at established coastal sites around the island and the results of analyses are compared to the guidelines for Coastal Water Quality.
3. Long-term monitoring of the density of harmful marine microalgae, the causative agents of ciguatera, at established coastal sites around the island. Ongoing screening of toxic fish deemed to cause ciguatera is also carried out. New promoters in the aquaculture sector are provided with guidelines in good aquaculture practices.
4. Monitoring of water quality of the different marine aquaculture sites are carried out by the Laboratory Division of the Ministry. In the event of fish mortalities in freshwater farms, samplings are done by the Aquaculture Division and sent for analysis to the National Environmental Laboratory.
5. According to the MBEMRFS swimming is prohibited as from 700m North of the public beach of La Pointe at Pointe aux Sables up to 100m northwards of Nassau Bay, Baie du Tombeau due to the presence of high levels of Total coliforms and Faecal coliforms. This might be due to seepage from faulty septic tanks, absorption pits, surface waters and from stagnant water pond, more specifically from La Mare Samson after heavy rainfall.
6. Moreover, the State of Mauritius faced an ecological crisis following the unprecedented incident of oil spill from the grounding of MV Wakashio that occurred in the southern region in July 2020, an estimated 1,000 tonnes of oil spilled into the [ocean](https://en.wikipedia.org/wiki/Indian_Ocean) thus contaminating both the sea and the shore. The incident was declared as a national emergency by the Mauritian Government. This situation has adversely affected the livelihoods of the people in that area, whose main source of income is from fishing activities and the tourism sector. The closure of public beaches affected several dependent businesses and many people relied on alternative livelihoods through the cleaning exercise, government financial support and support from non-governmental organizations, community organizations, neighbours and friends.
7. The residents living along the coasts experienced respiratory problems and fishermen were deprived of their right to fish because of polluted marine environment and to sudden fish death. Schools had to be temporary closed in the regions.
8. The State of Mauritius mitigated the effects of the shoreline and sea contamination by (i) making necessary arrangements for the prompt removal and transportation of the Heavy Fuel Oil (HFO) contaminated wastes and (ii) setting requirements for the proper management and disposal of the HFO contaminated wastes by the contractors appointed by the insurance company.

**C. Additional measures**

1. The “Sacrifice Zones” include Mare Chicose where there is the sanitary landfill site. People living in the vicinity had to be relocated due to permanent prevailing odour and fly nuisances. Surrounding environment is regularly cleared.
2. All employees working with toxic products or in environments prone to exposure to toxic products are provided with Personal Protective Equipment and are regularly monitored medically.
3. Environmental Studies already exist as a subject in primary schools, but should be continued throughout the educational process and there is also an obligation to have a greener environment in all residential and industrial places should be incorporated in our laws.
4. Actions taken by the State of Mauritius to prevent various sections of the population from being exposed to toxic environments are listed at ***Annex V.***

 **26.04.2022**

# ANNEX 1

**Constitutional provisions, legislation, institutions, regulations, standards that apply a rights-based approach to ensuring toxic-free environments.**

As a safeguard from exposure to a toxic environment, the **Environment Protection Act (EPA)** ensures protection of the environment from toxicity through its different provisions hereunder listed:

1. **Part IV** of the **EPA** imposes upon individuals wishing to carry out a project or activity, to submit a Preliminary Environment Report (PER) or an Environment Impact Assessment (EIA), where the nature, scope, scale and sensitive location of the project is likely to have an impact on the environment or the zoning of that area. The PER/EIA enables the relevant stakeholders (Ministries and relevant organizations) to assess the impact of a prospective project on the environment and to avoid, prevent, change, mitigate or remedy as far as possible the likely harmful effects of the activity on the environment;
2. **Part V** of the **EPA** deals with the pollution by way of spills. It imposes upon the owner of a pollutant which is spilled to forthwith inform the Director of Environment of the circumstances of the spilling and to do everything practicable to prevent, eliminate or reduce the adverse effects of the spill and restore the environment to the state it was in prior to the spill. In the event the owner of the pollutant cannot be ascertained, the State, through its Ministry responsible for the environment, to take the necessary measure to restore as far as is practicable the environment to its previous state and dispose of, or in any way deal with, the pollutant or any object reasonably suspected to be affected by the pollutant.
3. **Part VI** of the **EPA** empowers the Minister responsible for environment, for the control of pollution, to issue standards and guidelines as regards:

 (i) water;

(ii) effluent limitations;

(iii) air;

(iv) noise;

(v) waste;

(vi) pesticide residues;

(vii) odour; and

(viii) built up environment and landscape.

(d) Section 48 of the **EPA** makes provision for certain prescribed enterprises carrying out an industrial activity, within 12 months of date of commencement of its activities, to conduct an industrial waste audit to enable the Ministry responsible for environment to assess the waste generated and its impact on the environment;

(e) Further, section 52 of the **EPA** makes it an offence for any person to release, or cause to release into coastal and maritime zones any pollutant, waste or other noxious substance from or through the atmosphere or by dumping;

(f) Part IX of the **EPA** provides for a National Environment and Climate Change Fund which has, as purpose, among others, to promote, support and encourage activities relating to environment protection and management.

(g) Sections 72 and 73 of the **EPA** respectively provide for issuance of (i) Prohibition Notice- in cases where the manner in which an activity or enterprise is such that it is likely to involve a serious pollution or an imminent risk of serious pollution to the environment, whether or not it constitutes a violation to any environmental law, the Director of Environment may issue a Prohibition Notice prohibiting the carrying of the activity or enterprise unless and until the person owning, or managing, or in charge of, or in control of the enterprise or activity remedies to the pollution being caused; and (ii) Stop Order- Prohibiting a development or activity where a person commences or carries on any development or activity without the relevant licence or permit issued under **EPA**; and

(h) Section 71 of the **EPA** provides that an Enforcement Notice may be issued by the Director of Environment where a person is likely or is contravening an environmental law and where no effective remedy is available.

There are several subsidiary legislations, in the form of regulations which have been enacted further to the **EPA** to ensure the environment is free from unhealthy levels of pollution and exposure to toxic substances:

1. The ***Environment Protection (Drinking Water Standards) Regulations 1996*** sets standards for supply of water meant for human consumption through pipelines, bottles or other containers;

(b) The ***Environment Protection (Environmental Standards for Noise) Regulations 1997*** regulates environmental noise standards;

(c) The ***Environment Protection (Effluent Limitations for the Sugar Industry) Regulations 1997*** regulates the national environmental standards in relation to effluent limitations for the sugar industry and applies to effluents discharged either underground or into a river, stream, spring, canal, reservoir or lake by a factory;

(d) The ***Environment Protection (Standards for Air) Regulations 1998*** regulates the national environment standards for pollutants emitted in the atmosphere by factories;

(e) The ***Environment Protection (Standards for effluent discharge) Regulations 2003*** prohibits any person to discharge effluent onto land, into a watercourse or into a waterbody unless he ensures that the parameters of the effluent do not exceed the permissible limits;

(f) The ***Environment Protection (Standards for hazardous wastes) Regulations 2001*** prohibits any person to dispose of a hazardous waste-

(i) at any place except at a disposal site; and

(ii) after such pre-treatment as may be imposed by the enforcing agency prior to disposal;

(g) The ***Environment Protection (Polyethylene Terephthalate (PET) bottle Permit) Regulations 2001*** prohibits an owner of, or the person responsible for the management or control of, an enterprise involved in the bottling of a beverage to bottle it in a PET bottle unless he is in possession of a PET bottle permit;

(h) The ***Environment Protection (Banning of Plastic Bags) Regulations 2020*** prohibits any person to possess, use, distribute, sell, export, import, manufacture or supply a plastic bag;

(i) The ***Environment Protection (Control of Single Use Plastic Products) Regulations 2020*** import for home consumption, manufacture, possess, sell, supply or use any non-biodegradable single use plastic product specified in Part I of the Second Schedule;

(j) The ***Environment Protection (Banning of Plastic Banners) Regulations 2008*** prohibits any person from displaying or causing to be displayed, any plastic banner;

(k) The ***Environment Protection (Collection, Storage, Treatment, Use and Disposal of Waste Oil) Regulations 2006*** prohibits any person to treat or dispose of waste oil, unless he is the holder of an EIA licence issued to treat or dispose of waste oil;

(l) The ***Environment Protection (Standards for hazardous wastes) Regulations 2001*** prohibits any person from disposing of a hazardous waste-

1. at any place except at a disposal site; and
2. after such pre-treatment as may be imposed by the enforcing agency prior to disposal;

(m)The ***Environment Protection (Standards for effluent discharge into the ocean) Regulations 2003*** prohibits any person from discharging, or causing to be discharged, effluent into the ocean if they do not comply with the permissible limits set out in the regulations;

(n) The ***Environment Protection (Standards of effluent for use in irrigation) Regulations 2003*** regulates the environmental standards in relation to effluent limitations for irrigation.

Over and above the **EPA** and its regulations, the following laws regulate the environmental standards as regards air, land and water to ensure a toxic-free environment:

1. The ***Land Drainage Authority Act*** establishes the Land Drainage Authority (section 3) which shall have such powers as may be necessary, inter alia, to issue guidelines to relevant stakeholders, with a view to preventing unauthorised activities and developments on drains, canals and other watercourses, or the illegal dumping and discharge of effluents in drains, canals and other watercourses (section 6);
2. The **Ground Water Act** prohibits any person from abstracting, diverting, obstructing, measuring or using any ground water or constructing or erecting any works in or over any ground water, unless he has obtained a licence under this Act authorising him to do so. Where any person licensed under this Act, by any physical, chemical or biological means or process, so alters the composition or quality of ground water that it is likely to cause injury to any person, animal or plant using such water, he shall commit an offence (section 4). The Act also gives the power to any officer authorised in writing by the Central Water Authority of Mauritius, on giving 24 hours’ notice to the occupier of any land, to enter the land for the purpose of, inter alia, inspecting any ground water or any works, ascertaining whether an offence has been, is being or is about to be committed against this Act and conducting investigations and experiments to ascertain the availability and amount of ground water under such land and the possibility of exploiting such ground water (section 12);
3. The **Waste Water Management Authority Act** establishes a Waste Water Management Authority (section 3). The latter is responsible for the waste water sector in Mauritius and, inter alia, carries out, monitors, supervises, maintains, manages and controls waste water works, promotes the treatment and the reuse of waste water and controls and monitors pollution (section 4). The Act also prohibits a person from causing effluent to overflow along any gutter, canal or surface or tampering with the waste water system in whatsoever way without lawful authority which is likely to affect the system or to be prejudicial to health (section 37).
4. The ***Waste Water (Licence for Discharge of Industrial Effluent into a Waste Water System) Regulations 2019*** prohibits a person from discharging or causing to be discharged industrial effluent into a waste water system, either through a sewer connection or by carting away through waste water carriers to an approved waste water disposal station, unless he holds a licence to discharge industrial effluent into a waste water system. Where the Authority has reason to believe that the licensee has failed to comply with a condition of his licence, the Authority may revoke the licence (section 3). The Regulation sets out the permissible limit of pollutant to be discharged as industrial effluent into a waste water system (section 6);
5. The ***Dangerous Chemicals Control Act*** prohibits a person from importing, exporting, manufacturing, selling, storing, distributing or trading in, a dangerous chemical, unless he holds a licence issued for such purposes (section 10). Pesticides are an example of a dangerous chemical under the Act. Strict compliance with the applicable regulation is to be observed when packaging (section 16), using, handling (sections 23 and 26), transporting (section 24) and storing (section 25) the dangerous chemical;
6. Under the ***Fisheries and Marine Resources Act*** puts a restriction/control on the methods of fishing, for instance, fishing with lime, any poisonous substance or any explosive is not allowed (section 12).

# ANNEX II

**Areas characterized by unhealthy levels of pollution and high risks of exposure to toxic substances are as follows:**

1. People living near sanitary landfills and composting plants were exposed to persistent odour, recurrent onset of fire/smoke problems and had to daily experience heavy density of flies.
2. Discharge of wastewaters with high COD/BOD (Chemical Oxygen Demand/Biochemical Oxygen Demand) into rivers/ sea by textiles industries, laundries or blocked sewer lines or sewer outfalls.
3. Fire outbreaks in textiles/dying industries which exposed people living in the surroundings to smoke, toxic/irritating fumes.
4. People living in water logged areas, where there are National Biomass Framework persistent wastewater problems due to inefficient wastewater disposal systems, causing wastewater stagnation and odour problems.
5. People living near or around agricultural zones where they are exposed to problems of acute/persistent odour/flies due to use stacking of un-composted manure (poultry mostly) causing acute odour problems in the surrounding environment.
6. People living on mountain slopes and where there is no sewerage network, are exposed to seeping or overflow of wastewater due to rapid clogging of soil wastewater disposal system.
7. Sudden torrential rains causing flooding of residential premises due to inadequate surface run off drainage system.
8. Climate change causing extreme heat during summer seasons leading to bloom of jelly fish in the marine or coastal waters environment, which are injurious to health of swimmers.
9. Pollution of marine environment by the hotel industry causing death/ damage of marine species such as fish, corals or other forms of marine life.

# ANNEX III

**Examples of monitoring concentrations of toxic substances in air, water, soil and food include:**

* Monitoring of ambient air quality by the Ministry of Environment, Solid Waste Management and Climate Change to detect levels of pollutants or toxic substances.
* Monitoring of all types of foodstuffs by the Public Health and Food Safety Inspectorate of the Ministry of Health and Wellness to detect pesticides residues, heavy metals, contaminants (physical, chemical or microbiological origin), aflatoxins, rhodamine, plastic residues, hormonal residues, antibiotics residues, level of food additives, nitrosamine Bisphenol A or any other toxic substance in food including drinking water.
* Monitoring of soil quality to detect presence of toxic substance such as pesticides, chemical fertilisers or other toxic substances by the Ministry of Agro-Industry.
* Monitoring of heavy metals residues or cholinesterase or other relevant toxic substance in blood of people/workers exposed to toxic substances, is ensured by the National Health Services under the Ministry of Health and Wellness.
* Recent Policies that address toxic substances include:
* Framework to eliminate or reduce persistent organic pollutants
* Banning of plastic bags
* National Biomass Framework
* Net Billing Framework
* In addition to others as specified earlier in reply to previous questions

# ANNEX IV

**Specific obligations of the State and responsibilities of businesses in terms of preventing exposures to unhealthy levels of pollution and toxic substances, rehabilitating toxic sites, and providing compensation to adversely impacted individuals are as follows:**

1. Promulgation of national policies, statutory/regulatory frameworks to prevent pollution or act in case of breach of related laws.
2. Funding of national agencies responsible for control or monitoring environmental health or sanitation standards in the agricultural, commercial, industrial, institutional or recreational zones; food safety and hygiene and control of dangerous chemicals.
3. Funding of food, dangerous chemicals and health laboratories.
4. Raising awareness/ education of the population and stakeholders on need to keep environment safe and clean.
5. Enforcement of law/ prosecution.
6. Promulgation of environment health or sanitation or food safety/hygiene requirements/ guidelines for compliances prior to start of businesses.
7. Ensure taking immediate steps to remedy major environmental health or sanitation or food safety or toxic chemical exposure risks, which includes issuing of stop orders, prohibition orders or execution of court orders.
8. Funding of national agencies to ensure proper monitoring or management of solid and liquid wastes including toxic and pathogenic or other hazardous wastes.
9. Control of vectors which facilitate or are responsible for disease transmission.
10. Monitoring of chemical/physical/microbiological qualities of potable water.
11. Monitoring or control of all toxic chemicals and their management in terms of their storage and sale.
12. Monitoring of toxic chemicals in food including water.

**Responsibilities of businesses**

1. To be in possession of the relevant Building and Land Use Permit and relevant licences.
2. To be in compliances with relevant statutory/regulations standards prior to start of business.
3. To provide safe working for employees to work or stay in case of foreign workers.
4. Proper management/disposal of all solid, liquid or gaseous wastes.
5. To provide protective equipment or ensure compliance with recommended sanitary measures in case of pandemics.

All measures are taken to prevent pollution of the environment and to initiate immediate remedial actions in case of incidents/accident or malfunction of any system used.

# ANNEX V

**The State of Mauritius ensures the following to prevent various sections of the population from being exposed to toxic environments:**

* Funding related government agencies to monitor, inspect, sample (surface waters, air and food including water), enforce law, educate stakeholders or members of the public at large, prosecute offenders, ensure the taking of remedial actions by any party concerned causing pollution or giving rise to environmental health nuisances.
* Paying monthly pensions to the elderly, disabled or poor persons in order to enable them to sustain their living.
* Enabling the poor to have access to a decent house.
* Empowering women or poor people to grants/loans to start their own business to sustain their living.
* Education of the public through social media of their rights.
* Payment of bad weather allocation to vulnerable groups such as fishermen to sustain their living.
* Assuring legal assistance to the poor or needy in case of legal actions.
* Ensuring free education and health services for the population at large.
* Ensuring governmental aids to religious bodies.
* Provision of temporary housing facilities to the needy in case of natural calamities or disasters, with supply of food.
* Provision of development loans for the people to boost up the small and medium enterprise sector.
* Issuing grants/aids to enable people to indulge in sheltered farming and development of fisheries sector.
* Migrant workers enjoy protection under the Labour Act and Occupational Safety, Health and Welfare Act. Employers have to provide lodging facilities and food apart from ensuring descent working conditions for migrant workers. They are entitled to a basic guaranteed monthly salary and overtime for additional hours worked beyond their normal working hours.

With regard to empowering the population to protect their rights, more funds have to be allocated for the construction of houses for the poor, issuing of loans/grants/aids to boost up the small enterprise sector, allocations to the vulnerable group, sensitization of the public at large, to related national agencies addressing these needs and strengthening of national capacities. However, limited financial resources limit empowerment rights of the population.