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Heftier penalties not enough

More manpower is needed and agencies other than just the Environment Department must be roped in to enforce the heavier penalties under amendments to the Environmental Quality Act – which include mandatory jail time for river polluters, say experts. > See reports on page 6 by MARTIN CARVALHO, RAGANANTHINI VETHASALAM, VENESA DEVI and MANJIT KAUR



More still needs to be done: Sg Kim Kim may not be pristine but it has come a long way from the toxic pollution crisis five years ago (inset) that sickened thousands and shut down schools in Pasir Gudang, Johor. To prevent history from repeating, stringent laws with punitive measures and intensified enforcement are crucial to curb reckless river pollution.

Ramping up enforcement

Drones could boost authorities' surveillance of errant factories

PETALING JAYA: Harsher penalties alone under new amendments to the Environmental Quality Act will not spare the country's water sources from pollution if there is a lack of manpower to enforce the provisions, said stakeholders and trade groups.

They argued that the longer reach of the law under the new amendments would remain ineffective should there be a lack of manpower on the part of the Environment Department (DOE) and suggested extending investigative and enforcement powers to other agencies.

National Water Services Commission chairman Charles Santiago said "all the best laws in the world" would not solve river pollution without proper enforcement.

"There are various types of pollution such as pharmaceuticals, sewage, chemicals and even computer discs being dumped into the river.

"Essentially, we treat our rivers as garbage cans," he said when contacted yesterday.

He suggested that surveillance and enforcement be beefed up – not only by DOE but also be carried out by other agencies, such as local councils.

Santiago said although the mandatory jail term might serve as a deterrent, higher fines might not have much of an impact on larger companies that could afford these.

"The company directors must be held accountable for any offence of polluting water sources.

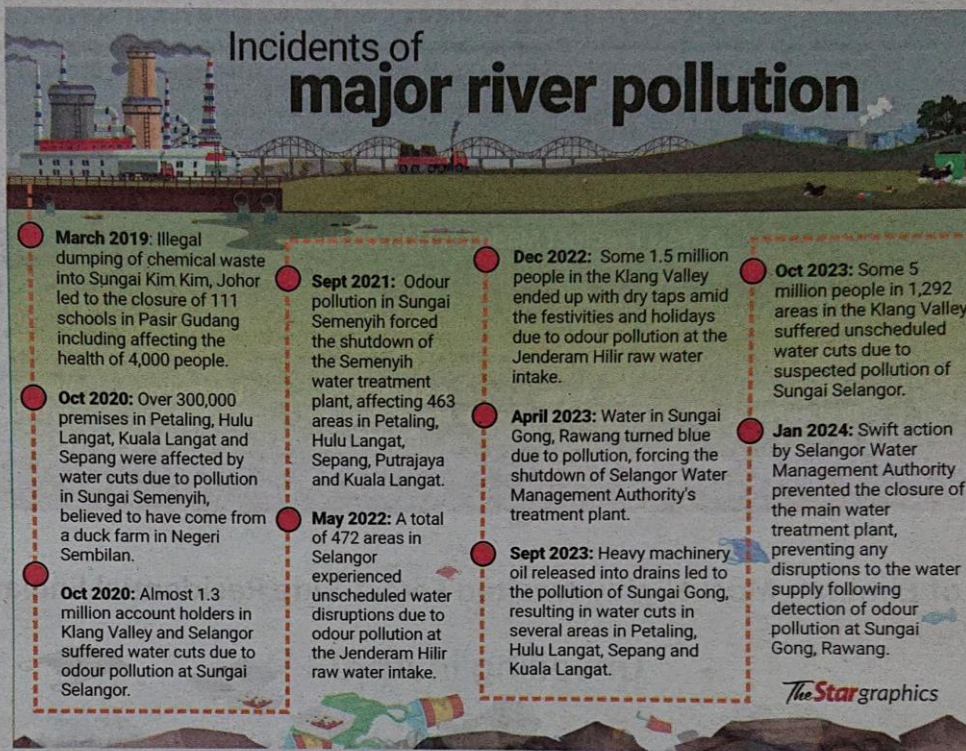
"I think the government should just say, 'We will remove your directorship and you cannot be in the same industry for the next five years,'" he said.

Federation of Malaysian Business Association vice-chairman Nivas Ragavan said although the heavier penalties are a step in the right direction, these would be meaningless if not enforced due to the lack of manpower.

He suggested that the enforcement and investigative powers against river pollution be expanded to include other agencies.

"The powers to investigate should be a joint collaborative effort between the federal and state agencies.

"This could include other agencies such as local councils, land offices and the Irrigation and



Drainage Department," he said.

Illegal factories, especially those near rivers, are a problem and should be targeted by the authorities, Nivas said.

"Tighter enforcement using drone technology and artificial intelligence to carry out surveillance can help mitigate pollution and protect water resources," he said.

On March 25, the Dewan Rakyat passed the Environmental Quality (Amendments) Bill 2023, which increased the penalties for those polluting the environment, including in-land water pollution.

The changes to the laws came amid public outcry over repeated incidents of river pollution, which had resulted in public health risks and water supply disruption to millions.

Under the recently amended Section 25 (3), those convicted of in-land water pollution face a mandatory jail term of not more than five years and a maximum fine of up to RM10mil, an increase from the RM100,000 maximum fine or a discretionary jail term not exceeding five years or both.

Parliament was told last year

that 29 rivers in the country were deemed highly polluted in 2022.

In December, DOE director-general Datuk Wan Abdul Latiff Wan Jaffar said it required additional 3,000 enforcement personnel compared to the existing 1,100 personnel to tackle the workload and the number of pollution incidents in the country.

Agreeing with heavier penalties for river polluters, SME Association of Malaysia president Ding Hong Sing said advocacy and training are also crucial in dealing with the issue.

"Imposing a jail term and a RM10mil fine will not solve the problem. In fact, most businesses will have to close down if a RM10mil fine is imposed on them.

"What is also needed is educating SME businesses and explaining to them the gravity of the law and why it is important to protect the environment," he said.

He urged the authorities to take action against illegal workshops operating near water sources before any river pollution happens.

"Either shut them down completely or get them to legalise their

Environmental Quality Act

Amended Section 25 (3)

- Mandatory jail term not exceeding five years and a fine of between RM50,000 up to RM10mil from the current maximum fine of RM100,000 or jail term or both upon conviction for in-land water pollution.

Existing Section 38A

- Allows the Environment Department's director-general to authorise in writing any officer to question and record statements from any person acquainted with the facts and circumstances of the case.

businesses and register themselves with the authorities," he added.

Water and Energy Consumer Saravanan Thambirajah said rigorous enforcement is key in ensuring that these amendments are effective.

Unending lessons from Sg Kim Kim disaster

JOHOR BARU: Five years after the Sungai Kim Kim toxic pollution case sickened thousands and forced over a hundred schools in Pasir Gudang to temporarily close, the incident continues to serve as an important lesson for the state.

Johor state exco member Ling Tian Soon said the incident showed how serious pollution could get and how it could significantly harm the public and environment.

"The government spent more than RM6mil to remove pollutants from the river. On top of that, public health was affected as many

people were hospitalised.

"This shows just how devastating pollution can be to both the people and the environment. This serves as an important lesson to take such issues seriously," he said in an interview.

Ling, who holds the health and environment portfolio, said the incident sparked an important conversation about such issues and helped pave the way for amendments to the Environmental Quality Act 1974.

In March 2019, toxic pollution in Sungai Kim Kim resulted in more than 4,000 people falling ill and the

temporary closure of 111 schools in Pasir Gudang.

In December last year, a lorry driver was fined RM100,000 for causing pollution through the illegal disposal of scheduled waste in Sungai Kim Kim.

The man, N. Maridass, was found to have released oil sludge into the river, which is scheduled waste listed in the First Schedule of the Environmental Quality (Scheduled Wastes) Regulations 2005.

P Tech Resources Sdn Bhd, which faced eight charges under the Environmental Quality (Clean

Air) Regulations 2014, was fined RM40,000 for each charge, or a total of RM320,000.

Ling said the fines meted out were not commensurate with the crime and its impact.

"The Johor government welcomes the move to amend the Act to increase penalties for those involved in environmental crimes, especially as the state has seen first-hand the impact of pollution.

"With the amendments, we hope to see those committing such irresponsible acts get heavier penalties, including a (mandatory) prison sentence," he said.

Stop passing the buck, be systematic in tackling pollution, activists urge

IPOH: Environmental pollution must be looked at from a big-picture perspective to identify weaknesses, as merely increasing fines under new amendments to the law will not solve the problem, says the Environmental Activists Society (Kuasa).

Its secretary Noor Ismady Ahmad Radzuan said Kuasa encountered several issues concerning river encroachment and a change in the river shape in Manjung.

"We lodged complaints (on the encroachment) with various agencies, including the Irrigation and Drainage Department but were told that they were unable to take action as that falls under the purview of the Land Office.

"So, this is the weakness that we see — the buck is passed from one department to the other. There needs to be systematic action to avoid too much bureaucracy," he said.

Noor Ismady said Kuasa had also forwarded its views to the local government for enhanced enforcement in the issuance of planning permissions, especially relating to shrimp pond operations.

"These operators are also the cause of rivers being polluted, not excluding the Sungai Raja Hitam in Ayer Tawar, Manjung, which was declared the most polluted river in the country in 2022.

"Also, in Manjung, our worry concerns illegal agriculture settlers who only request permits to carry out their activities when the government takes the land back.

"When we went to the Changkat Keruing forest that was gazetted last year to replant mangroves, we spotted former illegal shrimp ponds.

"We also received information that these operators have requested permits.

"These operators are the main contributors to river pollution. We are worried that the river reserve will be damaged if the matter is not tackled," he said.

Kuasa, he said, has received complaints from the local community, especially in Changkat Keruing, every time a river turns black as these residents are the closest and most affected by pollution due to plantation, aquaculture, industrial and shrimp pond activities, as well as factories.

"We were informed by residents, especially fishermen and anglers, that during low tide, many riparian zones are covered in silt or remnants of aquaculture activities.

"There's a stink. Fishermen and anglers informed us that in the past, it was easy to get various species of fish, crabs, snails and shrimps in this river but today, they can no longer find such produce.

"Residents have also told us

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'Factories not sole culprits that cause pollution in rivers'

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that not many berembang trees are left upstream, and these trees are home to fireflies," he added.

Sahabat Alam Malaysia (SAM) field officer Meor Razak Meor Abdul Rahman feels that the Environment Department's (DOE) jurisdiction should go beyond just taking action against the disposal of waste or discharge of effluents by factories.

"Rivers also get polluted due to logging, land clearing, agriculture and aquaculture activities," he said.

Meor Razak claimed, however,

that when SAM reported such cases to the DOE, they were told that these were not under its jurisdiction.

"So, it is not that factories are the sole culprits that cause pollution in rivers," he added.

Perak science, environment and green technology committee chairman Teh Kok Lim said the pollution level in Sungai Raja Hitam was now at Class Three under the Water Quality Index, compared with Class Five in 2022.

He said these were the findings from monitoring carried out by the Perak DOE this year.

However, there was still a need for immediate intensive treatment because the water cannot be used to supply the community there, he added.

"The river's water quality has improved but close monitoring continues along the stretch of the river in accordance with DOE's jurisdiction under the Environmental Quality Act 1974," he said.

On March 15, it was reported that according to the Environment Quality Report 2022, Sungai Raja Hitam had become the most polluted river in Malaysia when it was put under Class Five based

on the National Water Quality Standard.

Teh said two crude palm oil processing factories believed to be the cause of severe water pollution in the river had been subjected to legal action, including a RM85,000 compound.

"There is also a large number of fish and shrimp breeding ponds along this river, which contribute to the pollution.

"However, DOE's enforcement is on industrial effluents, sewage and leachate from solid waste transfer stations and landfills.

"There is no specific provision under the Environmental Quality

Act for enforcement on the release of animal husbandry waste," he said.

Perak DOE director Datuk Dr Mohammad Ezanni Mat Salleh said it was drafting a paper on changing the conditions for discharging industrial waste downstream to waterways from Standard B to the more stringent requirements in Standard A, just like how it was done in several states, including Johor, Sabah and Sarawak.

He said the proposal would be brought to the state executive council meeting this year for approval.

**DISEDIAKAN
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PN NOR SURIANI BINTI MOHD ZIN (S44), BPM