

(H. B. 165)

(No. 55)

(Approved February 1, 2006)

AN ACT

To declare as public policy of the Commonwealth of Puerto Rico that facilities for the cremation of corpses or that use any other thermal method for the disposal thereof shall be exclusively located in areas that are zoned as industrial and in unzoned areas, in accordance with the regulations to be set forth or tempered to such purpose by the Planning Board or by the Autonomous Municipalities that have approved the Territorial Ordinance Plan, as the case may be; to provide for the organized transition of the existing facilities for compliance with this Act, and to establish that the facilities existing in areas whose zoning is other than those mentioned herein must have the endorsement of the municipality in which the same is located; and for other purposes.

STATEMENT OF MOTIVES

Historically, our upbringing and cultural traditions established that the bodies of our loved ones should be buried in cemeteries. The cremation of corpses, a common practice in other cultures, was not very popular in our Island mainly because of religious and cultural issues. In the past decades, however, this form of disposal of corpses has had a considerable boom. The scarcity of spaces in cemeteries and its cost, which is less than that of the traditional burial, have been important factors for this change.

The cremation of corpses, however, has direct environmental consequences. Upon cremation, corpses as well as the surface in which they are placed emit a considerable amount of chemical compounds into the air. Among these are heavy metals such as mercury; irritant gases such as sulfur oxides, and very harmful organic compounds such as dioxin and furan.

At present, there are no specific regulations in the Laws of Puerto Rico or in the federal legislation to control emissions from crematorium chimneys or furnaces caused by the thermal reduction of corpse. It is the duty of the Legislature of Puerto Rico to take the necessary precautionary measures to prevent the needless exposure of our citizens to pollution proceeding from crematoriums, while the regulatory agencies establish the parameters to regulate and control the emissions from these facilities. For this, it is proposed that crematoriums be located exclusively in those places that are prepared for their operations, such as industrial parks and districts or land zoned as I-1, IL-1 and I-2, or unzoned areas. This shall be done pursuant to the applicable regulations of the Planning Board or of the Permits Office of the Autonomous Municipality, as the case may be, and with the endorsement of the Environmental Quality Board, the Regulations and Permits Administration, and the Solid Waste Authority for districts that have been zoned as industrial. It shall also need the endorsement of the Municipality in those cases in which the facility is or could be located in unzoned areas.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- It is hereby declared as public policy of the Commonwealth of Puerto Rico that facilities for the cremation of corpses or that use any other thermal method for the disposal thereof shall be exclusively located in areas that are zoned as industrial and in unzoned areas, in accordance with the regulations to be set forth or tempered to such purpose by the Planning Board or by the Autonomous Municipalities that have approved the Territorial Ordinance Plan, as the case may be. It is also provided that in the regulations to be adopted the operation of such facilities shall not be authorized if the same is less than fifty meters from a residential

zone. The organized transition of the existing facilities for compliance with this Act is also provided, and it is established that the facilities existing in areas whose zoning is other than those mentioned herein must have the endorsement of the municipality in which the same is located.

Section 2.- The Planning Board, the Regulations and Permits Administration or the Permits Office of the Autonomous Municipality, as the case may be, shall review all applications for construction, remodeling or extension of furnace or crematorium of corpses facilities that have not been approved by the effective date of this Act in order to notify them of this public policy. Being it understood by this that no type of permit shall be approved that allows for their operation in areas under any type of category other than industrial or unzoned areas that comply with the provisions and the endorsement of the Environmental Quality Board. In unzoned areas, the endorsement of the Municipality in which the crematory is to be located shall be required.

Section 3.- Those operations that use any method for the thermal disposal of corpses and at the time of the approval of this Act have permits in effect for their operation and are not located in industrial or unzoned areas, as provided in this Act, shall have a grace period of six (6) months to obtain the endorsement of the Municipality in which they are located, if at the time of the approval of this Act they do not have the same. In the case that such Municipality has established a Territorial Ordinance Plan that provides for these particulars, its determination shall be attuned to what it stipulated and provided for said matter therein. Those that comply with the requirement of the Municipal endorsement may continue with their operations, but shall not extend their facilities unless said extension is attuned to the provisions of this Act. The cremation operations that do not

comply with the endorsement of the Municipality, or that if the Municipality has a Territorial Ordinance Plan, it does not provide for such respect, said operations shall be relocated within the term provided by the Municipality which shall never be greater than two (2) years. The Regulations and Permits Administration, the Industrial Development Company, and the Permits Office of the Autonomous Municipality are hereby directed to collaborate with any crematory or enterprise engaged in the thermal disposition of corpses that is operating at present outside of industrial zones in order to expedite their relocation to these zones within the grace period provided and as may be feasible, within the operation that are being developed in the corresponding industrial parks.

Section 5.- Relation with other Laws and Separability

If any of the provisions of this Act is ruled ineffective, said ineffectiveness shall not affect the other provisions of this Act, which shall remain in full force and effect.

Section 6.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 55 (H.B. 165) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to declare as public policy of the Commonwealth of Puerto Rico that facilities for the cremation of corpses or that use any other thermal method for the disposal thereof shall be exclusively located in areas that are zoned as industrial and in unzoned areas, in accordance with the regulations to be set forth or tempered to such purpose by the Planning Board or by the Autonomous Municipalities that have approved the Territorial Ordinance Plan, as the case may be; to provide for the organized transition of the existing facilities for compliance with this Act, and to establish that the facilities existing in areas whose zoning is other than those mentioned herein must have the endorsement of the municipality in which the same is located; and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 13th of March of 2007.

Francisco J. Domenech
Director