

(H. B. 2753)

(No. 195)

(Approved September 1, 2006)

AN ACT

To amend subsection (A) and clause (3) of Section 14 of Act No. 70 of September 18, 1992, as amended, known as the “Puerto Rico Solid Waste Reduction and Recycling Act,” in order to provide that the public agencies, instrumentalities, and municipalities of the Commonwealth of Puerto Rico shall purchase restored motor vehicle batteries, retreaded tires, and recycled materials authorized by the Solid Waste Authority.

STATEMENT OF MOTIVES

The purpose of Act No. 70 of September 18, 1992, among others, was to require the agencies and municipalities of the Commonwealth of Puerto Rico to give preference to the purchase of recycled products in order to promote recycling. In spite of the fact that the Act clearly speaks of recycled products, in practice, there are still many products that are not taken into account at the time of making such purchases, although they comply with the requirement and definition of reasonably competitive recycled products. Products such as restored batteries for motor vehicles and retreaded tires, among others, are ever increasingly accessible and offer a viable economic alternative for consumers.

This Legislature deems it meritorious to emphatically provide that public agencies and municipalities shall purchase recycled products such as restored batteries for motor vehicles, retreaded tires, and recycled materials authorized by the Solid Waste Authority.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (A) and clause (3) of Section 14 of Act No. 70 of September 18, 1992, as amended, are hereby amended to read as follows:

“Section 14.- Purchasing Preferences.-

(A) Within nine (9) months from the effective date of this Act, all public agencies and municipalities of the Commonwealth of Puerto Rico, in coordination with the Authority, shall revise and amend their purchasing specifications in such a way as to promote an increase in the purchase of recycled or recyclable products. This shall be achieved through the following measures:

(1) ...

(3) The Solid Waste Authority shall establish through an administrative order to be published in a newspaper of general circulation the recyclable materials it identifies and authorizes to be acquired by all public agencies, instrumentalities and municipalities of the Commonwealth of Puerto Rico, in coordination with the General Services Administration, as defined by the federal Environmental Protection Agency and other specifications developed by the Authority. Among the products to be acquired by each agency, instrumentality and municipality of the Commonwealth of Puerto Rico are the following:

(a) Each agency, instrumentality and municipality of the Commonwealth of Puerto Rico shall establish steps to increase the purchase of recycled fiber paper, ensuring that at least ten (10) percent of the paper

that is purchased by 1995 contains 50% recycled fiber, fifteen (15) percent by 1996, twenty (20) percent by 1997 and twenty-five (25) percent by 1998 in compliance with Section 18 of this Act. When a public agency acquires and uses recycled paper for printing, it shall require that the printed material includes a label or symbol indicating that the document has been printed on paper containing postconsumer recycled products.

- (b) Each agency or municipality shall also purchase restored batteries. Said acquisition shall be of ten (10) percent by 2006, fifteen (15) percent by 2007 and not less than thirty-five (35) percent from 2008 onward. The agency or municipality shall create internal mechanisms pursuant to applicable laws for the sale, transfer, or delivery of the batteries used by its vehicles as defined in this clause to accredited recycling companies.
- (c) Retreaded tires to be purchased shall be used in semi-heavy and heavy vehicles, if available, in gauge 17 up to gauge 24.5. At least ten (10) percent of the retreaded tires shall be acquired by 2006, fifteen (15) percent by 2007, and twenty (20) percent by 2008 and from 2009 onward, never less than twenty-five (25) percent.

...”

Section 2.- This Act shall take effect on December 1, 2006.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 195 (H.B. 2753) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (A) and clause (3) of Section 14 of Act No. 70 of September 18, 1992, as amended, known as the “Puerto Rico Solid Waste Reduction and Recycling Act,” in order to provide that the public agencies, instrumentalities, and municipalities of the Commonwealth of Puerto Rico shall purchase restored motor vehicle batteries, retreaded tires, and recycled materials authorized by the Solid Waste Authority,

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

In San Juan, Puerto Rico, today 15th of December of 2006.

Francisco J. Domenech
Director