

(S. B. 703)

(No. 259)

(Approved December 5, 2006)

AN ACT

To amend Section 17 of Act No. 416 of September 22, 2004, known as the “Environmental Public Policy Act,” to authorize the use of certain documents in legal proceedings.

STATEMENT OF MOTIVES

The code of laws pertaining to environmental conservation renders confidential the information submitted to the Environmental Quality Board by the owners or operators of potential sources of contamination with respect to diverse matters for which the Section provides.

As an exception, it states the use of same by authorized representatives of the Board or the Commonwealth of Puerto Rico to implement the Act, and in analyses or summaries related to the condition of the environment, provided that the information cannot be identified with its source.

However, in the proceedings of lawsuits against those that contaminate the environment, said documents are essential in order to determine damages. The Act itself, cited in its Section 19, authorizes special civil action for such purposes.

The purpose of this amendment is for the courts to have discretion to determine whether the documents in question are necessary as evidence in the case, and that it would be an injustice against the party that requires them if the same were not presented.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1. - Section 17 of Act No. 416 of September 22, 2004, is hereby amended to read as follows:

Confidential documents

(a) ...

1) ...

2) ...

3) ...

(b) ...

(c) ...

1) ...

2) ...

3) In legal proceedings initiated under Section 19 of this Act, or any other legal action in which the Court shall determine the importance of said documents for those from whom the same are requested.

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 259 (S.B. 703) of the 4rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 17 of Act No. 416 of September 22, 2004, known as the “Environmental Public Policy Act,” to authorize the use of certain documents in legal proceedings,

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