

(H. B. 1741)
(Reconsidered)

(No. 38)

(Approved March 26, 2010)

AN ACT

To add subsections (bb), (cc), and (dd) to Section 2; to add a new Section 18-A to Act No. 70 of September 18, 1992, as amended, known as the “Puerto Rico Solid Waste Reduction and Recycling Act,” in order to establish plastic bag recycling programs in commercial establishments, among other purposes.

STATEMENT OF MOTIVES

Studies conducted by the United States Environmental Protection Agency (EPA) show that between 500 billion and one trillion plastic bags are consumed worldwide each year. Unfortunately, only 1% of these bags are recycled.

Most of these bags do not end up in the landfills, but rather in the oceans. This issue is so dramatic that plastic bags have been found floating North of the Arctic Circle, and even as far South as the Falkland Islands. In fact, according to the National Marine Debris Monitoring Program, plastic bags account for over 10% of the debris washed up on the coastlines.

Plastic bags are manufactured essentially from oil and gas, and it takes nearly 100 years to be decomposed into small toxic particles. Over time, plastic bags photodegrade, breaking down into smaller more toxic petro-polymers, which eventually shall pollute the soils and waterways.

It is unfortunate that nearly 200 different marine life species, including whales, dolphins, seals, and turtles, die after ingesting plastic bags, which they mistake for food.

It is the public policy of the Government of Puerto Rico to develop and implement economically feasible and environmentally safe strategies that result in the reduction of solid waste volume which shall require final disposal. As part of these strategies, this Legislature acknowledges that it is necessary to provide for the establishment of plastic bag recycling programs in commercial establishments in order to promote the use of reusable bags by the citizenry, thus reducing the environmental impact entailed by the use of plastic bags.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsections (bb), (cc), and (dd) are hereby added to Section 2 of Act No. 70 of September 19, 1992, as amended, to read as follows:

“Section 2. -Definitions.-

The following words or terms, whenever they are used or referred to in this Act, shall have the meaning stated below, except when the context clearly states otherwise:

...

(bb) Plastic Bags – A flexible type of packaging made of plastic used to contain or transport goods, which is supplied by a commercial establishment to a consumer in a point of sale.

(cc) Reusable Bags – A type of packaging made of fabric or any other washable material, which has handles to be carried; or durable plastic bags, specifically designed and manufactured to be reused in multiple occasions.

(dd) Commercial Establishment – Any business, store, or analogous place in which are conducted any type of commercial operation or commercial sales acts or retail goods transfer, or that belong to the same corporation or juridical or natural person.”

Section 2.- A new Section 18-A is hereby added to Act No. 70 of September 18, 1992, as amended, to read as follows:

“Section 18-A. -Plastic Bag Recycling Program.-

Any commercial establishment, in coordination with the Authority, shall institute a plastic bag recycling program, providing the clients with the opportunity to return to the establishment any clean plastic bag they might have.

As part of said program, the Authority shall provide through regulation or through an application to review the Recycling Program that the Municipalities have, as established in Section 4 of this Act, the periodic collection of plastic bags recovered in commercial establishments. Furthermore, commercial establishments shall be responsible for taking the following measures:

- (1) Place plastic bag drop-off and recycling containers duly identified in visible places easily accessible to clients.
- (2) Deliver to the Authority, its designated agency, or the corresponding Municipality, all plastic bags collected through this program for its recycling, in compliance with the provisions established by the Authority through regulation. In order to comply with the above, the Authority, its designated agency, or the corresponding Municipality shall authorize plastic bag collection in commercial establishments.
- (3) Maintain evidence and information describing the plastic bag collection, hauling, and recycling through this program for a minimum of three (3) years, in order for the Authority to verify compliance with the provisions of this Section and the regulations it may approve thereunder.
- (4) Have available for sale to their clients and/or allow them to use reusable bags as an option to substitute plastic bags.

Section 3.- The Solid Waste Authority shall adopt such rules and regulations as deemed necessary for the implementation of this Act, pursuant to the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedure Act,” within one hundred and eighty (180) days following the approval of this Act.

Section 4.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 38 (H. B. 1741)** (**Reconsidered**) of the **3rd Session of the 16th Legislature** of Puerto Rico:

AN ACT to add subsections (bb), (cc), and (dd) to Section 2; to add a new Section 18-A to Act No. 70 of September 18, 1992, as amended, known as the "Puerto Rico Solid Waste Reduction and Recycling Act," in order to establish plastic bag recycling programs in commercial establishments, among other purposes.

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

In San Juan, Puerto Rico, on the 8th day of February, 2011.

María del Mar Ortiz Rivera, Esq.
Director