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## NOTES FROM THE LATIN AMERICAN PRACTICE

Greetings from the Latin American Practice! We are pleased to provide our Latin American Region Environmental Report covering highlights from the first quarter (January - March) of the year. Please know that the Report is designed to capture major regulatory developments and emerging regional trends and is not intended to provide comprehensive coverage of all environmental initiatives. For more information on the Beveridge & Diamond, P.C. Latin American Practice, please contact Madeleine Kadas at [mkadas@bdlaw.com](mailto:mkadas@bdlaw.com).

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### Report Contributors

#### Texas Office

98 San Jacinto Boulevard  
Suite 1820  
Austin, TX 78701

**Madeleine B. Kadas**  
[mkadas@bdlaw.com](mailto:mkadas@bdlaw.com)

**Daniel P. Berner**  
[dberner@bdlaw.com](mailto:dberner@bdlaw.com)

**Edward M. Grauman**  
[egrauman@bdlaw.com](mailto:egrauman@bdlaw.com)

#### Washington, DC Office

1350 I Street, NW  
Suite 700  
Washington, DC 20005

**Russell N. Fraker**  
[rfraker@bdlaw.com](mailto:rfraker@bdlaw.com)

**Daphne A. Rubin-Vega**  
[drubin-vega@bdlaw.com](mailto:drubin-vega@bdlaw.com)

In collaboration with  
**Melissa Owen, ambientelegal**  
[mowen@ambientelegal.com](mailto:mowen@ambientelegal.com)

If you do not wish to receive future issues of the LAR Environmental Quarterly, please e-mail [jmilitano@bdlaw.com](mailto:jmilitano@bdlaw.com)

## ARGENTINA HIGHLIGHTS

### USED BATTERY MANAGEMENT BILL INTRODUCED IN SENATE

On March 12, a bill (*Proyecto de Ley S-0735/13*; "Bill") was introduced in the Senate that would establish an Integrated Used Battery Management Law (*Ley de Gestión Integral de Pilas y Baterías Usadas*). The Bill would apply to batteries containing specified threshold amounts of mercury, cadmium, or lead, and could be extended to apply to other substances as well. (Bill, Art. 2.) Lead acid batteries such as those used in motor vehicles would be excluded from the scope of the Bill. (Art. 3.)

The Bill would make battery manufacturers and importers responsible for end-of-life management, and would require them to prepare and implement waste-management plans approved by government authorities. (Arts. 5, 8.) Management plans would be due six months after the Bill goes into effect. (Art. 8.) In addition, authorities would encourage other stakeholders such as distributors, consumers, and the media to participate in used-battery management efforts. (Art. 6.) The Bill also contains labeling requirements for batteries and battery-containing equipment (Arts. 10-11), and provides that batteries must be easily removable from equipment unless a device is specifically exempted by the government enforcement authority (Art. 12). The Bill has been referred to the Committees on Environment and Sustainable Development, Industry and Commerce, and Justice and Penal Affairs.

#### **Reference Sources (in Spanish):**

- [\*Proyecto de Ley S-0735/13 \(Senado\)\*, March 12, 2013](#)

### ELECTRONIC-WASTE BILL REINTRODUCED IN CHAMBER OF DEPUTIES

On March 8, an electronic-waste management bill (*Proyecto de Ley 0447-D-2013*; "Bill") was reintroduced in the recently begun two-year session of the Chamber of Deputies. The Bill would create a Regulatory Framework for Electrical and Electronic Waste Management Companies (*Marco Regulatorio para Empresas de Gestión de Residuos Eléctricos y Electrónicos*), and is the same as bills introduced but not passed in the previous three sessions (see *Proyectos de Ley 0046-D-2011*, *0187-D-2009*, and *4938-D-2007*).



The Bill would apply to a broad array of electrical and electronic equipment. (Bill Art. 1 & Appendix I.) Producers of electrical and electronic equipment would be required to design all household appliances and other equipment to be free of lead, mercury, and certain other substances and to be more easily reusable or recyclable. (Art. 3.) Household end users would be required to return waste equipment for proper management, and companies would have to provide collection sites. (Art. 4.) The Bill also contains guidelines on collection, transfer, and treatment of electrical and electronic waste, and authorizes the Ministry of Environment and Sustainable Development (*Secretaría de Medio Ambiente y Desarrollo Sustentable*) to license waste-management service providers. (Arts. 5-8.) The Bill has been referred to the Committees on Natural Resources and Conservation of the Human Environment, Industry, and Budget and Finance.

**Reference Sources (in Spanish):**

- [Proyecto de Ley 0447-D-2013 \(originally 4938-D-2007\) \(Cámara de Diputados\), March 8, 2013](#)

## BRAZIL HIGHLIGHTS

### NATIONAL DEVELOPMENTS

#### ENVIRONMENTAL REGISTRY REVISED; RE-REGISTRATION REQUIRED

All companies that conduct activities deemed to impact the environment in Brazil are obligated to register in the coming months to comply with IBAMA Normative Instruction No. 6 (“NI 6”), the revised regulation of the Federal Technical Registry of Potentially Polluting or Natural Resource Consuming Activities (*Cadastro Técnico Federal de Atividades Potencialmente Poluidoras e Utilizadoras de Recursos Naturais*; “CTF”). Companies required to register in the CTF are those that conduct potentially polluting activities and those that extract, produce, transport or sell either potentially hazardous products or products of flora or fauna. The categories of activities covered are listed in NI 6, Annex I. Following registration, the principal obligations of CTF registrants are submission of annual reports and, for many companies, payment of an annual environmental tax. The CTF is also linked to other environmental registries, including a corresponding state registry in São Paulo and the new National Registry of Hazardous Waste Operators (*Cadastro Nacional de Operadores de Resíduos Perigosos*).

Under NI 6, companies currently registered in the CTF are required to register again. The re-registration period opens July 1, 2013 and closes on different dates depending on a company’s status: September 30, 2013 for large companies and all that extract forest products; December 31, 2013 for medium-sized companies and non-philanthropic non-profit organizations; and February 28, 2014 for small companies and philanthropic organizations. Registration must be done through IBAMA’s services portal: <http://servicos.ibama.gov.br/>. Failure to register is subject to fine of up to R\$9,000 (approximately US\$4,500).

**Reference Sources (in Portuguese):**

- [IBAMA Normative Instruction No. 6/2013](#)

#### BRAZIL ESTABLISHES REGISTRY OF HAZARDOUS WASTE GENERATORS AND OPERATORS

As anticipated in Brazil’s National Solid Waste Policy Law (No. 12305/2010), Normative Instruction No. 1/2013 (“NI 1”), published January 30, 2013, establishes a new National Registry of Hazardous Waste Operators (*Cadastro Nacional de Operadores de Resíduos Perigosos*; “CNORP”). The obligation to register in the CNORP applies to hazardous waste generators



and “operators”; the latter category consists of companies that manage hazardous wastes, either as arrangers (*destinadores*; i.e., those who arrange for the disposition of hazardous wastes), storers, and transporters. NI 1 appears to limit the scope of the CNORP to those that generate or manage hazardous wastes while conducting certain activities, which are listed in an annex. The listings include a wide range of industries, such as mining, metallurgy, several types of manufacturing (e.g., chemicals, rubber, paper, electronics, and textiles), transport and storage of dangerous goods, and treatment and disposal of industrial wastes and other specified waste streams.

Registration in the CNORP is linked to registration in the existing Federal Technical Registry of Potentially Polluting or Natural Resource Consuming Activities (*Cadastro Técnico Federal de Atividades Potencialmente Poluidoras e Utilizadoras de Recursos Naturais*; “CTF”). (For recent revisions to the CTF, see “Brazil Revises Environmental Registry, Requires Re-Registration,” article published in this newsletter.) The period for registration in the CTF and CNORP opens July 1, 2013 and lasts for three months for large companies, six months for medium-sized companies and eight months for small companies. Once registered in the CNORP, companies are required to submit an annual report on their waste generation and management activities, classifying wastes according to the new Brazilian Solid Waste List (*Lista Brasileira de Resíduos Sólidos*), which was issued in December 2012. CNORP registrants are also required to develop and submit a hazardous waste management plan.

**Reference Sources (in Portuguese):**

- [IBAMA Normative Instruction No. 1/2013](#)
- [IBAMA Normative Instruction No. 6/2013](#)
- [IBAMA Normative Instruction No. 13/2012](#)
- [Law No. 12305/2010](#)
- [Decree No. 7404/2010](#)

## PROPOSALS FOR REVERSE LOGISTICS PROGRAMS FOR ELECTRO-ELECTRONIC PRODUCTS IN BRAZIL

On February 13, 2013, Brazil’s Ministry of the Environment (*Ministerio do Meio Ambiente*) issued a public notice (the “Edital”) requesting proposals for extended producer responsibility programs for electrical and electronic products “of domestic use” and their components. The Edital implements the “reverse logistics” (*logística reversa*) obligations of the National Solid Waste Policy Law (No. 12305/2010; the “Law”), requiring manufacturers, importers, distributors and retailers to take back and manage their end-of-life products. The Law’s principal implementing regulation (Decree No. 7404/2010) provides for reverse logistics systems to be established through “sectoral agreements” (*acordos setoriais*) that define the responsibilities of companies that participate in the distribution.

The Edital invites trade associations that represent companies in the affected sector to propose a plan to collect end-of-life electronics and appliances from consumers and reuse, recycle or otherwise ensure an environmentally adequate final disposition. Among the required elements of such proposals are two major quantitative targets that go into effect in the fifth year of program implementation: a collection network that covers all of Brazil’s cities of at least 80,000 inhabitants, with at least one collection point per 25,000 people, and annual collection of at least 17% of the volume of products sold in the year prior to establishment of the program. The deadline for submitting proposals is 120 days following publication of the Edital, or June 13, 2013.

**Reference Sources (in Portuguese):**

- [MMA Edital No. 1/2013](#)
- [Law No. 12305/2010](#)
- [Decree No. 7404/2010](#)



## BRAZILIAN STATE DEVELOPMENTS

### SÃO PAULO PROPOSES REVISIONS TO RULES GOVERNING WATER SANITATION SYSTEMS

On March 15, 2013, São Paulo's environmental enforcement agency, CETESB, posted for public comment three sets of proposed revisions to its water sanitation system regulations. The proposals are the result of a process intended to improve the management of water resources in a state that features South America's largest metropolis and faces a growing demand for clean water. Three working groups were tasked with proposing changes to the State's water legislation, and have issued the following recommendations:

- “Proposal for Discipline of Non-Potable Direct Reuse of Water Coming from Sanitary Sewer System Treatment Stations for Urban Uses” (*Proposta de Disciplinamento do Reuso Direto Não Potável de Água Proveniente de Estações de Tratamento de Esgoto Sanitário para Fins Urbanos*)
- “Proposals for Modification of the Decree 8468/1976 Annex on the Receipt of Non-Domestic Effluents in Sanitary Sewer Systems” (*Propostas de Alteração do Anexo do Decreto 8.468/1976 sobre o Recebimento de Efluentes Não Domésticos em Sistemas de Esgotos Sanitários*)
- “Proposals for Simplification of Environmental Licensing Procedures for Sewer Elevation Stations” (*Propostas de Simplificação de Procedimentos para o Licenciamento Ambiental de Estações Elevatórias de Esgoto*)

The public consultation period ends May 12, 2013. Comments may be submitted through CETESB's public consultation webpage: <http://www.cetesb.sp.gov.br/institucional/consultas-publicas/140-consultas-publicas>.

#### **Reference Sources (in Portuguese):**

- [São Paulo Proposal for Discipline of Non-Potable Direct Reuse of Water Coming from Sanitary Sewer System Treatment Stations for Urban Uses](#)
- [São Paulo Proposals for Modification of the Decree 8468/1976 Annex on the Receipt of Non-Domestic Effluents in Sanitary Sewer System](#)
- [São Paulo Proposals for Simplification of Environmental Licensing Procedures for Sewer Elevation Stations](#)

### SÃO PAULO ISSUES COASTAL ECOLOGICAL-ECONOMIC ZONING REGULATION

On March 25, São Paulo Governor Geraldo Alckmin issued Decree No. 58996, “on the Ecological-Economic Zoning of the Baixada Santista” (*sobre o Zoneamento Ecológico-Econômico do Setor da Baixada Santista*) (the “Decree”), to regulate development in the coastal region adjacent to the City of São Paulo that includes the large shipping port, Santos. The Decree establishes five terrestrial and five marine zoning categories (Z1T – Z5T and Z1M – Z5M) that dictate the types of development and other activities allowed. Many of the zones are further divided into subzones: e.g., Z1TAEP, the Zone 1 Subzone of Terrestrial Specially Protected Areas (*Subzona Áreas Especialmente Protegidas*), and Z5MEP, the Zone 5 Subzone of Marine Port Expansion (*Expansão Portuária*). Each designation corresponds to the types and intensities of human use allowed: particularly construction in the terrestrial zones and fisheries in the marine zones. The compatibility of particular projects with the newly established zones will be determined in part through the environmental licensing process.

#### **Reference Sources (in Portuguese):**

- [São Paulo Decree No. 58996/2013](#)





## CHILE HIGHLIGHTS

### MINISTRY OF THE ENVIRONMENT ISSUES GUIDELINES REGARDING PROCESSING OF SELF-REPORTED VIOLATIONS AND ENFORCEMENT OF COMPLIANCE PROGRAMS

Chile's Ministry of the Environment (*Ministerio del Medio Ambiente*) has promulgated guidelines (the "Enforcement Guidelines") in approving environmental compliance plans and handling self-reported environmental violations. Pursuant to the Enforcement Guidelines, successful compliance plans must contain at least the following elements: (1) description of acts or omissions that led to violation; (2) action plan and goals to be implemented in order to achieve regulatory compliance; (3) follow-up plan and process for reporting on implementation of action plan, and (4) information regarding costs and technical requirements of compliance plan. (Enforcement Guidelines, Art. 7.) The Enforcement Guidelines state that compliance plans should only be approved by the Enforcement Branch if they are (1) comprehensive (i.e., address all infractions); (2) effective at mitigating damages; and (3) lead to verifiable results. (Enforcement Guidelines, Art. 8.)

The Enforcement Guidelines also provide for a reduction in fines issued for violations that have been self-reported. (Enforcement Guidelines, Art. 9.) The self-reporting fine reduction is available only to violators who provide precise and verifiable information regarding the violation and adopt all measures necessary to cease its harmful effects. (Enforcement Guidelines, Arts. 9, 11.) First-time self-reported violations may have fines eliminated, while second and third self-reports may result in fine reductions of 75% and 50%, respectively. (Enforcement Guidelines, Art. 9.) A violator may only avail itself of the benefits of self-reporting if it self-reports before the Enforcement Branch initiated an investigation of the facts of the violation at any of the violator's facilities. (Enforcement Guidelines, Art. 10.)

#### **Reference Sources (in Spanish):**

- [Ministry of the Environment \(\*Ministerio del Medio Ambiente\*\) Enforcement Guidelines](#)

### CHILE ISSUES STANDARDS FOR CHARACTERIZATION, MEASUREMENT AND CONTROL OF LIQUID INDUSTRIAL WASTE

On February 6, 2013, Chile's Ministry of the Environment (*Ministerio del Medio Ambiente*) promulgated standards for the characterization, measurement and control of liquid industrial waste discharged to the sea, surface waters and groundwater (*Normas de Carácter General Sobre Procedimiento de Caracterización, Medición y Control de Residuos Industriales Líquidos*, the "Liquid Waste Standards"). (Liquid Waste Standards, Art. 1.) The Liquid Waste Standards are primarily process-focused, setting forth procedures relating to the self-monitoring, sampling and reporting of waste discharges. (Liquid Waste Standards, Arts. 2, 3.)

Pursuant to the Liquid Waste Standards, entities classified by the Ministry of the Environment as liquid industrial waste dischargers ("Dischargers") must apply to the Ministry of Environment for a monitoring plan ninety days before engaging in any discharges. (Liquid Waste Standards, Art. 3.) Once the Ministry of the Environment has established a monitoring plan for a Discharger, all of its discharges must be monitored in strict accord with the standards set forth in the monitoring plan. (Liquid Waste Standards, Art. 4.) Dischargers must then submit monthly monitoring reports to the Ministry of the Environment in addition to notifying the Ministry of the Environment of any process changes or eventuality that might affect discharges in quantity or composition. (Liquid Waste Standards, Arts. 4, 7.) Dischargers' failure to monitor and report its discharges as required by the Liquid Waste Standards will result in sanctions or fines. (Liquid Waste Standards, Art. 9.)

#### **Reference Sources (in Spanish):**

- [Ministry of the Environment \(\*Ministerio del Medio Ambiente\*\) Liquid Waste Standards](#)



## COLOMBIA HIGHLIGHTS

### COLOMBIA PROPOSES RULES TO HARMONIZE TRANSPORTATION OF DANGEROUS GOODS WITH UN RECOMMENDATIONS

Colombia's Ministry of Transportation has proposed framework rules to harmonize its domestic standards of transportation of dangerous goods and hazardous wastes with the United Nations Model Rules for the Transport of Dangerous Goods. See *Decreto \_\_\_\_\_ Por el cual se reglamenta el manejo y transporte terrestre automotor de mercancías peligrosas*. The rules would become effective within six months from adoption and would repeal and replace in their entirety current transportation rules under *Decreto 1609 de 2002*. (Art. 25) The regulation exempts three types of products: (1) de minimis quantities; (2) mining wastes (which are separately regulated); and consumer product wastes subject to an approved take-back program. (Art. 3)

#### **Reference Sources (in Spanish):**

- [\*Decreto \\_\\_\\_\\_\\_ Por el cual se reglamenta el manejo y transporte terrestre automotor de mercancías peligrosas\*](#)

### CITY OF BOGOTÁ ISSUES LIST OF RECYCLABLE PRODUCTS

The Special Administrative Unit of Public Services (*Unidad Administrativa Especial de Servicios Públicos*) for the City of Bogotá has issued new rules that identify recyclable municipal wastes that must be separated at their source of generation. See *Resolución 799 de 2012 Por el cual se establece el listado detallado los materiales reciclables y no reciclables para la separación en la fuente de los residuos sólidos domésticos en el distrito capital*. The list requires paper and cardboard, plastics, glass, metals and textiles (Art. 1) be separated and imposes special handling separation and handling materials for certain food and health wastes (Art. 2). Importantly, the rules also prohibit disposal of consumer goods identified as hazardous wastes, instead requiring them to be directly transported to collection points. (Art. 3). These include: batteries, mirrors, lamps, pharmaceuticals, tires, used oils, toxic substance containers, electro-domestic goods, technological wastes, video and audio equipment, computers, toners, cartridges, computer peripherals, cell phones, electronic toys and sports machines. The rules went into effect on January 1, 2013.

#### **Reference Sources (in Spanish):**

- [\*Por la cual se establece el listado detallado los materiales reciclables y no reciclables para la separación en la fuente de los residuos sólidos domésticos en el distrito capital\*](#)

### MINISTRY OF ENVIRONMENT ISSUES GUIDANCE FOR COMPUTER AND PRINTER TAKE-BACK PLANS

Nearly three years after adoption of its computer and printer take-back program and well after initial plans were due, Colombia's National Authority for Environmental Licenses (*Autoridad Nacional de Licencias Ambientales* or ANLA) has issued guidance for developing those plans. See *Términos de referencia para la formulación de sistemas de recolección selectiva y gestión ambiental de residuos*. The 23-page guidance outlines specific instructions for completing the management plan application. The document includes important calculation methodologies and examples for verifying compliance with the phased-in collection quotas imposed under *Resolución 1512 de 2010*. The guidance may well serve as a model for future consumer product take-back plans; a bill that has passed by the Colombia legislature and is modeled on EU laws would expand existing take-back programs significantly.

#### **Reference Sources (in Spanish):**

- [\*Términos de referencia para la formulación de sistemas de recolección selectiva y gestión ambiental de residuos\*](#). (Bogotá 2013)



## COSTA RICA HIGHLIGHTS

### IMPLEMENTING REGULATIONS FOR COSTA RICA'S 2010 NATIONAL WASTE LAW ADOPTED

On March 19, 2013, Costa Rica published Executive Decree 37567-S-MINAET-H/2013 (the "Decree"), the general implementing regulation of its Law for Integral Waste Management (No. 8839/2010; the "Law"). The Decree creates an interagency body to oversee implementation of the Law (Arts. 5-7), establishes the framework of a National Waste Management Policy (Arts. 13-17), and sets forth waste management plan requirements on a national (Art. 18) and local scale (Art. 20). Waste generators are required to submit waste management plans according to specifications set forth in the Decree. (Arts. 23-24 and Annex II) Both generators and waste managers, among other actors, must meet annual reporting requirements to maintain a centralized database intended to monitor Costa Rica's waste management. (Arts. 30-32) The Decree also implements Costa Rica's commitments under Basel Convention, providing a detailed set of procedures for the prior authorization of transboundary waste movements. Prospective exporters and importers of regulated wastes must apply to the Ministry of Health to notify and obtain the consent of the proposed receiving and transit countries. (Arts. 55-61) The Decree also introduces the concept of "sectoral waste plans," which are defined in part as a voluntary mechanism for compliance with the Law's take-back obligations that apply to products classified as special management wastes. (Art. 26) Sectoral waste plans share the same general features as other waste management plans; however, the Decree does not clearly indicate the circumstances under which this option would apply, nor the party that would be expected to submit the sectoral plan.

#### **Reference Sources (in Spanish):**

- [\*Decreto Ejecutivo 37567-S-MINAET-H/2013, Reglamento General a la Ley para la Gestión Integral de Residuos\*](#)

### COSTA RICA AMENDS FUEL TRANSPORT REGULATION

Costa Rica has amended Executive Decree N° 36627-MINAET, General Regulation on Fuel Transport (*Reglamento para la Regulación del Transporte de Combustible*), modifying the operating permit process and the specifications for fuel transport equipment. The requirements for obtaining an operating permit now include specific instructions for tank trailers transported by more than one transporter. (Arts. 1, 2) As of 2014, replacement fuel delivery equipment must be no more than ten years old, and as of 2018, no more than five years old. Likewise, replacement tank trailers designed to contain liquid hydrocarbons or those designed to transport gas cylinders cannot be older than 5 years. (Arts. 2-3).

#### **Reference Sources (in Spanish):**

- [\*Decreto Ejecutivo N° 36627-MINAET, Reglamento para la Regulación del Transporte de Combustible\*](#)

## ECUADOR HIGHLIGHTS

### ECUADOR APPROVES MARICULTURE PROJECT PERMIT APPLICATION FORM

Registro Oficial February 1, 2013: Acuerdo No. 140

On February 1, 2013, Ecuador's Ministry of the Environment published Acuerdo 140, regulating mariculture projects. Under Acuerdo 140, all mariculture projects must be consistent with the National System of Protected Areas, Protected Forests or State Forests. (Art. 3) Acuerdo 140 establishes a streamlined management plan form for small-scale mariculture projects declared to have "low environmental impact." (Art. 1) Operators of shellfish projects



greater than 10 hectares and all fish-cage installations are required to obtain an environmental permit. (Arts. 2, 5) Acuerdo 140 also provides for a temporary environmental permit for pilot mariculture projects. (Art. 6) The National Fisheries Institute will maintain a list of species approved for marine cultivation. (Art. 7)

**Reference Sources (in Spanish):**

- [Acuerdo No. 140](#)

## MEXICO HIGHLIGHTS

### PRODUCER AND IMPORTER SPECIAL MANAGEMENT WASTE TAKE-BACK RULES ADOPTED

After years in development, Mexico's Secretary of the Environment (*Secretaría del Medio Ambiente y Recursos Naturales* or SEMARNAT) has finalized rules identifying those special management wastes that are subject to producer and importer take-back and management plans and, when generated in large quantities, to generator management plans. See *Norma Oficial Mexicana NOM-161-SEMARNAT-2011, Que establece los criterios para clasificar a los Residuos de Manejo Especial y determinar cuales están sujetos a Plan de Manejo; el listado de los mismos, el procedimiento para la inclusion u exclusion a dicho listado; así como los elementos y procedimientos para la fomulacion de los planes de manejo*. The rules, which implement the General Law on the Prevention and Comprehensive Management of Wastes (*Ley General para la Prevención y Gestión Integral de los Residuos*) and its Regulation, also identify the elements of take-back plans, which are subject to state jurisdiction and registration requirements. By way of an Annex, the rules list a wide range of wastes subject to management plans, including health services wastes, agricultural and fishing wastes, transportation wastes, non-hazardous wastewater treatment wastes, department store and commercial center wastes, construction wastes, certain end-of-life electronic wastes, end-of-life vehicles, and a range of plastic, paper, metal and wood wastes. (Annex).

**Reference Sources (in Spanish):**

- [Norma Oficial Mexicana NOM-161-SEMARNAT-2011, Que establece los criterios para clasificar a los Residuos de Manejo Especial y determinar cuales están sujetos a Plan de Manejo; el listado de los mismos, el procedimiento para la inclusion u exclusion a dicho listado; así como los elementos y procedimientos para la fomulacion de los planes de manejo](#).

### PROPOSED RULES WOULD REGULATE CO<sub>2</sub> EMISSIONS FROM NEW CARS

Moving forward with its progressive climate change initiatives, Mexico's secretaries of the environment and energy have proposed rules that would regulate carbon dioxide emissions from new automotive vehicles less than 3857 kilograms. See *Proyecto de Norma Oficial Mexicana PROY-NOM-163-SEMARNAT-ENER-SCFI-2012, Emisiones de bióxido de carbon (CO<sub>2</sub>) provenientes del escape y su equivalencia en términos de rendimiento de combustible, aplicable a vehículos automotores nuevos de peso bruto vehicular de hasta 3857 kilogramos*. The rules, which would add to existing vehicle emissions standards regulating emissions of total hydrocarbons, methane, carbon monoxide, nitrogen oxides and particulates, propose phased-in CO<sub>2</sub> standards beginning in 2013 through 2016. By 2016, maximum CO<sub>2</sub> emissions for regulated vehicles would be 1.98 CO<sub>2</sub>/km or 0.17 km/l. The NOM was subject to a sixty-day public comment period that began on the date the rule was proposed on February 20, 2013 and which has now closed.

**Reference Sources (in Spanish):**

- [Emisiones de bióxido de carbon \(CO<sub>2</sub>\) provenientes del escape y su equivalencia en términos de rendimiento de combustible, aplicable a vehículos automotores nuevos de peso bruto vehicular de hasta 3857 kilogramos](#).





## MEXICO PROPOSES RULES REGULATING GMO EXPERIMENTAL RELEASE RISK REPORTS

In a jointly issued rule, Mexico’s secretaries for the environment (SEMARNAT) and agriculture (SAGARPA) have adopted standards for developing reports on the environmental and agricultural risks from experimental or pilot releases of GMOs. See *Proyecto de Norma Oficial Mexicana PROY-NOM-164-SEMARNAT/SAGARPA-2012, Que establece las características y contenido del reporte de resultados de la o las liberaciones realizadas de organismos genéticamente modificados, en relación con los posibles riesgos para el medio ambiente y la diversidad biológica y, adicionalmente, a la sanidad animal, vegetal y acuícola*. The guidance outlines a detailed series of technical information and scientific studies to support exposure pathways and risks; SEMARNAT or SAGARPA may request additional information. (Art. 6.1.5). The basis for the standard appears largely drawn from scientific literature and studies issued by the European Food Safety Authority. (Bibliography). The rules are intended to satisfy, in part, Mexico’s obligations under the Cartagena Protocol and to implement its Law on the Biosafety of Genetically Modified Organisms. The public comment period, which was set sixty days after its publication on January 1, 2013, has now closed.

### **Reference Sources (in Spanish):**

- [\*Proyecto de Norma Oficial Mexicana PROY-NOM-164-SEMARNAT/SAGARPA-2012, Que establece las características y contenido del reporte de resultados de la o las liberaciones realizadas de organismos genéticamente modificados, en relación con los posibles riesgos para el medio ambiente y la diversidad biológica y, adicionalmente, a la sanidad animal, vegetal y acuícola\*](#)

## PERU HIGHLIGHTS

### PERUVIAN SOIL QUALITY STANDARDS APPROVED

Peru’s Ministry of the Environment (*Ministerio del Ambiente*, “MINAM”) has issued a decree (*Decreto Supremo N° 002-2013-MINAM*, the “Soil Standards”) setting forth environmental soil quality standards applicable to all projects or activities that might have an environmental impact on soils. (Soil Standards, Art. 2.) The Soil Standards establish chemical, physical and biological thresholds for the existence of certain organic and inorganic contaminants in different types of soil. (Soil Standards, Annex I.) Allowable thresholds vary depending on whether the soil in question underlies agricultural, residential or commercial/industrial land. (Soil Standards, Annex I.)

The Soil Standards set forth environmental management processes to be employed by entities engaged in new and existing development projects which might impact soils. Entities engaged in projects begun after the enactment of the Soil Standards must identify in their environmental management plans any soil-impacting chemicals used in the project. (Soil Standards, Art. 6.) For existing projects, the same must be done within 12 months of the Soil Standards’ issuance. (Soil Standards, Art. 7.) In the event that regulated entities cause soil contamination, they must remediate the contamination to levels that do not exceed the thresholds set forth in the Soil Standards. (Soil Standards, Art. 8.) Remediation is to be performed in accordance with decontamination plans to be presented to government inspectors no later than twelve months after the event which caused the contamination. (Soil Standards, Art. 8.) Violations of the provisions of the Soil Standards may result in administrative fines. (Soil Standards, Art. 13.)

The Soil Standards were published in Peru’s Official Gazette (*El Peruano*) on March 25, 2013 and became effective the next day.

### **Reference Sources (in Spanish):**

- [Soil Standards](#)



## CONGRESS AMENDS PERU’S ENVIRONMENTAL INSPECTION AND ASSESSMENT LAW

The Peruvian Congress has approved Proposed Bill 1815/2013-CR (the “SINEFA Bill”), amending Peru’s National Environmental Inspection and Assessment Law (*Ley 29325, Ley del Sistema Nacional de Evaluación y Fiscalización Ambiental*, the “SINEFA Law”). The SINEFA Bill enhances the enforcement powers of Peru’s Office of Environmental Assessment and Inspection (*Organismo de Evaluación y Fiscalización Ambiental*, “OEFA”).

In describing OEFA’s responsibilities, the SINEFA Bill, among other things, (i) outlines the standards for membership in OEFA’s highest adjudicative body, the Tribunal of Environmental Inspection (*Tribunal de Fiscalización Ambiental*); (ii) sets forth an explanation of the normative, supervisory, and evaluative functions granted OEFA in the SINEFA Law; (iii) grants OEFA the power to take samples, measurements, photographs and videos of relevant matters when exerting its inspection functions; and (iv) grants OEFA the authority to require reports from the private entities it supervises. (SINEFA Bill, Art. 1, *amending* SINEFA Law, Arts. 10, 11, 13, 15.) The SINEFA Bill also delineates OEFA’s authority to levy fines, stating that OEFA may impose fines for violations of environmental norms, violation of environmental commitments assumed by regulated entities, and violation of remediation measures mandated by OEFA. (SINEFA Bill, Art. 1, *amending* SINEFA Law, Art. 17.) In addition, the SINEFA Bill provides for greater transparency in OEFA’s processes by requiring that technical information obtained as a result of OEFA’s performance of its sampling and monitoring functions be made available to the public. (SINEFA Bill, Art. 2, *amending* SINEFA Law, Art. 13-A.)

The SINEFA Bill was approved by the Peruvian Congress on March 27, 2013 and has been referred to the Office of the President.

### Reference Sources (in Spanish):

- [SINEFA Bill](#)

## PUERTO RICO HIGHLIGHTS

### MEDICATION WASTE MANAGEMENT BILL INTRODUCED IN SENATE

On January 2, a bill (*Proyecto del Senado 145*; “Bill”) to create a Recycling, Management and Disposal Program for Prescription and Non-Prescription Medications (*Programa de Reciclaje, Manejo y Disposición de Medicamentos con o sin receta*) was introduced in the Senate. The Bill would amend the existing Solid Waste Program Law (*Ley del Programa de Desperdicios Sólidos*) to require pharmacies, hospitals, nonprofits, and other organizations that sell or dispense medications—with the exception of pharmaceutical companies and manufacturers—to establish a program allowing clients and patients to return expired, damaged, or otherwise unused medications. (Bill, Sec. 2.)

Organizations covered by the Bill would be required to make receptacles available for the return of unused medications and containers, transport the recovered medications and containers to their place of recycling or disposal, and keep evidence of these activities for at least three years. (Sec. 2.) The program would be subject to regulations issued by the Puerto Rico Solid Waste Management Authority (*Autoridad de Desperdicios Sólidos*) in coordination with the Department of Health (*Departamento de Salud*). (Sec. 5.) The Bill has been referred to the Health and Nutrition Committee and the Natural Resources, Environment, and Energy Affairs Committee.

### Reference Sources (in Spanish):

- [Proyecto del Senado 145 \(Senado\), January 2, 2013](#)



## U.S. EPA FINDS THAT PUERTO RICO FAILED TO SUBMIT STATE IMPLEMENTATION PLAN FOR REVISED OZONE STANDARDS

On January 15, the U.S. Environmental Protection Agency (“EPA”) published a final rule (78 Fed. Reg. 2882; “Rule”) finding that Puerto Rico (along with 28 states and the District of Columbia) had not submitted a complete “infrastructure” state implementation plan (“SIP”) for the 2008 8-hour ozone national ambient air quality standards (“NAAQS”) under the federal Clean Air Act (“CAA”). Section 110 of the CAA requires Puerto Rico to submit an infrastructure SIP—which addresses basic program requirements such as air-quality monitoring, enforcement, and legal authority—within three years of EPA issuing a new or revised NAAQS.

EPA issued a new NAAQS for ozone on March 12, 2008, meaning that the deadline for Puerto Rico’s infrastructure SIP was March 12, 2011. In September 2009, EPA announced that it would reconsider the 2008 ozone NAAQS; two years later, however, it decided that it would implement the 2008 NAAQS after all. As EPA acknowledged in the Rule, this change of course led many states that otherwise would have met the deadline to miss it. 78 Fed. Reg. at 2884. Nevertheless, pursuant to court order, EPA was required to make findings of failure to submit for any jurisdiction that had not made an infrastructure SIP submission. The EPA’s finding establishes a 24-month deadline for EPA to promulgate a federal implementation plan with respect to the missing SIP elements unless Puerto Rico submits and receives EPA approval for a SIP that corrects the deficiency before that time.

### **Reference Sources (in English):**

- [Findings of Failure To Submit a Complete SIP for Section 110\(a\) Pertaining to the 2008 Ozone NAAQS, 78 Fed. Reg. 2882 \(Jan. 15, 2013\) \(to be codified at 40 C.F.R. pt. 52\)](#)

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