

# Latin American Environmental Regulatory Tracker: September 16 - October 15, 2018



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- [Environmental, Energy & Resources](#)
- [Global](#)
  
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- [Brazil](#)
- [Chile](#)
- [Costa Rica](#)
- [Ecuador](#)
- [Colombia](#)
- [Mexico](#)
- [Peru](#)

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## REGIONAL

### ENVIRONMENTAL JUSTICE

- [Twelve countries in Latin America and the Caribbean](#), including Argentina, Brazil, Costa Rica, Ecuador, Mexico, and Peru, signed the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement.

## ARGENTINA

## **AGRICULTURE**

- Senate Bill No. 3610/18 would establish a regime for authorization, registration, and control of phytosanitary products.

## **ENVIRONMENTAL JUSTICE**

- Chamber of Deputies Bill No. 6182-D-2018 would ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement.

## **PACKAGING & LABELING**

- Senate Bill No. 3714/18 would aim to reduce urban solid waste by encouraging the production, use, and treatment of compostable containers and packaging.
- Buenos Aires City Bill No. 3040-E-2018 would establish rules for the integrated management of packaging wastes through the implementation of producer take-back systems.

## **PRODUCT TAKE-BACK**

- Buenos Aires City Bill No. 2915-E-2018 would establish a container recycling and return system.

## **WASTE**

- Buenos Aires City Bill No. 3020-E-2018 would eliminate the sale and production of plastic straws throughout the territory.
- Buenos Aires City Bill No. 2940-E-2018 would establish a waste recycling system in which participating citizens would be rewarded with reduced rates for City sweeping and cleaning services.
- Buenos Aires City Bill No. 2844-E-2018 would establish rules for gradually eliminating the production, import, and sale of conventional, single-use plastic products throughout the Buenos Aires City.
- Bill No. 2819-2018 would create a program to reduce the use of single-use plastic straws and cups in commercial activities.

## **WATER**

- Senate Bill No. 3563/18 would guarantee the right of access to drinking water to all inhabitants of Argentina.

## **BRAZIL**

## **CLIMATE CHANGE**

- To date, Brazil has [reduced consumption of hydrochlorofluorocarbons](#) (HCFCs) by 36.92%, surpassing the 16.6% target set for 2018.

## **ENERGY**

- The Ministry of Science, Technology, Innovation and Communications (MCTIC) published the Draft Science, Technology and Innovation Plan for Renewable Energy and Biofuels 2018-2022.

## **ENFORCEMENT**

- The Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) published [Ordinance No. 2.723](#), which provides for administrative planning of public civil actions to be filed by IBAMA, aiming to determine civil liability arising from environmental violations under IBAMA's purview.

## **PRODUCT TAKE-BACK**

- The National Treasury Policy Council (CONFAZ) signed [Agreement No. 99/2018](#), which authorizes nine Brazilian States (AL, AM, BA, ES, PR, PE, RJ, SC, and SP) to exempt electrical and electronic equipment take-back operations, including transport within their respective territories, from the state value-added tax on the circulation of goods and services (ICMS).

## **WASTE**

- The Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) published Draft Normative Instructions on the interstate transportation of electrical and electronic waste in different phases of the reverse logistics chain.

## **WATER**

- A substitute proposal to Bill No. 6.528/2016 has been proposed in the Chamber of Deputies that would prohibit the handling, manufacture, import and marketing of personal hygiene products, cosmetics, and perfumery containing intentionally added microplastics throughout Brazil.

## **CHILE**

### **AIR**

- The Chamber of Deputies approved a resolution (No. 313) that would call for the President to issue new air quality standards and to standardize existing ones, in accordance with guidelines established by the World Health Organization.

## **ENFORCEMENT**

- Senate Bill No. 12121-12 would criminally penalize actions that threaten the environment.

## **HEALTH & SAFETY**

- [Resolution No. 24.730](#) establishes technical specifications for electrical products sold in Chile.

## **LAND DEVELOPMENT**

- The Chamber of Deputies approved a bill (No. 11912-12) that would modify the General Bases of the Environment Law (No. 19.300) to require the preparation of an Environmental Impact Study for projects that could generate light pollution in certain areas.

## **MINING**

- The Chamber of Deputies approved a resolution (No. 164) that would call for the President to approve a national policy on lithium that would take a comprehensive, long-term approach and incorporate the views of regions and communities, rather than only addressing the extraction and export of the raw material.
- Chamber of Deputies Bill No. 12170-12 would prohibit the collection of heavy metal concentrate in urban areas.
- The Chamber of Deputies approved a resolution (No. 167) that would call for the President to approve a bill that would establish intervention plans and mitigation measures in areas contaminated with heavy polymetals throughout the country.

## **COLOMBIA**

### **AIR**

- The Ministry of Environment and Sustainable Development has published a Draft Resolution that would modify the regulation establishing emissions standards for fixed sources in Colombia (No. 909/2008).

### **MINING**

- The Ministry of Environment and Sustainable Development has published a draft regulation that would regulate the use of the Colombian Environmental Mining Seal, a certification mark recognized by the Superintendency of Industry and Commerce to demonstrate a product's compliance with the draft regulation.

### **WASTE**

- Chamber of Deputies Bill No. 193/2018 would establish a state plan for the

collection, treatment, reuse, and integrated management of used tires.

## **COSTA RICA**

### **AGRICULTURE**

- The Ministry of Labor & Social Security has proposed a draft Occupational Health Regulation for the management and use of agrochemicals.
- The Ministry of Agriculture and Ranching has published a [Certification Scheme for the Production of Organic Products](#).

### **ENERGY**

- [Decree No. 41121-MINAE-H](#) establishes the official list of equipment that uses renewable or alternative energies that is exempt from excise, ad valorem, and sales taxes, pursuant to Article 38 of the Law for the Rational Use of Energy (No. 7447/1994).

### **LAND MANAGEMENT**

- [Decree No. 41305-S](#) would modify the Regulation for the Control of Noise Contamination (No. 39428-S) in terms of the actions that are exempt from established noise limits.

### **PACKAGING & LABELING**

- The Ministry of Environment and Energy has published [Executive Decree No. 41276-MINAE](#), Regulation for the Use of the Carbon Neutrality Country Program 2.0 Symbols.

### **WASTE**

- The Ministries of Health and Environment & Energy have proposed a draft regulation that would establish rules for the classification and management of hazardous wastes in Costa Rica.

## **ECUADOR**

### **FORESTRY**

- The Ministry of Environment [signed an inter-institutional cooperation agreement](#) with the national working group on voluntary forest certification in Ecuador (CEFOVE) to promote sustainable use of forests throughout the country, and facilitate implementation of certification processes for legal timber and non-timber forest products.

### **HEALTH & SAFETY**

- A bill proposed in the National Assembly would establish the Organic Law for Safety and Health in the Workplace.

## **WASTE**

- A bill proposed in the National Assembly would establish rules for the reduction, reuse, and recycling of plastic wastes, and the progressive elimination of single-use plastics in commerce.

## **MEXICO**

### **AIR**

- Draft modifications were published to NOM-163-SEMARNAT-ENER-SCFI-2013, which regulates emissions of carbon dioxide and its equivalent in terms of fuel efficiency, applicable to new automotive vehicles of gross vehicle weight up to 3,857 kilograms.
- Technical Standard [NOM-050-SEMARNAT-2018](#) establishes maximum permissible limits of emissions from automotive vehicles in circulation that use liquefied petroleum gas, natural gas, or other alternative fuels.

### **ENERGY**

- A bill proposed in the Chamber of Deputies would modify the General Law for the Prevention and Integrated Management of Wastes to call for the federal government to use organic and inorganic urban waste for the production of electrical energy.
- A bill proposed in the Senate would call for federal, state, and municipal authorities to develop actions for the use of urban solid waste in energy generation processes.

### **ENFORCEMENT**

- A bill proposed in the Chamber of Deputies would modify the Environmental Responsibility Law to specify that there is no minimum number of community plaintiffs required to exercise action and judicially demand environmental liability, reparation, or compensation for damage to the environment.

### **OIL & GAS**

- An [Agreement](#) has been published providing the operating license application for service stations that sell petroleum products (gasoline and diesel), liquefied petroleum gas, and natural gas.

### **PACKAGING & LABELING**

- A bill proposed in the Senate would call for federal authorities to develop a

regulation and a national program for handling, recycling, and replacing plastics, especially plastic bags, with biodegradable alternatives.

- A bill proposed in the Chamber of Deputies would modify the General Law for the Prevention and Integrated Management of Wastes to prohibit the provision of plastic products, containers, and packaging in all commercial activities.
- A bill proposed in the Chamber of Deputies would modify the General Law for the Prevention and Integrated Management of Wastes to establish the basis for reducing plastic bag use and transitioning to biodegradable alternatives.
- Voluntary technical standard [NMX-EE-059-NORMEX-2017](#) specifies a set of graphical symbols conventionally used for marking packages to convey handling, transportation, and storage instructions.
- A bill proposed in the Senate would call for federal authorities to design and implement rules prohibiting the provision of plastics bags, for a fee or free of charge, to transfer merchandise acquired in commercial establishments.

## **RESTRICTED SUBSTANCES**

- Technical Standard [NOM-212-SCFI-2017](#) would establish maximum allowable limits of mercury and cadmium, test methods, and labeling specifications for primary batteries.

## **WASTE**

- A bill proposed in the Chamber of Deputies would modify the General Law for the Prevention and Integrated Management of Wastes to prohibit the provision of straws in commercial or service establishments.

## **WATER**

- A bill proposed in the Senate would modify the National Water Law to designate the environmental use of water a priority and give it preference when granting water concessions or assignments.

## **PERU**

### **CLIMATE CHANGE**

- A Draft Regulation to the Climate Change Framework Law (No. 30754) is proposed via Ministerial Resolution No. 339-2018-MINAM.

### **PUBLIC PROCUREMENT**

- A bill (No. 03481/2018-CR) proposed in the unicameral Congress would establish and promote minimum quality standards for food, cosmetics, and cleaning products acquired by state entities.

## WASTE

- The Ministry of Environment [announced its progress on implementing recommendations](#) from the Organization for Economic Co-operation and Development (OECD), which include updating the country's Regulation on the Management of Electrical and Electronic Waste (WEEE) in November 2018 to incorporate the Special Regime for the Management of Solid Wastes from Prioritized Goods, envisioned in the Solid Waste Law and its Regulation.

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