

Latin American Environmental Regulatory Tracker: November 16 - December 15, 2018



Article By

[Madeleine Boyer Kadas](#)

[Russell N. Fraker](#)

[Miriam Mazza](#)

[Tiffany S.K. Carlson](#)

[Beveridge & Diamond PC](#)

[Client Alert--Beveridge and Diamond](#)

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

Wednesday, January 9, 2019

ARGENTINA

ENFORCEMENT

- Chamber of Deputies Bill No. 7195-D-2018 would establish minimum provisions for identifying and recording environmental liabilities arising from any anthropogenic activity, as well as establishing the obligations for those responsible for such liabilities.

WASTE

- Chamber of Deputies Bill No. 7440-D-2018 would create a regime for promoting the transformation of the plastic industry within the province of Buenos Aires to reduce the production of plastic materials.

BRAZIL

AGRICULTURE

- The Special Committee of the Chamber of Deputies approved Bill No. 6670/16, which would establish the National Policy for the Reduction of Agrochemicals to reduce dependency on harmful chemical inputs that pose risks to food supplies. The proposal will now be voted on by the entire Chamber.

AIR

- The National Environment Council (CONAMA) published two resolutions to improve air quality: [Resolution No. 490/2018](#) sets new control requirements for pollutants and noise for new heavy-duty vehicles under the Air Pollution Control Program for Automotive Vehicles (Proconve), while [Resolution No. 491/2018](#) provides for new air quality standards.

BIODIVERSITY

- The Chico Mendes Institute for Biodiversity Conservation (ICMBio) has published [Ordinance No. 1.039/2018](#), which defines the criteria, policies, and guidelines of the Environmental Compensation Fund (FCA).
- The Ministry of Science, Technology, Innovation and Communications (MCTIC) has published [Ordinance No. 6.223/2018](#), which establishes the Brazilian Biodiversity Information System (SiBBr) to promote the organization, indexing, storage, and availability of scientific data and information on Brazilian biodiversity and ecosystems.

CHEMICALS

- The Minister of Environment signed a draft bill that would regulate the registration, evaluation, and control of industrial chemicals. After incorporating comments from a public consultation held in 2016, the updated text is now being reviewed by the Ministries of Health (MS), Industry and Commerce (MDIC), and the Office of the President before it is sent for a vote in the National Congress.

CORPORATE RESPONSIBILITY

- The Committee for Economic Development, Industry, Commerce and Services in the Chamber of Deputies approved Bill No. 8224/17, which would create the "Citizen Company Seal" to attest to the social and environmental responsibility

of Brazilian companies. The proposal will now be analyzed by the Constitution, Justice and Citizenship Committee.

ENERGY

- The Committee for Agriculture, Livestock, Food Supply and Rural Development in the Chamber of Deputies approved Bill 6325/16, which would establish credit lines for the purchase of agricultural equipment that uses renewable energy. The proposal is now under review by the Committees on Finance and Taxation; and Constitution, Justice, and Citizenship.
- Bill No. 672/2018, proposed in the São Paulo State Legislative Assembly, would establish the State Incentive Policy for the use of Solar Energy.

PRODUCT TAKE-BACK

- The Ministry of Environment (MMA) has published the proposed sectoral agreement between MMA and the Brazilian Association of Automotive and Industrial Batteries (ABRABAT) to implement take-back systems for lead acid batteries.
- The Ministry of Environment has extended the public comment deadline on the proposed decree for the take-back of discarded and expired medicines by 30 days, or until January 18, 2019.
- Chamber of Deputies Bill No. 11186/2018 would amend the National Solid Waste Policy Law (No. 12.305/2010) to require manufacturers, importers, distributors, and retailers of medicines for human or animal use to develop and implement take-back systems for their end-of-use products and packaging.

WASTE

- The Finance and Taxation Committee in the Chamber of Deputies approved Bill No. 7535/17, which would provide for the creation of the Support Fund for Recycling Actions (*Favorecicle*) to capture and allocate resources to recycling projects. The proposal will now be analyzed by the Constitution, Justice and Citizenship Committee.
- The Rio de Janeiro State Council of the Environment (CONEMA) has published [Resolution No. 86/2018](#), which revokes former Technical Rule No. 213-R4 and requires all licensed activities (industrial, commercial or services) to observe progressive standards for reduction of the ecotoxicity of their effluents and progressive improvement of quality standards.
- Chamber of Deputies Bill No. 11187/2018 would amend the National Solid Waste Policy Law (No. 12.305/2010) to prohibit the sale and use of plastic bags, straws, and glasses in commercial establishments.
- The Constitution, Justice and Citizenship Committee in the Chamber of Deputies approved a proposal (Bill No. 7789/17, Bill No. 7706/06) that would create the

National Policy for the Disposal and Reconditioning of Electrical and Electronic Equipment, which would aim to increase access and appropriate use of information and communication technologies by the Brazilian population. The proposal must still be voted on by the Chamber as a whole.

- Bill No. 706/2018, proposed in the São Paulo State Legislative Assembly, would institute the Conscious Disposal Incentive Program for Cartridges and Toners.

WATER

- The Environment Committee in the Senate has approved Bill No. 37/2017, which would amend Law No. 13.233/2015 by extending the deadline for cleaning products currently on the market to have labels encouraging moderate consumption of water and warning of water shortage risks. The proposal must still be voted on by the Senate as a whole.
- The Economic Development, Industry, Commerce and Services Committee in the Chamber of Deputies approved Bill No. 6528/16, which would prohibit the manufacture, import, and sale of hygiene and cosmetic products with plastic microbeads in their composition. The proposal now passes to the Committees on Environment and Sustainable Development; and Constitution, Justice and Citizenship for review.

MINING

- [Decree No. 9.587/18](#) installs the National Mining Agency (ANM), which replaces the National Department of Mineral Production (DNPM).

CHILE

AGRICULTURE

- Chamber of Deputies Bill No. 12233 would update the rules regulating the composition, labeling, and sale of fertilizers.

CLIMATE CHANGE

- The Ministry of Environment has begun the process of participatory dialogues for the preparation of the Draft Climate Change Framework Law, an initial discussion document that will be submitted for public consultation and later for legislative debate as a formal bill presented in the National Congress.

NOISE

- The [Ministry of Environment](#) announced the first Environmental Noise Monitoring Network of Chile, which measures in real time the acoustic contamination at seven strategic points in Santiago.

PACKAGING & LABELING

- Chamber of Deputies Bill No. 12329 would modify the Recycling and Extended Producer Responsibility Law (No. 20.920) to require priority products to have labels that include information on their composition and feasibility of being recycled.
- Chamber of Deputies Bill No. 12299 would modify the Consumer Protection Law (No. 19.496) to require suppliers to disclose the water and carbon footprint indices of their products.
- Senate Bill No. 12275 would prohibit the use of plastic bags for the shipment of products.

WASTE

- The Ministry of Environment has published modifications ([Decree No. 31/2017](#)) to Decree No. 1/2013, which regulates the Registry of Emissions and Transfers of Contaminants, to accommodate new rules established under the Recycling and Extended Producer Responsibility Law (No. 20.920).

COLOMBIA

AIR

- The Ministry of Environment and Sustainable Development has published a modification ([Resolution No. 2267](#)) to Resolution No. 909/ 2008, which establishes standards for admissible pollutant emissions to the atmosphere by fixed sources.

MINING

- The Ministry of Environment and Sustainable Development has published [Resolution No. 2210/2018](#), which regulates the use of the Colombian Environmental Mining Seal.

WASTE

- The Colombian Government has published the [National Circular Economy Strategy](#) to encourage companies and consumers to develop and implement production and consumption systems that encourage the efficient use of materials and resources, and incorporate integrated waste management activities.

COSTA RICA

WASTE

- Bill No. 21159, proposed in the Legislative Assembly, would promote the replacement of single-use plastics with compostable, renewable, and recyclable alternatives.

ECUADOR

WASTE

- A bill proposed in the Legislative Assembly would create the Inclusive Recycling Law, which would establish the responsibilities of entities that comprise the public sector in terms of the integrated management of non-hazardous solid wastes, including single-use plastic products.

MEXICO

AGRICULTURE

- A bill proposed in the Senate would discourage the use of pesticides in order to minimize negative impacts to human health and the environment by increasing fees for the use of these products.

CONSUMER PROTECTION

- The Secretariat of Economy has finalized the [rules](#) establishing the conditions and requirements for the authorization and use of the "Made in Mexico" emblem.

CORPORATE RESPONSIBILITY

- Mexico City's Secretariat of Environment has published [Guidelines for Performing Environmental Audits in Mexico City](#), applicable to industrial, commercial, service, and entertainment establishments that wish to obtain an Environmental Certification.

ENERGY EFFICIENCY

- The National Standardization Advisory Committee for the Preservation and Rational Use of Energy Resources (CCNNPURRE) has published draft technical standard PROY-NOM-033-ENER-2018, which would establish minimum energy efficiency limits, test methods, and marking specifications for alternating current motors.

HEALTH & SAFETY

- The Secretariat of Labor and Social Welfare (STPS) has finalized [NOM-036-1-STPS-2018](#), a technical standard that establishes the elements to identify, analyze, prevent, and control ergonomic risk factors in work centers derived from manual handling of loads.

MINING

- A bill proposed in the Senate would make various amendments to the Mining

Law, including establishing the obligation for holders of mining concessions to: 1) allocate an amount for the human and sustainable development of the communities in which they conduct their exploration and exploitation activities, and 2) annually submit a social impact report.

OIL & GAS

- The National Agency for Industrial Safety and Environmental Protection of the Hydrocarbons Sector (ASEA) has published PROY-NOM-001-ASEA-2018, a draft technical standard that would establish the criteria for classifying Special Management Wastes of the Hydrocarbons Sector and determining which would be subject to Management Plans, as well as the required elements for the development of Management Plans.
- The National Agency for Industrial Safety and Environmental Protection of the Hydrocarbons Sector (ASEA) has published PROY-NOM-008-ASEA-2018, a draft technical standard that would establish the technical specifications and requirements to be met in the design, construction, pre-operation, operation, maintenance, closure and dismantling phases of service stations that market liquefied petroleum gas to the public by means of partial or total filling of portable pressure vessels.

PACKAGING & LABELING

- The Secretariat of Health has finalized [NOM-189-SSA1/SCFI-2018](#), a technical standard that establishes the health and commercial information requirements for labels of household cleaning products, as well as the sanitary characteristics for their packaging.

WASTE

- A bill proposed in the Senate would make various amendments to the General Law for the Prevention and Integrated Management of Wastes, including prohibiting the generation and consumption of single-use plastics, such as straws, rings for canned beverages, cotton swabs, and plastic wrap, among others.

WATER

- The Intersecretarial Committee for the Sustainable Management of Seas and Coasts has finalized the [National Policy on Mexico's Seas and Coasts](#).

PERU

WASTE

- The Ministry of Environment has published draft Guidelines for the Characterization of Municipal Solid Waste via Ministerial Resolution No. 403-2018-MINAM.

- The Ministry of Environment has published draft Guidelines for the development of Solid Waste Management District Plans via Ministerial Resolution No. 410-2018-MINAM.
- The Ministry of Health has published [Ministerial Resolution No. 1295-2018-MINSA](#), approving Technical Standard NTS No. 144-MINSA/2018/DIGESA, which establishes provisions for the integrated management of solid waste in health establishments and medical research centers.
- Bill No. 03689/2018-CR, proposed in the Unicameral Congress, would establish tax incentives for the manufacture of biodegradable products that progressively replace single-use plastic bags and packaging destined for the domestic market.
- Bill No. 03632/2018-CR, proposed in the Unicameral Congress, would restrict the use of single-use plastic bags.

© 2019 Beveridge & Diamond PC

Source URL: <https://www.natlawreview.com/article/latin-american-environmental-regulatory-tracker-november-16-december-15-2018>