

## Latin American Region Environmental Report: Costa Rica Highlights (Volume III 2013)

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Wednesday, December 4, 2013

### **New Hazardous Waste Regulation Implements Producer Responsibility**

On July 18, 2013, Decree 37788-S-MINAE/2013 (“the Decree”) was published in the *Gaceta Oficial*. The Decree enacts the General Regulation for Classification and Management of Hazardous Wastes (“the Regulation”). The Regulation is a comprehensive hazardous waste classification, management, and disposal regime, setting out key definitions, lists of wastes, roles and responsibilities, import restrictions, etc. for the integrated management of hazardous wastes. The Regulation will go into effect six months from that publication date. (Decree, Transitory Art. 6).

As with many integrated waste management frameworks in Latin America, the Regulation imposes stewardship responsibilities on manufacturers and importers, primarily the oversight of a comprehensive management plan for the hazardous waste. Plans are due by July 18, 2014 and must be updated every six months. Content and management requirements for plans are outlined in the Law for the Integrated Management of Wastes (Ley No. 8839). In addition to implementing a hazardous waste take-back framework, the law also amends Decree 27001-MINAE on the classification and management of industrial hazardous wastes by substituting GHS, UN, EU, and NFPA hazard communication and labeling schemes for the “SIMARDE” code system previously used in Costa Rica to identify wastes. (Decree, Transitory Art.3).

### **Reference Source (In Spanish):**

- [Decree 37788-S-MINAE/2013](#)

### **Costa Rica Publishes New Regulation on Soil Remediation**

On July 10, the Ministry of Health published Executive Decree No. 37757-S (“the Decree”), enacting the Regulation on Soil Guideline Values for Decontamination of Sites Affected by Environmental Emergencies and Spills (*Reglamento sobre Valores Guía en Suelos para descontaminación de Sitios Afectados por Emergencias Ambientales y Derrames*, “the Regulation”) which requires site owners to monitor soil concentrations to ensure that the concentrations of over 90 regulated substances do not exceed the limits listed in the regulations. The Regulation imposes significant responsibilities on owners of contaminated sites for monitoring, remediation, and reporting. (Arts. 1, 8).

The Regulation covers all entities whose activities include the production, transport, use, management, storage, or transfer of one of the substances in the Regulation. (The substances are broken into the following groups: inorganic substances, aromatic hydrocarbons, polycyclic aromatic hydrocarbons, petroleum hydrocarbons, chlorinated benzenes, chlorinated ethanes, chlorinated ethenes, chlorinated phenols, unchlorinated phenols, phthalic esters, and other substances.) (Regulation, Art. 6). For each substance, an “intervention value” and a “prevention value” are given: if the measured concentration exceeds the prevention value, the Ministry of Health may declare the site a potentially polluted zone and will require the site owner to implement a monitoring plan. (Regulation, Art. 8.8.1). If the measured concentration exceeds the intervention, site owners are required to



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implement a remediation program. (Regulation, Art. 8.8.2). Covered entities are required to designate a Responsible Professional who will oversee classification, monitoring, and remediation activities. (Regulation, Arts. 8.1-8.3). The Regulation also requires that potentially polluted sites and polluted sites be listed in a registry and contains a provision that triggers mandatory soil assessment as a prerequisite for the transfer of certain types of properties. (Regulation, Art. 17.2).

**Reference Source (In Spanish):**

- [Ministry of Health Executive Decree No. 37757-S](#)

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