

BILL OF LAW FOR THE PROGRESSIVE REPLACEMENT OF THE USE OF PLASTIC BAGS AND TRENDS IN INTERNATIONAL REGULATION

By Carolina Lazo and Josué Lemus

On October 22nd of the current year, the bill of Law for the Progressive Substitution of the Use of Plastic Bags of Polyethylene or Conventional Plastic was introduced to the Legislative Assembly by Congresswoman Milena Mayorga. By this time, the bill has not been submitted to the full legislative body for its consideration and is currently being studied by the Environment Committee of the Assembly. This bill establishes, in a general way, that the producers, distributors and marketers of conventional plastic bags must progressively replace their activity in order to manufacture, distribute and market bags that are friendly to the environment. However, it does not establish the forms in which such substitution should be made, nor mechanisms to encourage or make the transition, nor the time to make such substitution.

The pollution generated by the use of plastic is a global problem and the efforts to reduce its impact on the environment are increasing. As part of these efforts, on October 24th, 2018, the European Parliament approved the amendments to the Directive related to the reduction of the environmental impact of certain plastic products, establishing as their goals to eliminate the use of single-use plastic in the European Union, and that by 2030 all plastic containers should be recyclable there.

Regarding to Latin America, most countries are studying bills to reduce the production and consumption of plastic bags. In some countries, laws have already been approved, as in the case of Peru, where on December 5th, 2018, the Congress approved the Law that regulates the use of plastic, which gives a period of three years to replace non-reusable plastic bags with reusable and biodegradable bags. This law also contemplates the imposition of a tax for the acquisition of plastic bags.

Even though the bill introduced in El Salvador is an advance, it does not include relevant aspects that have been taken into account in regulatory bodies of other countries, as it leaves out aspects such as defining the powers of the Ministry of the Environment in the application of the law, a necessary as-

pect to achieve a real impact. Likewise, the bill has not considered the different actors within the plastic industry to establish realistic goals and deadlines, as well as viable objectives that would lead to the reduction or eradication of the use of this type of plastic.

A ban on the manufacture of plastic bags would directly affect the industry that is engaged in this activity, so it is necessary to evaluate alternatives for the adaptation of these companies. The law could also consider the inclusion of tax incentives so that companies can migrate to the production of biodegradable bags, as well as establishing the way in which the transition to said activity will be made. Finally, it is also important to take into account other single-use plastics, such as straws and disposables, following other regulatory models that are being implemented in order to achieve a more comprehensive law.

For comments or questions about this and any other query related to environmental matters, you can contact us.



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