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THURSDAY 10TH DECEMBER, 2015

THE OFFICIAL GAZETTE 10TH DECEMBER, 2015

LEGAL SUPPLEMENT — B

GUYANA

No. 8 of 2015

REGULATIONS MADE UNDER THE ENVIRONMENTAL PROTECTION ACT Cap 20:05

These regulations are made by me, in exercise of the powers conferred upon me, by section 68(1) of the Environmental Protection Act, Cap 20:05.

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PART I – PRELIMINARY

- Citation** 1. These Regulations may be cited as the Environmental Protection (Expanded Polystyrene Ban) Regulations, 2015 and shall come into force on the date published in the *Gazette*.
- Interpretation** 2. In these Regulations unless the context otherwise requires -
- “Agency” means the Environmental Protection Agency established under section 3 of the Environmental Protection Act 1996;
- “Expanded polystyrene” means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene);
- “Expanded polystyrene food service products” means food containers, plates, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products, made of expanded polystyrene and used for selling or providing food for consumption on or off the premises;
- “Environmentally friendly” means any product or service that is not harmful to the atmosphere or surroundings;
- “Food service establishment” means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, grocery stores, supermarkets, vending trucks or carts and cafeterias, owned either publicly or privately;

"Importation" means to bring, or be concerned in bringing into, Guyana or the territorial waters thereof;

"Recyclable" means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products.

PART II – OBJECTIVES AND APPLICATION

- Objectives** 3. The objectives of these Regulations are to –
- (a) prohibit the importation, manufacture and sale of expanded polystyrene products in Guyana;
 - (b) prohibit the sale, use or provision of expanded polystyrene containers by food service establishments in Guyana; and
 - (c) promote and encourage the use of biodegradable, recyclable and other environmentally-friendly containers or packaging for food products *in lieu* of expanded polystyrene products.
- Application** 4. These Regulations shall apply to all food service establishments operating in Guyana.

PART III - PROHIBITION AND PENALTY

- Prohibition** 5. (1) The importation, manufacture, sale or offer for sale of expanded polystyrene products in Guyana is hereby prohibited.
- (2) Any person or entity found to be in contravention of Regulation 5(1) shall be liable upon summary conviction to a fine of no less than fifty thousand dollars.
- (3) Notwithstanding the provisions of Regulations 5(1) and 5(2), the Minister may, if he considers the importation, manufacture, sale or offer for sale of any goods or any class of goods prohibited by

this Regulation to be in the public interest, authorise the importation, manufacture, sale, offer for sale or use thereof subject to such terms and upon such conditions as he may impose.

**Prohibition of 6.
sale by Food
Service
Establishments**

- (1) No Food Service Establishment shall sell or provide food for consumption, either on or off the said Establishment's premises, in expanded polystyrene food service products.
- (2) The provisions of Regulation 6(1) shall not apply to prepackaged food that a Food Service Establishment sells or otherwise provides for consumption in expanded polystyrene containers that have been filled and sealed prior to receipt by the Food Service Establishment.

Penalty

7. Any Food Service Establishment found to be in contravention of Regulation 6(1) shall –
 - (a) be issued a written warning prohibiting the said Establishment from selling or providing food for consumption, either on or off the said Establishment's premises, in expanded polystyrene food service products for consumption on or off premises by a prescribed date; or
 - (b) face summary jurisdiction proceedings and be liable upon summary conviction to a fine of no less than one hundred thousand dollars.

PART IV – INVESTIGATIONS AND PROSECUTIONS


Investigations

8. The Agency may authorise its officers or officers of any other body or institution it deems fit to conduct investigations and inspections to ensure compliance with these Regulations and investigate complaints relating to breaches of these Regulations.

- Prosecutions** 9. (1) All prosecutions in respect of any contravention of these Regulations shall be brought by the Agency or by any other person authorised by the Director of Public Prosecutions in a court of summary jurisdiction;
- (2) A court that convicts on any contravention of these Regulations, in addition to the penalty imposed by Regulation 6(2), may make an order prohibiting the continuation of the contravention for which the conviction was made.

PART V - ALTERNATIVES AND MINISTERIAL POWERS

- Alternatives** 10. The Agency, in keeping with the objectives of these Regulations, shall offer guidance on, promote and encourage the utilisation of recyclable, biodegradable and other environmentally friendly products as containers or packaging for food products *in lieu* of expanded polystyrene products.
11. The Minister shall have the power to change, amend or alter any provision of these Regulations and any such changes, amendments or alterations shall be published in the *Gazette*.



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Hon. Raphael G. C. Trotman, M.P.
Minister of Governance
2015-12-03