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SUPPLEMENT

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No. 191

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

THE NATURAL RESOURCES CONSERVATION AUTHORITY
(PLASTIC PACKAGING MATERIALS PROHIBITION) ORDER, 2018

In exercise of the powers conferred upon the Minister by section 32(1)(b) of the Natural Resources Conservation Authority Act, and of every other power hereunto enabling, the following Order is hereby made:—

1. This Order may be cited as the Natural Resources Conservation Authority (Plastic Packaging Materials Prohibition) Order, 2018.

2.—(1) In this Order—

“approved person” means a person designated by the Minister under paragraph 5 to manufacture or use single use plastics;

“persons with disabilities” or where the context requires “person with a disability” includes any person who has a long-term physical, mental, intellectual or

sensory impairment which may hinder that person's full and effective participation in society, on an equal basis with other persons;

"single use plastic" means—

- (a) single use plastic bags;
- (b) packaging made wholly or in part of expanded polystyrene foam;
or
- (c) drinking straws, made wholly or in part of polyethylene or polypropylene, manufactured for single use;

"single use plastic bag" means any bag—

- (a) made wholly or in part of polyethylene or polypropylene; and
- (b) of the applicable dimensions.

(2) For the purposes of sub-paragraph (1), with reference to single use plastics bags, the applicable dimensions are—

- (a) before the 1st day of January, 2021, dimensions not exceeding 610 mm x 610 mm (24" x 24") and 0.03 mm (1.2 mils) in thickness;
- (b) on or after the 1st day of January, 2021, dimensions not exceeding 610 mm x 610 mm (24" x 24") and 0.06 mm (2.5 mils) in thickness.

(3) For the purposes of this Order, a quantity shall be taken to be commercial if the quantity is such that it is reasonable to conclude that it is directed toward sale by wholesale or retail for the purpose of obtaining economic benefit, whether in cash or kind.

3. With effect from the 1st day of January, 2019, and subject to paragraph 4, no person shall manufacture or use any single use plastic in commercial quantities.

4. Paragraph 3 shall not apply—

- (a) to single use plastics used to maintain public health and food safety, including packaging used by wholesalers and retailers to distribute raw meat, eggs, flour, sugar, rice or baked goods;
- (b) to single use plastics manufactured or used with the approval of the Minister under paragraph 5;
- (c) to single use plastic bags used to package personal effects, and contained in the luggage of a person travelling into or out of Jamaica;
- (d) to drinking straws manufactured for use by, or used by, persons with disabilities, in accordance with an approval granted by the Minister under paragraph 5;
- (e) until the 1st day of January, 2020, to expanded polystyrene foam in the form of, or used as containers for food or beverage; and

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- (f) until the 1st day of January, 2021, to drinking straws made wholly or in part of polyethylene or polypropylene, manufactured for single use, and attached to, or forming part of, the packaging of juice boxes or drink pouches.

5.—(1) The Minister may, on the application of a person, in writing designate, subject to such terms and conditions as the Minister thinks fit, that person as an approved person, to manufacture or use such single use plastics as may be described in the approval for the purposes of this Order.

(2) An application for an approval under sub-paragraph (1) shall be made in writing to the Minister.

(3) The Minister may, in relation to any application under this paragraph, require the applicant to furnish such additional information as the Minister may consider necessary or desirable to enable the Minister to decide whether or not to grant an approval under this paragraph.

(4) The Minister may—

- (a) by instrument in writing addressed to an approved person, cancel an approval granted under this paragraph, with effect from such date (not being a date earlier than six months after the date of the instrument in writing) as shall be specified in the instrument;
- (b) in accordance with an application made by the approved person, amend any term, condition or other provision of an approval granted under this paragraph.

(5) Where the Minister designates a person as an approved person under sub-paragraph (1), the Minister shall cause to be issued to that approved person a certificate to that person certifying approval and which shall state the terms and conditions, if any, of the approval.

(6) Where the approval of a person is cancelled under paragraph (4), that person shall return the certificate issued under sub-paragraph (5).

6. For the avoidance of doubt, this Order applies to a single use plastic bag regardless of whether that bag is, or is labeled as, degradable, biodegradable, oxo-degradable, photo degradable, or compostable.

7. A person who contravenes paragraph 3 commits an offence and is liable on summary conviction before a Judge of a Parish Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years.

Dated this 24th day of December, 2018.

ANDREW HOLNESS, ON
Minister of Economic Growth and Job Creation.