

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(*Prohibition*) Act

SAINT LUCIA

No. 22 of 2019

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Binding of the Crown
4. Non-application of this Act
5. Prohibition on import of styrofoam and plastic food service containers
6. Prohibition on manufacture, sale, use and distribution
7. Prohibition of sale of food in styrofoam and plastic food service container
8. Declaration and reduction measures
9. Power to enter and seize
10. Disposal
11. Costs of storage and disposal
12. Amendment of Schedule
13. Regulations

SCHEDULE

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(Prohibition) Act

I Assent

[L.S.]

NEVILLE CENAC,
Governor-General.

July 2, 2019.

SAINT LUCIA

No. 22 of 2019

AN ACT to ban the importation, manufacturing, sale, use or distribution of styrofoam and plastic food service containers and for related matters.

[3rd July, 2019]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(Prohibition) Act

Short title

1. This Act may be cited as the Styrofoam and Plastic Food Service Containers (Prohibition) Act, 2019.

Interpretation

2. In this Act —

“authorized officer” —

- (a) means an authorized officer designated and appointed by the Minister responsible for health or appointed by a public authority under section 41 of the Waste Management Act, Cap. 6.05;
- (b) includes —
 - (i) a member of the Royal Saint Lucia Police Force,
 - (ii) a special reserve police, special constable and rural constable appointed under the Police Act, Cap. 14.01,
 - (iii) an environmental health officer and public health inspector appointed, and a person authorized by the Minister responsible for health under the Public Health Act, Cap. 11.01;
 - (iv) a forest officer appointed for the purposes of the Forest, Soil and Water Conservation Act, Cap. 7.09;

“distribution” means to —

- (a) supply to another person; or
- (b) give or deliver to another person;

“environmentally sustainable” means made from a biological based resource that is compostable in a facility or garden;

“food” means a substance, whether processed, semi-processed or raw, which is intended for human consumption or otherwise taken into the body to sustain life and to provide energy, in liquid or solid form and includes other substances used as ingredients in the preparation of food for any purpose;

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(*Prohibition*) Act

“food business” —

(a) means an activity involving or relating to the production of food intended for human consumption whether or not the activity is carried on for profit;

(b) includes —

(i) a full-service restaurant,

(ii) a fast food restaurant,

(iii) a grocery store,

(iv) a supermarket,

(v) a temporary structure, vehicle, watercraft, cart, tray or other similar device,

(vi) a cafeteria, and

(vii) a processing plant,

whether owned publicly or privately;

“food service container” means a disposable article used for the serving, packaging and conveying of food listed in the Schedule;

“food premises” means premises used for a food business;

“Minister” means the Minister responsible for the environment;

“person” includes —

(a) an individual;

(b) a corporation; and

(c) an unincorporated body;

“sell” means to give or hand over something in exchange for money, cash or other item;

“styrofoam” means material made from plastic foam which is formed with the use of a gas or volatile liquid introduced into liquid plastic to make polystyrene bubbles;

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(*Prohibition*) Act

“plastic” means a synthetic material made from a wide range of organic polymers, such as polyethylene, polyvinyl chloride or nylon that can be molded into shape while soft and set into a rigid or slightly elastic form;

“disposable” means designed to be thrown away after single use.

Binding of the Crown

3. This Act binds the Crown.

Non-application of this Act

4.—(1) This Act does not apply to —

- (a) a disposable plastic beverage container referred to in a law relating to the management of containers;
- (b) food that was packaged and sealed in or with the styrofoam or plastic food service container prior to receipt by a person;
- (c) a disposable carry-out bag composed primarily of thermoplastic synthetic polymeric materials, which is provided by a food business to a customer at the point of sale and incidental to the purchase of other goods;
- (d) a disposable plastic bag designed for, packaged and retailed specifically for the disposal of waste from households, public places, business places, offices or industrial plants;
- (e) a disposable plastic bag, disposable styrofoam container or item for pharmaceutical dispensing or other medical use;
- (f) a disposable plastic bag or plastic wrap designed for storage of agricultural products, used for perishables or the preservation of food;
- (g) a disposable biodegradable plastic bag manufactured for export; and
- (h) a disposable plastic straw attached to a small tetra pak box.

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(*Prohibition*) Act

(2) In this section, “tetra pak box” means a food carton in the form of a tetrahedron and primarily in the form of a rectangular cuboid.

Prohibition on import of styrofoam and plastic food service containers

5.—(1) A person shall not import a styrofoam or plastic food service container specified under —

- (a) Part A of the Schedule, from the 1st day of August, 2019;
- (b) Part B of the Schedule, from the 1st day of August, 2020.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars.

Prohibition on manufacture, sale, use and distribution

6.—(1) A person shall not manufacture, sell, use or distribute a styrofoam or plastic food service container specified under —

- (a) Part A of the Schedule, from the 1st day of August, 2020;
- (b) Part B of the Schedule, from the 1st day of August, 2021.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars.

Prohibition of sale of food in styrofoam and plastic food service container

7.—(1) A person owning or in charge of a food business shall not sell or offer for sale on the food premises food in or with a styrofoam or plastic food service container specified under —

- (a) Part A of the Schedule, from the 1st day of August, 2020;
- (b) Part B of the Schedule, from the 1st day of August, 2021.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding four thousand five hundred dollars.

Declaration and reduction measures

8.—(1) At the commencement of this Act, a person owning or in charge of a food business shall declare to the Department of Sustainable

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(Prohibition) Act

Development the number and types of food service containers and the measures it will take to reduce the use of styrofoam and plastic food service containers.

(2) Without prejudice to the generality of subsection (1), a food business may, as a measure to reduce the use of styrofoam and plastic food service containers, manufacture, import, distribute, sell or use a food service container that is environmentally sustainable.

(3) The Saint Lucia Bureau of Standards shall issue standards for environmentally sustainable food service containers in accordance with the Standards Act, Cap. 13:25.

(4) A person owning or in charge of a food business shall not make a false or misleading claim or statement under subsection (1).

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding four thousand five hundred dollars.

Power to enter and seize

9.—(1) An authorized officer may at a reasonable time and based on reasonable suspicion, enter and seize styrofoam or plastic food service containers.

(2) Before exercising powers under subsection (1) an authorized officer shall obtain a warrant under subsection (3).

(3) An authorized officer may make an application for a warrant to a magistrate.

(4) If an application is made under subsection (3), a magistrate may issue a warrant authorizing an authorized officer named in the warrant, to seize the styrofoam or plastic food service containers.

(5) A magistrate shall not issue a warrant under subsection (4) unless —

- (a) an affidavit has been furnished to the magistrate setting out the grounds on which the issue of the warrant is being sought;
- (b) the authorized officer or some other person has given to the magistrate further information, if any, on oath as the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(*Prohibition*) Act

- (c) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (6) A warrant issued under subsection (5) must —
 - (a) specify the purpose for which the warrant is issued;
 - (b) specify the hours within which entry is authorized to be made;
 - (c) include a description of the kind of goods authorized to be inspected, sampled or seized; and
 - (d) specify a date, not being less than seven days after the day on which the warrant is issued, after which the warrant ceases to have effect.
- (7) An authorized officer shall, before entering the premises under a warrant issued under subsection (4) —
 - (a) announce that he or she is authorized to enter the premises;
 - (b) give a person at the premises an opportunity to allow entry to the premises; and
 - (c) give a copy of the warrant to the owner or person in charge of the food business or in the absence of the owner or person in charge on the premises, to a person on the premises who appears to be employed by the owner of the food business.
- (8) A person who interferes with an authorized officer in the execution of a warrant under this section commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars and in default of payment of the fine, to imprisonment for a term not exceeding one year.

Disposal

10.—(1) A person shall dispose of a styrofoam or plastic food service container in accordance with the Waste Management Act, Cap. 6.05.

(2) Notwithstanding subsection (1), a styrofoam or plastic food service container that is imported must be disposed by export of the styrofoam or plastic food service container to the country of origin.

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(*Prohibition*) Act

(3) A person shall not burn a styrofoam or plastic food container.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

Costs of storage and disposal

11.—(1) On conviction of an offence under section 5, 6 or 7, a reasonable expense incurred for —

- (a) storage of the styrofoam or plastic food service container being the subject-matter of the offence, for the period commencing from the date on which the charge is laid until the styrofoam or plastic food service container is removed or disposed of which is such time after conclusion of the proceedings as is reasonable;
- (b) the export of the styrofoam or plastic food service container being the subject-matter of the offence from Saint Lucia; or
- (c) the disposal of the styrofoam or plastic food service container being the subject-matter of the offence,

is a civil debt owed to the Crown by the person who is convicted of the offence and is recoverable by legal action brought at the suit of the Comptroller of Customs or the Commissioner of Police, as the case may be, on behalf of the State.

(2) Disposal under subsection (1) must be in accordance with section 10.

Amendment of Schedule

12. The Minister may, by Order published in the *Gazette*, amend the Schedule.

Regulations

13. The Minister may make Regulations for giving effect to this Act.

SCHEDULE

(Sections 2, 5, 6 and 7)

FOOD SERVICE CONTAINER

PART A

STYROFOAM

1. Disposable Cup
2. Disposable Plate
3. Disposable Tray
4. Disposable Hinged Take-Away Container
5. Disposable Bowl

PLASTIC

1. Disposable Cup
2. Disposable Plate
3. Disposable Beverage Cup Lid
4. Disposable Bowl Lid

PART B

PLASTIC

1. Disposable Fork
2. Disposable Spoon
3. Disposable Knife
4. Disposable Straw
5. Disposable Hinged Take-Away Container
6. Disposable Bowl
7. Disposable Tray
8. Disposable Stirrer

No. 22] *Styrofoam and Plastic Food Service Containers* [2019
(Prohibition) Act

STYROFOAM

1. Disposable Egg Carton.

Passed in the House of Assembly this 11th day of June, 2019.

ANDY G. DANIEL,
Speaker of the House of Assembly.

Passed in the Senate this 13th day of June, 2019.

JEANNINE GIRAUDY-MCINTYRE,
President of the Senate.