

SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2017 NO. 21

(Gazetted 27th April, 2017)

IN EXERCISE of the powers conferred by section 31 of the Environmental Health Services Act, Chapter 285, the Minister makes the following Regulations –

**ENVIRONMENTAL HEALTH (EXPANDED POLYSTYRENE BAN) REGULATIONS  
2017**

1. (1) These Regulations may be cited as the Environmental Health (Expanded Polystyrene Ban) Regulations 2017. **Citation and commencement**

(2) These Regulations commence on the 1<sup>st</sup> day of May 2017.

2. In these Regulations – **Interpretation**

“Division” has the meaning assigned to it in the Act;

“environmentally friendly” in relation to containers or packaging for food means containers or packaging that cause minimal harm to the atmosphere;

“expanded polystyrene” means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilising a styrene monomer and processed by any number of techniques including fusion of polymer spheres (expandable bead polystyrene), injection moulding, foam moulding and extrusion-blow moulding (extruded foam polystyrene);

“expanded polystyrene food service products” mean containers, plates, hot and cold beverage cups, fish, seafood, meat and vegetable trays, egg cartons and other products made of

## Schedule

expanded polystyrene and used for serving, providing or selling food, the tariff headings of which are set out in the Schedule;

“recyclable” in relation to containers or packaging for food means containers or packaging that can be processed and returned to the economic mainstream in the form of raw materials or products;

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“the Act” means the Environmental Health Services Act.

## Objectives

3. The objectives of these Regulations are to –
- (a) prohibit the importation, manufacture and sale of expanded polystyrene food service products in Saint Vincent and the Grenadines;
  - (b) prohibit the use or provision of expanded polystyrene food service products in Saint Vincent and the Grenadines; and
  - (c) promote and encourage the use of biodegradable, recyclable and other environmentally friendly containers or packaging for food *in lieu* of expanded polystyrene products.

## Prohibition on importation etc

4. (1) Subject to regulation 11 (1) and (2), a person shall not –
- (a) import;
  - (b) manufacture; or
  - (c) sell,

expanded polystyrene food service products.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for twelve months or to both.

## Prohibition of use etc

5. Subject to regulation 11 (3), a person shall not –

- (a) use; or
- (b) serve, provide or sell food in,

expanded polystyrene food service products.

6. (1) If the Chief Environmental Health Officer is satisfied that a person is contravening regulation 5, the Chief Environmental Health Officer shall serve on the person a notice requiring the person to comply with regulation 5.

**Notice to comply**

(2) A notice referred to in subregulation (1) shall specify the time within which the person must comply with the notice.

7. If a person who is served with a notice under regulation 6 fails, within the time specified in the notice, to comply with the notice the person commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for twelve months or to both.

**Offence for failing to comply with notice**

8. A court which convicts a person for an offence under regulation 7, in addition to the penalty imposed under regulation 7, may make an order prohibiting the continuation of the contravention for which the conviction was made.

**Order of court**

9. The Division, in keeping with the objectives of these Regulations, shall –

**Alternatives**

- (a) offer guidance on; and
- (b) promote and encourage,

the use of recyclable, biodegradable and other environmentally friendly products as containers or packing for food *in lieu* of expanded polystyrene products.

10. Notwithstanding anything in these Regulations, the Minister, may if he considers the importation, manufacture, sale or use of any goods or any class of goods prohibited by these Regulations to be in the public interest, authorise the importation, manufacture, sale or use of the goods subject to such terms and conditions as he may impose.

**Exemptions**

11. (1) Regulation 4 (1) (a) does not apply to an importation shown to the satisfaction of the customs to have been ordered prior to the commencement of these Regulations if the goods arrive in Saint Vincent and the Grenadines within ninety days after such commencement.

**Transitional provisions**

(2) Notwithstanding regulation 4 (1) (c), compliance with regulation 4 (1) (c) is required within nine months of the commencement of these Regulations

(3) Notwithstanding regulation 5, compliance with regulation 5 is required within nine months of the commencement of these Regulations.

**SCHEDULE**

(regulation 2)

Customs Tariff Headings of Expanded Polystyrene Food Service Products

- HS 39.23.50.10
- HS 39.23.50.90
- HS.39.23.90.10
- HS 39.23.90.90

Made this 26th day of April 2017.

Hon. Senator Robert TLV Browne  
Minister of Health, Wellness and  
the Environment.

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