

Puerto Rico Bans Single-Plastic Use in Commercial Establishments

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PRACTICE AREAS

- Environmental, Energy & Land Use
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Act No. 51-2022 (the “Act”) imposes a ban on single-use plastic products used in commercial establishments beginning on July 1, 2024. Single use plastics are artifacts made of non-reusable, non-biodegradable plastic material, such as, cutlery (knives, forks, spoons), straws and mixers (stirrers), glasses, cups, plates and food containers made of expanded polystyrene (foam), for immediate use and/or to carry some type of unprocessed or processed food. Commercial establishments must place a notice or sign to notify their consumers of the scope of the Act commencing on July 31, 2024.

Reusable plastics or biodegradable or compostable materials (including materials made of wood, cardboard, cellulose and/or wood) can be used to substitute the single use plastics. As an exception, single-use plastic and foam products will be permitted during official states of emergencies declared by the Governor of Puerto Rico and/or the President of the United States.

Between July 1, 2024 and December 31, 2024, DACO will only be notifying establishments of faults but not issuing fines. After December 31, 2024, DACO may impose an administrative fine of \$500 on an establishment for its first violation. In case of a second violation, DACO may impose a \$1,000 fine and, any subsequent violation, may result in a \$5,000 fine.

On June 28, 2024, the Department of Consumer Affairs (DACO) and the Department of Natural Resources (DRNA) issued Regulation 9570 to provide additional guidelines on the single-use plastic ban.

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