

**YAP STATE ENVIRONMENTAL PROTECTION AGENCY**

**FEDERATED STATES OF MICRONESIA**

**REGULATIONS**

**Persistent Organic Pollutants**

**REGULATIONS FOR PERSISTENT ORGANIC POLLUTANTS**

**PART I. GENERAL PROVISIONS**

**1.1 Authority**

These Regulations are promulgated and issued by the Yap State Environmental Protection Agency pursuant to 18 YSC 1507(a), as amended. These Regulations have the force and effect of law.

**1.2 Purpose**

The purpose of these Regulations is to implement the Yap State Environmental Quality Protection Act (Y.S.L. 3-73) by eliminating persistent organic pollutants from Yap's Environment by establishing a Date of Prohibition for Priority List substances, and to define unlawful activities pertaining to substances on the Priority List.

In pursuing this purpose, the Agency will apply the precautionary principle when discharging its responsibilities and functions, or exercising its powers. For the purposes of these Regulations, the precautionary principle is applied if, in the event of a threat of significant damage to the Environment or a significant risk to human health in the State of Yap, a lack of full scientific certainty regarding the extent of adverse effects is not used as a reason for failing to act to prevent or minimize the potential adverse effects or risks arising in any way from any matter regulated under these Regulations.

**1.3 Definitions**

The following words and terms, when used in these Regulations, will have the following meanings, unless the context clearly indicates otherwise:

- (a) "Agency" means the Yap State Environmental Protection Agency.
- (b) "Director" means the Executive Director of the Yap State Environmental Protection Agency.
- (c) "Disposal Plan" means a plan to dispose of Priority List substances that is approved by the Director in accordance with Part III of these Regulations.
- (d) "Date of Prohibition" means the day 6 months after the commencement of these Regulations.

(e) "Environment" means the physical factors and the interrelationships that exist among them of the surroundings of human beings. These factors include the land, soil, water, atmosphere, climate, and biota of every description situated within the territorial limits of the State of Yap, including the State Fishery Zone.

(f) "Priority List" means the following substances:

- (1) Aldrin
- (2) Alpha Hexachlorocyclohexane
- (3) Beta Hexachlorocyclohexane
- (4) Chlordane
- (5) Chlordecone
- (6) Dichloro-diphenyl trichloroethane (DDT)
- (7) Dieldrin
- (8) Dioxins
- (9) Endrin
- (10) Heptachlor
- (11) Hexabromobiphenyl and Hexabromobiphenyl ether
- (12) Hexachlorobenzene
- (13) Lindane
- (14) Mirex
- (15) Pentachlorobenzene
- (16) Pentabromodiphenyl ether
- (17) Perfluorooctane sulphonic acid
- (18) Polychlorinated biphenyls (PCBs)
- (19) Polychlorinated dibenzofurans
- (20) Tetrabromodiphenyl ether
- (21) Toxaphene
- (22) Endosulfan
- (23) Hexabromocyclododecane.

## **PART II. OFFENSES RELATING TO PRIORITY LIST SUBSTANCES**

### **2.1 Priority List and Hazardous Substances**

No person may possess, manufacture, use, store, transport, discard, or otherwise discharge any substance on the Priority List in any manner after the Date of Prohibition unless the person does so in strict accordance with a Disposal Plan approved by the Director in accordance with these Regulations.

### **2.2 Priority List Prior to the Date of Prohibition**

- (a) Prior to the Date of Prohibition, no person may use, discard, or otherwise discharge any substance on the Priority List in any manner.
- (b) Any person who owns or possesses any Priority List substances must, prior to the Date of Prohibition:
  - i. notify the Agency of the type, storage, and volume of the Priority List substance; and
  - ii. strictly comply with any Disposal Plan or directions given by the Agency regarding the forfeit, transport, and disposal of the Priority List substances.

## **PART III. AUTHORITY OF THE AGENCY TO DEAL WITH PRIORITY LIST SUBSTANCES**

3.1 The Agency and its authorized representatives and employees may enter upon public or private property at any reasonable time to:

- (a) examine and inspect documentation and permits, application methods, supplies of Priority List substances, and to perform other acts necessary for the purpose of these Regulations; and
- (b) examine and collect samples of substances, plants, soil, water, or other materials.

3.2 If any items are seized or any samples are taken during an inspection, the Agency will provide a list of seized items and samples taken to a person present at the property at the time of the inspection. If no one is present at the property at the time of the inspection, the Agency will provide a list of the seized items and samples taken to the property owner within 30 days of the inspection.

3.3 When a person notifies the Agency that that person has a Priority List substance, the Agency will consult the Director of the Office of Environment and Emergency Management of the Government of the Federated States of Micronesia, and work together with that person to develop a Disposal Plan for the environmentally sound disposal of the Priority List substances.

3.4 The Agency has the discretion to determine how the costs of executing a Disposal Plan are to be allocated and may detail this cost allocation within the Disposal Plan.

## **PART IV. PENALTY FOR VIOLATION**

4 Any person who violates any provision in these Regulations will be liable for civil penalties in accordance with 18 YSC §1512.

These Regulations will be effective upon filing with the Attorney General and the Chief Clerk of the Legislature.

PROMULGATED BY

RECEIVED AND FILED


3/27/2014



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12/30/2014



Dee N. N. Libian  
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APPROVED BY



The Honorable Sebastian L. Anefal  
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