REPUBLIC OF THE MARSHALL ISLANDS
CONFIDENTIAL
C.M. 126 (2018)

FOR ACTION
Minister in Assistance to the President and Environment
Minister of Finance, Banking and Postal Services

FOR INFORMATION
All Ministers

SUBJECT: Approval of the Recycling Program Regulations.

At its meeting on June 15, 2018, the Cabinet:

1) **approved** the attached Recycling Program Regulations; and
2) **authorized** the Republic of the Marshall Islands Environment Protection Authority (EPA) to implement said Regulations; and
3) **authorized** the transfer or reprogram of $100,000.00 from the Judiciary fund, (Penalty on Fong Seong) to EPA recycling fund.

Hilda C. Heine, Ed. D
President

Earlie C. Bing
Clerk of the Cabinet

[Reference – C.P. 7920 (2018)]
Signed by the President on June 15, 2018.

Recycling Program Regulations

1. **Authority.**

These regulations are promulgated by the Republic of the Marshall Islands Environmental Protection Authority pursuant to section 15 of the Styrofoam Cups and Plates, and Plastic Products Prohibition and Container Deposit Act 2016, and the 2018 Amendment. These regulations and any amendments hereto shall have the force and effect of law.

2. **Purpose.**

The purpose of these regulations is to implement the Marshall Islands Container Deposit and Recycling Program setting forth guidelines, procedures, requirements and standards for the operation of the Program and to enable fiscal control and accountability over all monies collected as Recycling Deposit Fees and all monies paid out in the course of collection of designated waste materials for recycling.

3. **Effective Date**

These regulations shall come into effect one day after their approval by Cabinet.

4. **Interpretation.**

In these regulations:

"Authority" means the Republic of the Marshall Islands Environmental Protection Authority;

"beverage" means any liquid intended for human consumption by drinking;

"designated collection point" means any place agreed to be a place of collection for recyclable waste material in an agreement between the Recycling Agent and the Environmental Protection Authority, or otherwise designated under these regulations;

"PET" means Polyethelene Terephthalate;

"Recycling Agent" means the person or entity appointed by, or contracting with, the Environmental Protection Authority to be responsible

for the recycling of those waste materials designated under these regulations;

"Recycling Deposit Fee" means the fee charged by the State to importers and or manufacturers of those items designated under these regulations;

"Recycling Fund" means the Recycling Special Revenue Fund established under section 14 of the Act, and is a Special Revenue Fund as provided for under the Financial Management Act of 1990;

"Recycling Material" means those materials designated under Schedule A to these regulations, and any other materials defined within the Act;

"Recycling Refund" means the amount paid by the Recycling Agent in return for Recycling Material delivered to a designated collection point;

"Republic" means the Republic of the Marshall Islands.

5. **Character of Recycling Material**

(a) All recycling material, including those under Schedule A, must be whole of container (not fragments) and clean at the point of redemption and processing.

(b) No recycling material may be previously redeemed by any person or entity, and all such material may only be redeemed once by any person or entity.

6. **Liability to Pay Recycling Deposit Fee.**

(a) The Recycling Deposit Fee must be paid by the importer or manufacturer in the Republic of any Recycling Material designated under Schedule A of these regulations.

(b) Liability for the Recycling Deposit Fee arises when the Recycling Materials designated under these regulations are imported into the Republic, or manufactured in the Republic, except where:

(i) The items are imported for the purpose of re-export; or

(ii) The items are imported for the purpose of transshipment; or

(iii) The items are manufactured in the Republic for the purpose of export.

(c) The Recycling Deposit Fee shall be paid to any person authorized by the Secretary of Finance.

(d) The amount of the Recycling Deposit Fee shall be for those Recycling Materials and in those amounts specified by Schedule A of these regulations. Schedule A may be adjusted by the Environmental Protection Authority, upon approval of it's Board, and proposed and published pursuant to the relevant provisions of the Administrative Procedure Act or those of any successor legislation.

Schedule A

Number	Recycling Material	Amount of Fee
1.	Any beverage container made from aluminum	$0.06 per container
2.	Any glass beverage container	$0.06 per container
3.	Any beverage container made from PET	$0.06 per container

7. **Deposits to Recycling Fund.**

All Recycling Deposit Fees collected shall be immediately deposited in the Recycling Special Revenue Fund. Money in the Recycling Fund may not be used for any purpose other than funding of the Marshall Islands Recycling Program.

8. **Payments by the Recycling Agent.**

The Recycling Agent shall make payments in the amounts specified by Schedule B of these regulations, to persons or entities delivering Recycling Materials to a designated collection point at times established for collection of Recycling Material. Schedule B may be adjusted by the Environmental Protection Authority, upon approval of it's Board, and proposed and published pursuant to the relevant provisions of the Administrative Procedure Act or those of any successor legislation.

(a) For each category of Recycling Material the Recycling Agent will establish a minimum number of items, not les than five items, and not exceeding fifty items, for which a Recycling refund will be paid.

(b) For any number of beverage containers in excess of fifty , the number of cans collected may be calculated by volume.

(c) Recycling Refunds will only be paid for Recycling Material that is whole and in reasonably clean condition.

(d) Refund fees are anticipated to be 1 cent less than deposit fees, and the difference between refund and deposit fees to be used as a handling fee of the Agent to address processing.

Schedule B

Number	Recycling Material	Recycling Refund	Minimum No.
1.	Any beverage container made from aluminum	$0.05 per container	20 containers
2.	Any glass beverage container	$0.05 per container	20 containers
3.	Any beverage container made from PET	$0.05 per container	20 containers

9. **Responsibilities of Recycling Agent.**

The Recycling Agent will be responsible for:

(a) The establishing of designated collection points; and

(b) Scheduling regular collections from designated collection points; and

(c) Payment of Recycling Refunds; and

(d) Maintaining accurate accounts for all recycling transactions; and

(e) Crushing, baling or otherwise performing necessary processing of collected Recycling Material for local use, or for sale and transport off island; and

(f) Contracting with other parties for the sale and transport off island of collected Recycling Material; and

(g) Hiring such staff as are required to efficiently collect, process, sell and export Recycling Material; and

(h) Making claims to the Ministry of Finance against the Recycling Special Revenue Fund in the prescribed manner.

10. **Responsibilities of the Republic of the Marshall Islands Environmental Protection Authority and the Ministry of Finance**

The government of the Republic of the Marshall Islands will be responsible for:

(a) Ensuring that money deposited into the Recycling Special Revenue Fund is in a dedicated account or sub-account, and not co-mingled with other State monies and is used only for the Recycling Program in a manner consistent with the Act; and

(b) Making such monies as are required by the Recycling Agent to fund Recycling Refunds available to the Recycling Agent within five business days of the properly documented request being submitted to the Ministry of Finance.

11. **Funding for Recycling Program.**

It is intended that all funding for the Recycling Program will come from the collection of Recycling Deposit Fees and the sale of Recycling Material. Any unanticipated funding needs will be brought to the attention of the Secretary of Finance, the government's appropriations process and, with appropriate coordination, international donors and entities.

12. **Reporting.**

The Recycling Agent shall prepare and deliver to the Authority an annual report detailing the amounts paid as Recycling Refunds, amounts received for the sale Recycling Material, other income and expenses in sufficient detail so that the Authority can prepare the reports required pursuant to the Styrofoam cups and plates, and Plastic Products Prohibition and Container Deposit Act 2016, and the 2018 amendment.

13. **Outer Islands**

These regulations and the Act apply to the entire Republic. The Environmental Protection Authority may devise strategies, policies and plans, in coordination with the Ministry of Culture and Internal Affairs, and relevant local entities, regarding implementation of the Act and these regulations to outer islands, including areas of a primarily rural or non-urban character, to assist in achieving the Act's goals and objectives.