



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

DOMINICAN REPUBLIC

We were not able to locate specific court cases in the Dominican Republic on waste producer liability. The law in effect was just approved in December 2019 and the statutory provisions that are relevant are set out below.

Summary of the National Law

Title II, Article 11, section 7 of the [General Law on Waste](#) clearly provides that waste generators “are responsible for the management of waste that [they] generate or possess, until it is reused or adequately disposed of.” The same law also adopts the waste hierarchy and other features common in U.S. and E.U. law. This comes after a long period of uncertainty as the new law was being discussed for several years.

Chapter II, Article 24, also subjects specific hazardous wastes to be managed in accordance with a National Waste Plan. This obviously may affect a waste generator's options for management of such waste.

Article 65 requires any reuse of waste “guarantee health and environmental safety conditions during the process and during any subsequent use.” Incineration and hazardous waste treatment must meet standards that protect the environment and public health (Article 66) and open burning of hazardous waste is prohibited (Article 66).

The law goes on to define liability for contamination and remediation of sites in Article 76, Liability for remediation:

“Persons responsible for activities related to the generation and management of hazardous materials and wastes that, through them, have caused soil contamination or degraded the conditions of the environment or its components, are obligated carried out the corresponding remediation actions, in accordance with the provisions of this Law and other provisions in force, without prejudice to the application of administrative, civil and criminal actions that may correspond. The competent authority may require prior approval of an environmental review and the financial guarantees to ensure environmental remediation actions.”

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