



LEGISLATURE OF PUERTO RICO

## Office of Legislative Services

### CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 33 (H.B. 826) of the 4<sup>th</sup> Session of the 14<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to add subsections (f) and (g) to Section 2; add a new subsection (t) to Section 6; and add a paragraph to Section 20 of Act No. 43 of June 21, 1988, as amended, known as the "Puerto Rico Fire Corps Act," for purposes of including new definitions and to empower the Fire Chief to request and obtain information pertaining to hazardous materials used or stored in industries or commercial establishments, as well as to set forth penalties for violations to the dispositions herein,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30<sup>th</sup> of January of 2004.

  
Elba Rosa Rodríguez Fuentes  
Director

(P.C. 826)

(No. 33)

(Approved January 2, 2003)

**AN ACT**

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**STATEMENT OF MOTIVES**

Commercial and industrial activities developed during the last thirty years in Puerto Rico have brought intensive use of hazardous materials as a consequence. These materials may be defined as those substances that, when transported commercially or stored in certain amounts or manners, may represent an excessive risk to health, safety, or property. Materials so designated have been classified based upon the type of hazard they represent. This classification includes, but is not limited to, explosives, radioactive, liquid or solid inflammables, liquid or solid fuels, poisonous materials, oxidizable or corrosive materials, and compressed gasses. Part 172 of Title 49 of the Code of Federal Regulations includes around 3,500 materials and substances that are considered to be hazardous.

The presence of certain amounts of these hazardous materials in industrial or commercial installations may put at risk the safety of firefighters who respond to a fire, and of the residents in neighboring communities. Inadequate management of these materials may aggravate an emergency situation produced by a fire, creating an extremely dangerous situation.

Therefore, the Fire Corps must be provided with the necessary information that shall allow them to respond effectively to emergencies produced by fires in industries and commercial establishments. For these purposes, the Fire Chief is hereby empowered to request and obtain from industries and commercial establishments information pertaining to the hazardous materials used or stored in said installations. Said information must be available in fire stations rendering services to installations that manage hazardous materials in order to ensure an adequate response from the Fire Corps.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.-Subsections (f) and (g) are hereby added to Section 2 of Act No. 43 of June 21, 1988, as amended, to read as follows:

“Section 2.-Definitions

For purposes of this Act, the phrases and terms hereunder shall have the following meanings:

- (a) .....
- (f) “Industry” means any building, structure, or land that is used for operations of assembly, production, manufacturing, storage, packaging, or distribution of products, or in which any other industrial process is performed. Among these are included, without being limited to, factories, laboratories, printing presses, pharmaceutical installations, petroleum refineries, petrochemical plants, cereal mills, distilleries, bonded warehouses, thermoelectric plants, nuclear reactors, and installations for the disposal, processing or storage of toxic or hazardous materials.
- (g) “Hazardous Materials” means any substance or material that has been identified by the Federal Transportation Department and is included under Section 172.101 of Subpart B of part 172 of Title 49 of the Code

of Federal Regulations (49 CFR 172.101), which exceeds the maximum net amount per substance allowed to be transported in an air cargo vessel in a single package, pursuant to the dispositions of this regulation, and which complies with the requirements of hazard type, pursuant to Subparts C through J of Part 173 of Title 49 of the Code of Federal Regulations. Any other hazardous chemicals, as described in Section 370.2 of Subpart A of Part 370 of Title 40 of the Code of Federal Regulations (40 CFR 370.2), shall also form part of this definition.

Section 2.-A new subsection (t) is hereby added to Section 6 of Act No. 43 of June 21, 1988, as amended, to read as follows:

“Section 6.-Duties and powers of the Fire Chief

The Fire Chief shall have the duties and powers set forth below:

- (a) .....
- (t) To request and obtain from any industry or commercial establishment that uses, stores, or produces hazardous materials, a written notification of the presence of said hazardous materials in their land, building, or structure. The requested notification must detail the type of hazard, as set forth in 49 CFR 172.101, or in 40 CFR 370.20, and following, of each hazardous material, as well as the site within the installations of the industry or commercial establishment in which said materials are commonly located. The industry or commercial establishment must also inform the exact locations to which their hazardous wastes are sent or dumped. The requested information must be evaluated periodically and analyzed by the personnel designated by the Auxiliary Chief of the Fire Prevention Bureau, and the results of that evaluation and analysis shall be immediately

referred to the fire station that serves the site at which the industry or commercial establishment in question is located.”

Section 3.-Section 20 of Act No. 43 of June 21, 1988, as amended, is hereby amended by adding a new final paragraph to read as follows:

....

Any industry or commercial establishment that does not comply with the dispositions set forth herein shall be guilty of a misdemeanor subject to a penalty of a fine of up to five thousand (5,000) dollars, or a jail term of six (6) months, or both penalties, at the discretion of the Court.

Section 4.-This Act shall take effect immediately after its approval.