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OF THE UNITED STATES OF AMERICA
IN THE ARGENTINE REPUBLIC**



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**ENVIRONMENTAL
LEGISLATION
HANDBOOK**

**ARGENTINE REPUBLIC
PROVINCE OF BUENOS AIRES
CITY OF BUENOS AIRES**

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PREFACE

[To Be Completed]

SCOPE AND PURPOSE OF HANDBOOK

[To Be Completed]

- Designed as a useful secondary reference source for compliance officers, attorneys, and other experts interested in Argentina's environmental regulatory framework.
- Written in a straightforward manner with limited jargon to be useful and accessible to all persons approaching Argentina's environmental regulatory framework, or some portions of it, for the first time.
- Not a comprehensive treatise; rather, a short-hand reference guide.
- Does not discuss specifically regulated activity such as [oil and gas]; atomic energy; and mining.
- Criteria for selection (Why only Province of Buenos Aires, City of Buenos Aires?)

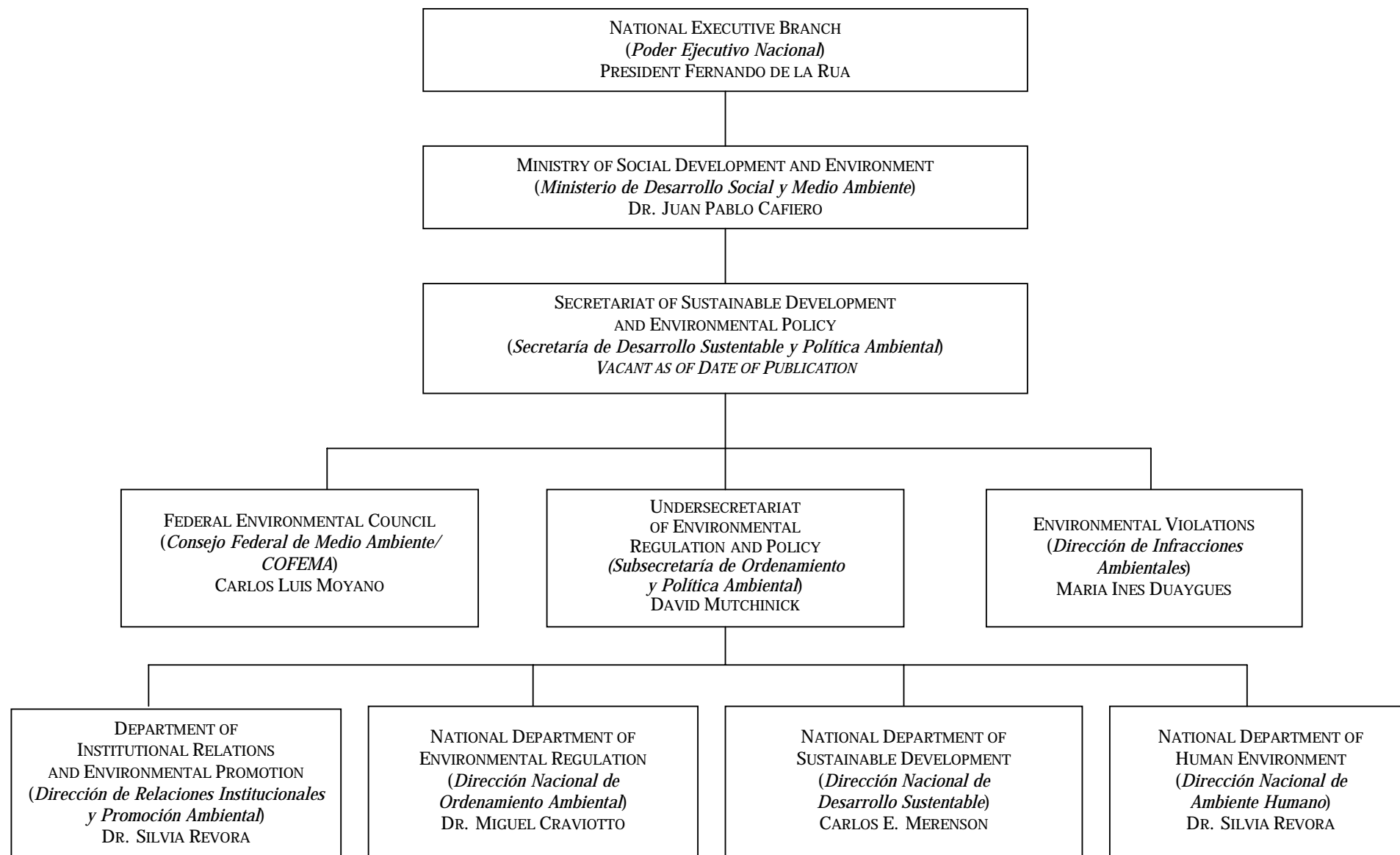
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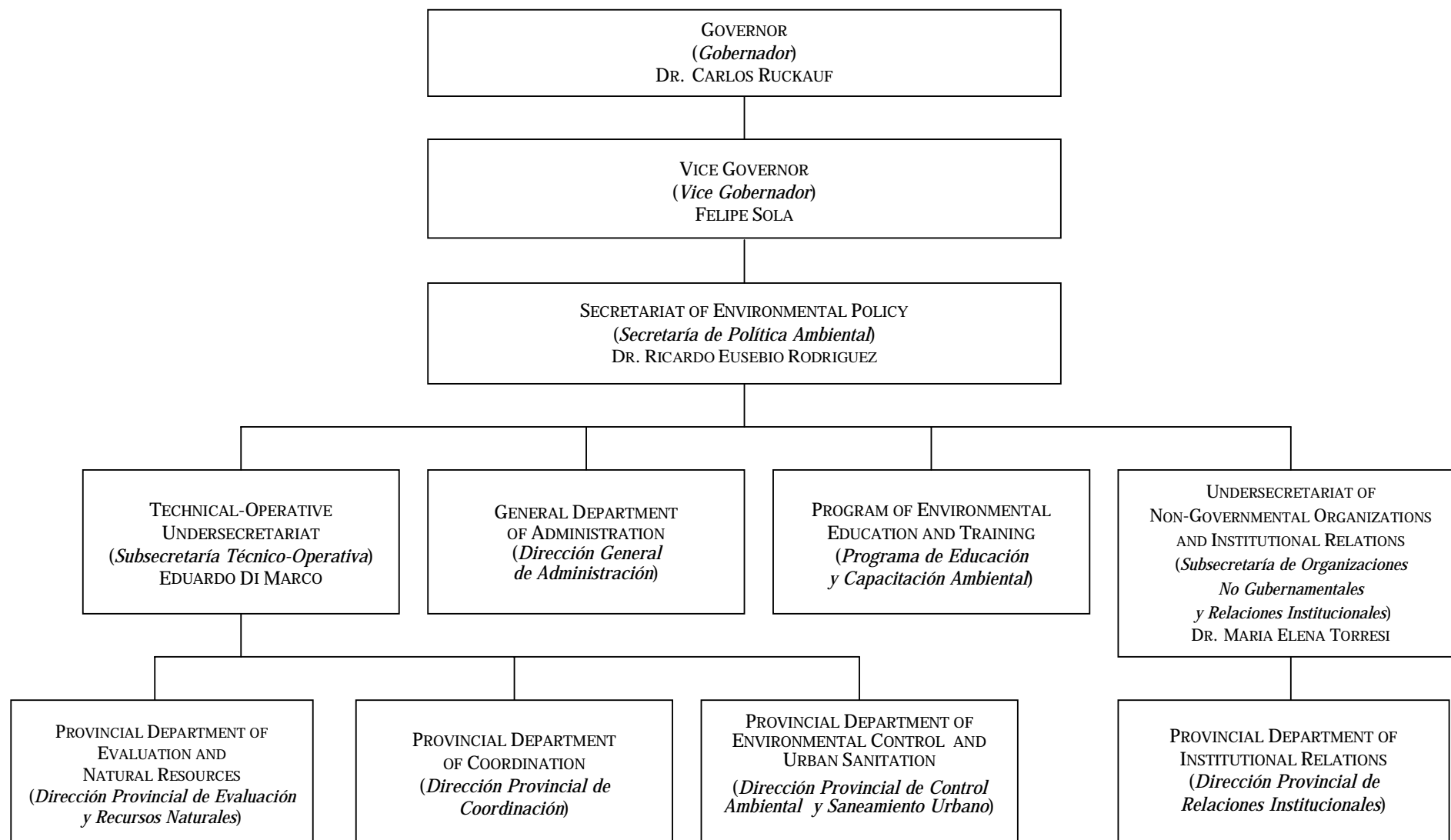
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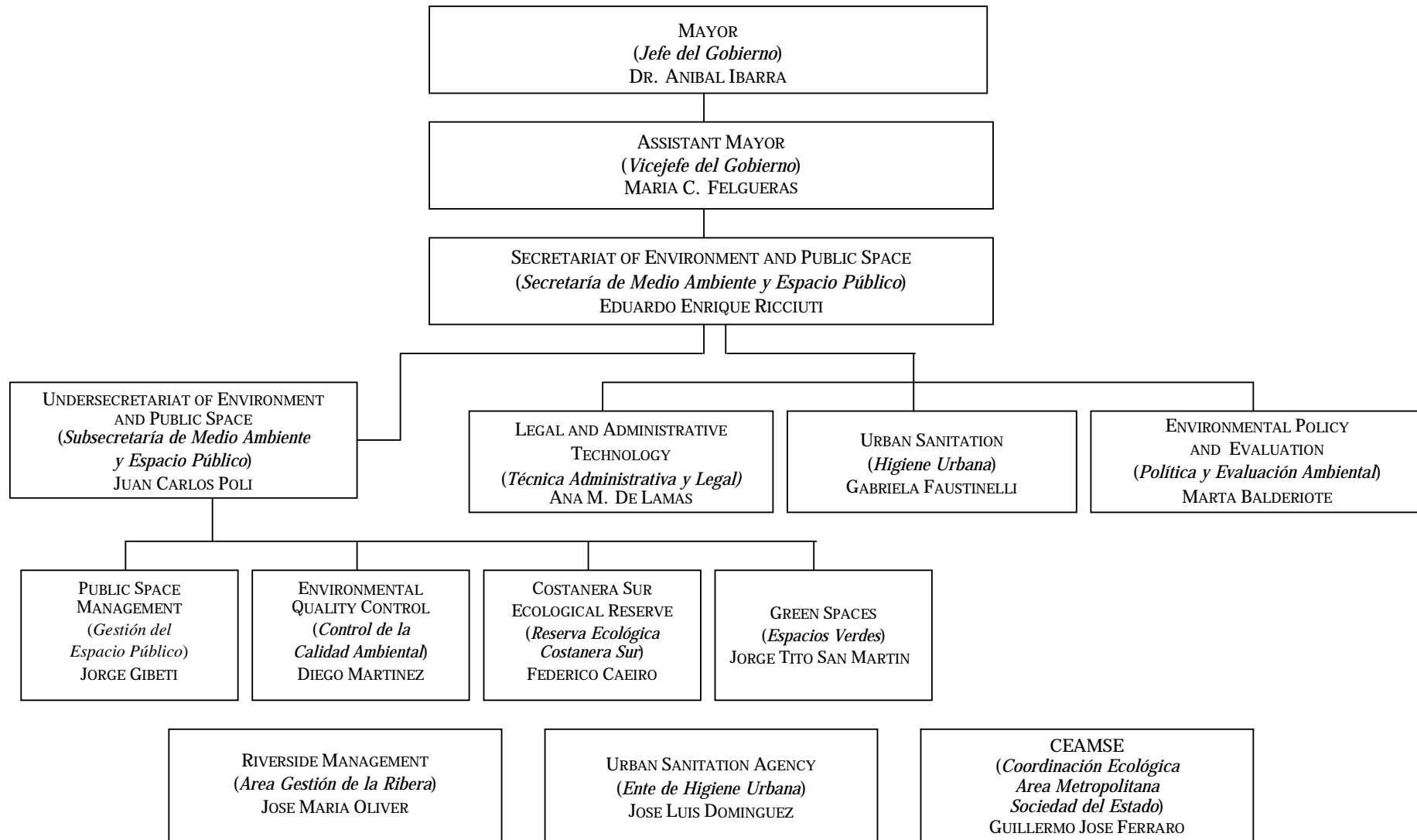
ARGENTINE FEDERAL ENVIRONMENTAL REGULATORY STRUCTURE



PROVINCE OF BUENOS AIRES ENVIRONMENTAL REGULATORY STRUCTURE



CITY OF BUENOS AIRES ENVIRONMENTAL REGULATORY STRUCTURE



RISK ASSESSMENT AND REMEDIATION OF CONTAMINATED SOILS: A CRITICAL PERSPECTIVE AND CALL FOR REFORM

Introduction

The industrial sector subject to Argentine environmental laws governing soil contamination confronts a notable uncertainty. Throughout the country, but particularly in the Province of Buenos Aires, which produces approximately 35% of the country's total GDP,¹ clear standards for soil contamination tolerance levels and remediation responsibilities do not exist. To address this uncertainty, the AmCham Environmental Issues Committee proposes adopting environmental legislation incorporating risk-based assessment and remediation technologies, a consultation process administered by regulatory authorities, and the creation of an interdisciplinary Task Force to implement these policy initiatives. This essay forms a part of the Committee's efforts.

Nature and Scope of the Problem

Parties that generate or dispose of soil contaminants in the Province of Buenos Aires encounter a lack of specific statutory guidelines governing tolerance levels. Currently, regulatory authorities and responsible parties look to the federal standards of Decree 831/93² to determine whether or not soil contamination exceeds tolerable limits. This reliance on federal standards is tenuous, as no law or judicial decision makes these regulations applicable to the provinces. In addition, provincial law offers no guidance on soil remediation procedures or requirements. The dubious reliance on federal standards, which, in turn, incorporate policies from abroad,³ produces tolerance limits without regard to the specific characteristics of provincial soils or the findings of risk-based assessment.

The application of foreign and national standards to local soils has inhibited effective remediation.

The traditional remediation approach does not qualify levels of risk to human health or the environment posed by particular properties; responsible parties must clean up sites to comply with rigid, abstract criteria that often lead to excessive remediation costs and discourage voluntary undertakings. Current standards that do not consider the extent of risk to humans or the environment have proven increasingly inadequate in meeting the province's objectives of encouraging investment and environmentally sound practices.

As an alternative, quantitative risk analysis, or risk-based corrective action ("RBCA"), offers a methodology that allows regulators and responsible parties flexibility in electing remediation objectives for each particular case.⁴ Risk-based methodology has spread widely in the United States and is known to Argentine regulators, who have in certain cases demonstrated a willingness to incorporate similar methodology in considering environmental solutions. Nonetheless, no official procedure recognizes this progressive method to determine the scope of required remediation. Despite their best efforts, responsible parties are unable to rely on this informal, and hence, non-binding, application of RBCA and remain subject to future site inspections and liability claims.

The uncertainty of applicable compliance standards and lack of appropriate remediation incentives offer government regulators, business organizations, and entrepreneurs, working jointly, the opportunity to formulate a more efficient and environmentally sound approach to soil contamination.

Proposal

The Environmental Issues Committee proposes developing several important initiatives to facilitate soil contamination assessment and

remediation by incorporating RBCA methodology. To accomplish this task, the Committee is currently drawing together professionals from both the private and public sectors to form an interdisciplinary Task Force. An initial goal of the Task Force is to define the parameters of soil quality and contaminants suitable to provincial lands and to devise risk assessment techniques appropriate to those parameters. The Task Force will also seek consensus on revised rules that envision a process through which parties may freely consult the provincial Secretary of Environmental Policy on a confidential basis to raise concerns and propose solutions prior to undertaking remediation initiatives.

Integrating Risk Assessment Techniques

As part of its initial goal to define soil quality and contaminant levels, the Task Force will aim to develop, according to the distinct characteristics of provincial soils, a scale of non-site-specific contamination limits. These limits will provide an initial threshold to determine whether and to what degree remedial action is necessary. Established limits enable decisions based on a fixed and uniform, as opposed to a shifting and discretionary, regulatory norm. Moreover, established limits, clearly defined by the revised rules, will allow owners and operators of small- and medium-sized businesses to identify potential environmental risks and assess compliance without the need for special technical assistance.

Provincial authorities have, at times, considered the particularities of a certain geographic area in their decision-making processes. Building on this willingness, the Task Force will conduct a comprehensive study to define a series of risk assessment factors to distinguish provincial soils, such as soil type and use, soil characteristics of adjacent plots, level and history of soil contamination, water resource use, and distance from aquifers. The Task Force will then incorporate RBCA to develop a list of acceptable

methods and practical guidelines to include in the revised legislation to aid in the government's evaluation of instances when non-site-specific criteria are appropriate. While RBCA methodology originated as a response to petrochemical contamination, the Task Force will adapt its application to all soil contamination cases. To accomplish this goal, the Task Force will undertake a comprehensive reform of applicable provincial law to address technical, administrative, and legal aspects of the revised methodology.

RBCA in Practice: A Tiered Approach

The RBCA decision-making framework facilitates evaluating site-specific contamination risks and selecting appropriate, cost-effective remedial strategies. RBCA helps regulatory authorities, property owners, brownfield developers, and other interested parties determine site-specific target levels ("SSTLs") for soil and groundwater cleanup and evaluate remediation technologies in consideration of the protection of human health and the environment. The RBCA process targets all evaluation and remediation efforts toward determining whether site contaminants pose a potential health risk above levels of regulatory concern. Designed to reduce and manage transaction costs, RBCA eliminates superfluous fieldwork and soil sampling, and thus lowers the amount of soil mistakenly identified as posing a health risk.

RBCA uses a tiered approach where, upon analysis of human exposure pathways,⁵ corrective actions are tailored to site-specific conditions and risks. A Tier 1 evaluation characterizes the soil-human health exposure pathways using conservative, non-site-specific target levels. If site contamination concentrations are below Tier 1 risk-based screening levels, that site is considered to pose no significant health risks and RBCA would require no further action. If the contamination concentrations are higher than Tier 1 levels, the site owner or operator

must either perform site cleanup to achieve Tier 1 levels or proceed with a Tier 2 evaluation.⁶

In a Tier 2 evaluation, parties assume that areas of contamination can be readily determined according to site-specific data regarding levels of soil and groundwater contamination and human exposure pathways. After a Tier 2 evaluation, owners and operators must either clean up the site to reach Tier 2 SSTLs or collect more data and conduct a Tier 3 evaluation. Sites with potentially significant exposure pathways or other conditions that are not incorporated into a Tier 1 or 2 characterization must be evaluated in Tier 3, requiring more sophisticated modeling, statistical evaluations, and complex analyses of the site assessment parameters.⁷

Creating a Consultation Process

Despite the government's occasional willingness to cooperate with industries in identifying soil contamination assessment techniques and remediation solutions, many parties fear their cooperation will lead to punitive measures. Indeed, because these cooperative methods are informal agreements between private parties and the government, they do not protect against future site inspections. Thus, another objective of the Task Force is to create a confidential consultation process with the government that allows parties to discuss environmental concerns and obtain government approval of proposed solutions without exposure to punitive measures and undertaking of costly remedial investment. With a reliable framework for making critical business decisions regarding environmental compliance, responsible parties may assess and remediate properties based on the more efficient and effective RBCA. Regulatory authorities and responsible parties will work together to identify valid remedial tools according to the unique circumstances of each case. Without fear of reprisal and more certain of the outcome, responsible parties will be encouraged to

voluntarily formulate and implement effective soil remediation initiatives.

Conclusion

The Task Force's efforts to shape environmental policy in the Province of Buenos Aires by establishing soil contamination assessment and remediation guidelines will clarify for both regulators and investors heretofore-nebulous compliance requirements. Ultimately, the incorporation of RBCA methodology into revised environmental legislation will provide to responsible parties in the industrial sector and regulators alike a reliable legislative framework for risk analysis and soil remediation. With an integrated approach that encourages cooperation between the public and private sectors and borrows from both traditional and contemporary methodologies, the Task Force will help shape provincial environmental policy and resultant regulatory guidelines that offer scientifically sound, flexible, and cost-effective solutions while protecting human health and the environment.

¹ See Economy of the Province, at <http://www.ec.gba.gov.ar/Financiamiento/English/Bonds/Offering/Economy.htm>.

² See Law No. 24,051, Annex II, Table 9; See discussion *infra* Waste: Federal.

³ The federal standards are drawn from the Netherlands National Environmental Policy Plan (1988); the Second National Environmental Policy Plan (1993); and the Third National Environmental Policy Plan (1998). See also The Netherlands National Environmental Policy Plan, at http://www.netherlands-embassy.org/c_envnmp.html.

⁴ Originally developed by the American Society for Testing and Materials ("ASTM") as an emergency response for remediating petrochemical contamination, RBCA helps regulatory agencies, owners, and operators manage cleanups of a wide range of hazardous environmental problems based on the relative risks to human health and the environment. See American Society for Testing and Materials, *Standard Guide for Risk-Based Corrective*

Action at Petroleum Release Sites, ES 1739-95 (1995).

⁵ In a risk assessment, exposure pathways are channels in which contaminants move through the environment from a source to a point of human contact. A complete exposure pathway comprises a contamination source; mechanism for transport by air, water, or soil; area of possible human contact with the substance; and route of entry into the body. Exposure pathways

(characterized as inhalation, ingestion, or immersion pathways) are analyzed according to several factors, including: source and nature of contaminant; features of the physical environment; development patterns and land uses; and characteristics and lifestyle of inhabitants that may affect exposure (e.g., age, gender, physical condition, occupation, eating habits).

⁶ *See supra* note 4.

⁷ *See id.*

FOUNDATIONS OF ENVIRONMENTAL LAWS AND REGULATIONS OF THE ARGENTINE REPUBLIC, PROVINCE OF BUENOS AIRES, AND CITY OF BUENOS AIRES

Describing the legal framework of a civil law country like Argentina to a reader accustomed to common law principles is not easy. At first glance, Argentina's legal system appears analogous to its U.S. counterpart. A federalist governmental structure derives from a constitution that reserves to the federal government certain powers, while yielding others to the members (provinces) of the union. Indeed, the Argentine Constitution, originally ratified in 1853, is largely patterned after the U.S. forebear.

Nonetheless, reliance on the analogy is misplaced in several respects. As one example, the U.S. model has evolved to reflect a broadly empowered federal government that exercises policy-making powers, through mandates and grants, over the states. Argentine federalism, in certain respects, has evolved in a far less centralist manner reserving various policy-making powers to the provinces.⁸ As a result, while federal legislation (including federal environmental legislation) sets guidelines for the provinces, specific provincial laws, not inconsistent with these federal guidelines, are necessary, unless the federal law is adopted in whole.

In addition, civil codes, with sweeping statements of policy and objectives, are drafted in a manner far different than the common law equivalent. In the civil law system it becomes necessary to weave through and piece together sundry laws, resolutions (rules promulgated by agencies and other authorities of the executive branch), and decrees (rules issued by the executive branch). Finally, while a common law practitioner is trained to look at judicial interpretation of a statute and through analogy, deduction, and inference formulate conclusions based on prior decisions, case law in a civil code system, while informative, rarely forms the cornerstone of analysis.

Sources of Argentine Law

Argentine law derives from the federal Constitution and the federal and republican system it established. Two discrete rulemaking systems coexist, federal and provincial, interrelated only with respect to those matters in which the provinces have expressly delegated their powers to the federal government.

In the federal sphere, the federal Constitution represents the supreme source of legal order, along with certain international human rights treaties that were expressly accorded constitutional status as a result of the 1994 constitutional amendments.⁹ The Constitution preempts any conflicting legislation. Following the Constitution, in terms of hierarchical authority, are those international treaties to which Argentina is a party and which are referenced in the Constitution, followed by all other treaties and conventions entered into by the federal government. Next, in descending order, follow federal laws, executive decrees, and resolutions and other administrative acts of the executive branch. Subordinate to the federal sources of law (only in those matters expressly delegated to the federal government) are the provincial constitutions, provincial laws, and provincial administrative rules or acts. Of least hierarchical authority are municipal laws and rules.¹⁰

Law, Decree, Resolution, and Disposition Distinguished

In Argentina, a law (*ley*) represents a legislative enactment that can only be repealed by subsequent legislative enactment. If a law conflicts with a prior law, the prior law is deemed repealed to the extent of the conflict, unless the prior law was promulgated to more specifically address the subject matter. In the event of conflict between federal and provincial laws, provincial laws may not modify federal law. The federal Supreme Court is charged with

determining the existence and resolution of any such conflict. Except for the powers expressly delegated to the federal government in the Constitution, a province is not obligated to adopt or apply a federal law within the provincial territory.

Laws can be self-executing (*operativa*) or merely establish a framework that requires subsequent codification (*programática*). In the latter instance, the law specifies the need for subsequent executive rulemaking, typically reflected in a decree or resolution. References to a law being “codified” signify the exercise of the rulemaking authority required by law. Citations to “*texto ordenado*” in a law mean that the text contains all subsequent amendments.

A decree reflects the executive branch’s administrative authority to declare rules and regulations. Under normal circumstances, a decree codifies a law consistent with the executive branch’s administrative role. In response to “exceptional circumstances” that preclude legislative debate and approval, the Constitution authorizes executive decrees issued in a legislative capacity.¹¹ Though immediately effective upon issuance, executive decrees issued in “exceptional circumstances” must be referred to the Standing Bicameral Commission of Congress for subsequent approval and cannot be issued in lieu of laws with respect to criminal, tax, or electoral matters, or the regulation of political parties. Resolutions and dispositions are rules issued by agencies and other rulemaking authorities of the Executive Branch (e.g., ministries, secretariats) to complement or amplify prior laws and decrees.¹²

Federal Constitutional Provisions of Environmental Law

In 1994, a Constitutional Convention ratified various amendments to the Constitution. These amendments included a number of express rights and protections related to the environment. As a result, the Constitution guarantees all residents the right to a healthy, balanced environment, suitable to human development, and imposes an affirmative duty on each resident to conserve the environment for future use.¹³ As amended, the Constitution requires the redress of environmental harm to begin with the obligation to restore the environment to its status ante quo.¹⁴ The amendments also grant standing to persons, including environmental civic associations, and the federal Ombudsman, to sue the government to enforce an environmental right specified in the Constitution, international treaties, or federal laws.¹⁵

As amended, the Constitution recognizes environmental rights on the federal level, empowers the federal authorities to enforce such rights, and directs the nation to issue rules containing minimum environmental protections.¹⁶ Nonetheless, while mandating the provinces to enact environmental legislation complementary to the federal laws, the amendments expressly recognize the provinces’ continued dominion over their own natural resources.¹⁷ The amended text also includes a blanket prohibition on the entry of hazardous, “potentially hazardous,” and radioactive waste.¹⁸

Policy conflicts often result from the dynamics of a government structure that grants concurrent regulatory power over the environment and natural resources to federal and local governments. For example, in April 2001, the Mayor of the City of Buenos Aires (*Jefe de Gobierno*) vetoed a law to prohibit the use of certain carcinogenic chemicals, such as polychlorinated biphenyl (PCB), within city limits. The following day, federal Resolution Nos. 437 and 209 prohibited the use of PCB, as well as the use all equipment whose operation relies on PCB by 2010, in all of Argentina.

See “Ibarra vetó la Ley que prohíbe el uso del PCB” [“Ibarra Vetoed Law Prohibiting PCB Use”] Noticias Urbanas, Agencia de Noticias de la Ciudad de Buenos Aires, at <http://www.noticiasurbanas.com.ar/junio01/08-06-01.htm>.

The Autonomous Government of the City of Buenos Aires

The 1994 constitutional amendments established the City of Buenos Aires as an “autonomous government.”¹⁹ As with the federal Constitution, Article 26 of the Constitution of the City of Buenos Aires, adopted in 1996, elevates environmental concerns to a constitutional right. Article 27 mandates a policy of planning and control to conserve, protect, and remediate the urban environment. Article 28 prohibits the entry of toxic waste into the city, and Article 30 mandates environmental impact studies for all public or private undertakings that may affect the environment.²⁰

⁸ Indeed, the Argentine Constitution expressly reserves to the provinces all powers not delegated to the federal government by the Constitution, as well as those expressly reserved by the provinces at the time of their joining the Union. See CONST. ARG. art. 121. Cf. U.S. CONSTIT. amend. X.

⁹ See CONST. ARG. art. 75, ¶ 22.

¹⁰ See Roberto Dromi, “*Derecho Administrativo*,” Editorial Ciudad Argentina 201-10 (Buenos Aires 1998).

¹¹ See *id.* art. 99, ¶ 3.

¹² See Juan Carlos Cassagne, “*Derecho Administrativo*,” I ABELEDO PERROT 117-33 (Buenos Aires 1983).

¹³ See CONST. ARG. art. 41, ¶ 1.

¹⁴ See *id.*

¹⁵ See *id.* art. 43.

¹⁶ See *id.* art. 41.

¹⁷ See *id.* arts. 41, 124.

¹⁸ See *id.* art. 41, ¶ 4.

¹⁹ The city’s constitutional status is anomalous and avoids easy classification. Its powers and governmental structure exceed those of a municipality but remain less than a province. See Robert Dromi and Eduardo Menem, “*La constitución reformada*” [“*The Reformed Constitution*”], BS. AS. CIUDAD ARGENTINA 420 (1994) (“[T]he City of Buenos Aires approximates a ‘semi-province’ or ‘quasi-province’ whose territory is completely federalized consistent with article three of the Constitution.”); Germán Bidart Campos, “*Tratado Elemental de Derecho Constitucional Argentino*” [“*Basic Treatise on Argentine Constitutional Law*”], VI BS. AS., EDIAR 536, 545 (1995) (characterizing the City of Buenos Aires as “*sui generis*”).

²⁰ See CITY OF B.A. CONSTIT. arts. 26-28, 30.

**SUMMARY OF SELECT ENVIRONMENTAL LAWS AND REGULATIONS OF THE
ARGENTINE REPUBLIC, PROVINCE OF BUENOS AIRES, AND CITY OF BUENOS AIRES**

Air

Federal

Two statutes address federal clean air standards: Law No. 20,284, the Atmosphere Contamination Act (*Ley de Contaminación Atmosférica*), promulgated in 1973 to safeguard the environment from the effects of all air contamination sources, and Law No. 24,449, and the Transit Act (*Ley de Tránsito*), enacted and codified in 1995 to protect the environment incidentally to its regulation of public road use.

Atmospheric Contamination

The Atmosphere Contamination Act is a model statute whose standards are not compulsory for non-federal (i.e., provincial) territory. Several of the provinces, however, have adopted the Atmosphere Contamination Act.²¹ Even where adopted, the Atmosphere Contamination Act does not prohibit a provincial government from enacting laws that exceed or otherwise do not conflict with the Atmosphere Contamination Act standards.²²

The Atmosphere Contamination Act regulates both point and non-point (i.e., vehicular) sources of air pollution and requires point sources to obtain permits from the federal or relevant provincial health authority as determined by site location. The law establishes maximum levels for various toxins (including NO_x, CO₂, O₃ and SO₂) from point sources and calls for the determination of maximum levels applicable to non-point sources by the national health department (*autoridad sanitaria nacional*) pursuant to subsequent rules.²³ Because the national health department never promulgated the non-point source rules called for by the Atmosphere Contamination Act, the law has no real impact on vehicle emissions standards.

The law delegates enforcement, including the assessment of penalties, to the federal or provincial government with jurisdiction over the contaminating party. If the contamination extends to more than one jurisdiction, the Atmosphere Contamination Act authorizes the federal government and the affected provinces to establish an intergovernmental committee to regulate and correct the contaminating activity pursuant to separately codified rules. The Atmosphere Contamination Act further mandates the creation of a Pollution Source Registry (*Registro Catastral de Fuentes Contaminantes*) and charges the national health department with its maintenance.²⁴

The Atmosphere Contamination Act authorizes each local health department to establish a Critical Stage Air Pollution Plan (*Plan de Prevención de Situaciones Críticas de Contaminación Atmosférica*). Each plan sets forth three stages of contamination levels defining the seriousness of the air pollution threat to human health and specifying the appropriate response. Once the local area reaches a critical stage, the plan authorizes the local public health department to limit or prohibit activity in the affected area.²⁵

The Atmosphere Contamination Act provides for civil penalties in the form of fines ranging from \$100 to \$50,000, closure of the contaminating source, and other injunctive remedies. If the violation occurs during a critical stage alert, the fine may be doubled at the discretion of the applicable health authority. The Atmosphere Contamination Act does not impose criminal liability.²⁶

Emissions Control

While not an environmental statute, the Transit Act's comprehensive regulation of public road use relates to environmental concerns in both emissions control and hazardous waste transport.²⁷ With respect to emissions, the Transit Act requires automobiles to be designed, constructed, and equipped to control toxic emissions, as well as to respect the emissions standards set forth in other applicable laws.²⁸ Because the Atmosphere Contamination Act never regulated vehicle emissions standards, this reference to "applicable laws" relates only to provincial law. The Transit Act also subjects used vehicles to a periodic technical review for safety and emissions control, the frequency and criteria of which is to be determined by the "competent authority."²⁹ Resolution 779/95 codified the Transit Act to provide specific technical standards governing light vehicle and diesel emissions and to specify guidelines for periodic inspection.³⁰ Resolution 1,156/98, through Resolution 779/95, adds the government's acceptance of certain testing results of, and certificates granted by, laboratories qualified by the International Organization for Standards ("ISO") and the United Nations verifying vehicle compliance with Transit Act noise and emissions standards.³¹

Sanctions for Transit Act violations include fines, penalties, and criminal action. The Transit Act deems any violation that "contaminates the environment" a "serious offense" (*falta grave*). The Transit Act increases ten-fold the fine for a Transit Act violation that also constitutes a serious offense.³²

Argentina is a signatory to various multilateral conventions and treaties that regulate discharge of contaminants into the atmosphere, including the Vienna Convention on the Protection of the Ozone Layer and Montreal Protocol on the Depletion of the Ozone Layer.³³

Province of Buenos Aires

Law No. 5,965, the Water Resource and Atmosphere Protection Act (*Ley de protección a las fuentes de provisión y a los cursos y cuerpos receptores de agua y a la atmósfera*), enacted in 1958, provides the framework for regulation of industrial air and water contamination by the Province of Buenos Aires.³⁴ As originally codified by Decree 2,009/60, the Water Resources and Atmosphere Protection Act broadly prohibited point source air emissions, unless treated to render them "innocuous and inoffensive" to public health or otherwise to prevent their harmful effects.³⁵

Nearly 40 years later, the Office of the Governor, acknowledging that emissions standards under the Water Resource and Atmosphere Protection Act "had never been appropriately codified," issued Decree No. 3,395/96. Decree 3,395/96 broadly applies to all industrial facilities located in the province that fall within the sweep of Law No. 11,459, the Industrial Zoning Law (*Ley de Radicación Industrial*).³⁶ The decree expressly excludes vehicle emissions from its scope.³⁷

Decree 3,395/96 specifies both a permit system for polluters (a "discharge permit") and guidelines governing tolerable emissions limits. The decree charges the Secretariat of Environmental Policy (*Secretaría de Política Ambiental*, "SPA") with enforcement but authorizes the delegation of its authority to the municipal governments. In certain instances, the decree consolidates the permit process with the municipal government's review of an industrial zoning permit application.³⁸ The decree requires the SPA or its representative to grant or deny a permit within 60 days of application. A new permit is required every two years.³⁹

In addition to the permit process, subject facilities are required to comply with the emissions standards set forth in the annexes and appendices to the decree. These emissions standards are reviewed at least once every three years. Facilities that discharge certain highly toxic

substances specified in the decree must maintain special monitoring procedures that include filing affidavits with the SPA on discharges and measurements.⁴⁰

Resolution 242/97 supplements Decree No. 3,395/96 and establishes technical requirements for monitoring and analyzing air quality and emissions, as well as guidelines for air quality modeling.

City of Buenos Aires

The City is subject to the federal Atmosphere Contamination Act but has enacted its own air pollution regulations reflected in Municipal Ordinance No. 39,025. The City of Buenos Aires enacted the ordinance in 1983, prior to the creation of the current autonomous city government. The ordinance incorporates a comprehensive Environmental Contamination Prevention Code (*Código de Prevención de la Contaminación Ambiental*). As amended, the ordinance regulates and fixes limits on contamination sources, toxic waste disposal, liquid effluents, and noise pollution.

Decree 3,395/96 authorizes the SPA and city public health authorities to inspect an industrial facility “at any time.” If a facility is found non-compliant, in addition to fines specified in the Water Resource and Atmosphere Protection Act, the decree specifically authorizes injunctions involving partial and total facility closures.⁴¹

Industrial air emissions must also be measured and declared to the SPA as part of the

environmental impact assessment required by the Industrial Zoning Law.⁴²

²¹ See, e.g., Law No. 1,693/97 (Province of La Pampa); Law No. 5,100/86 (Province of Mendoza); Law No. 3,643/79 (Province of Jujuy).

²² See, e.g., Law No. 5,965 (Province of Buenos Aires); discussion *infra* Air: Province of Buenos Aires.

²³ See Law No. 20,284 §§ 6, 8, 14.

²⁴ See *id.* §§ 1-5.

²⁵ See *id.* §§ 9-13.

²⁶ See *id.* §§ 26, 28.

²⁷ See Law No. 24,449; Decree No. 646/95.

²⁸ See Law No. 24,449 §§ 30, 33.

²⁹ See *id.* § 34.

³⁰ See, e.g., Res. 779/95 §§ 30, 33-34.

³¹ See Res. 1,156/98 § 1. Additionally, Resolution 61/99 accepts certain testing results relating to the control of noise and atmospheric contaminants resulting from vehicle emissions.

³² See Law No. 24,449 §§ 77, 84.

³³ See discussion *infra* International Treaties and Conventions.

³⁴ See also discussion *infra* Water: Province of Buenos Aires.

³⁵ See Law No. 5,965 §§ 1-2, 5, 8-9.

³⁶ See discussion *infra* Environmental Impact and Reporting: Province of Buenos Aires.

³⁷ See Decree No. 3,395/96 § 1.

³⁸ See discussion *infra* Environmental Impact and Reporting: Province of Buenos Aires.

³⁹ See Decree No. 3,395/96 §§ 2-4, 7-8.

⁴⁰ See *id.* §§ 12-17. See also Resolution 279/96 (supplementing Decree No. 3,395/96 and establishing guidelines for completing the affidavit for air emissions).

⁴¹ See Decree No. 3,395/96 §§ 18-20.

⁴² See discussion *infra* Environmental Impact and Reporting: Province of Buenos Aires.

Soil

Federal

Federal legislation regulates pesticide and agrochemical use, as well as problems related to soil overexploitation and erosion. Land use and planning fall mainly within the jurisdiction of the provinces.⁴³ Nonetheless, certain federal laws affect land use.⁴⁴

Pesticides and Agrochemicals

In the federal sphere, several laws regulate the manufacture, import, marketing, and use of fertilizers and other chemicals determined to be harmful to human, animal, and plant life.⁴⁵ As codified and amended, Law No. 18,073 also prohibits the use of certain plaguicides on soil or livestock, establishes maximum residue levels ("MRLs") for pesticides, and authorizes the executive branch to modify these standards.

Consistent with this delegation, the executive branch issued Resolution 20/95 to modify the list of controlled substances and their specified MRLs. Resolution 561/99 adopted the tolerance standards recommended by the Southern Cone Common Market ("Mercosur"), in turn based on the Codex Alimentarius and the limits adopted by the Food and Agriculture Organization and the United Nations World Health Organization. Since 1996, the executive branch has consolidated pesticide residue control in the National Health and Agriculture Quality Service (*Servicio Nacional de Sanidad y Calidad Agroalimentaria*, "SENASA"), an agency reporting to the Secretariat of Agriculture, Livestock, Fisheries and Food (*Secretaría de Agricultura, Ganadería, Pesca y Alimentación*, "SAGPyA"). Though lacking a comprehensive toxic substance control law to regulate polychlorinated biphenyls,⁴⁶ asbestos,⁴⁷ and other hazardous chemicals, Argentina is a party to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous

Chemicals and Pesticides in International Trade.⁴⁸

Soil Conservation

The federal government regulates soil conservation through Law 22,428, the Soil Conservation Act (*Ley de Conservación y Recuperación de la Capacidad Productiva de los Suelos*), as codified by Decree 681/81. The Soil Conservation Act declares the conservation and recovery of fertile soils to be in the "national interest." The law applies only to provincial land located within the various provinces that have adopted the federal law.⁴⁹

To foster its goal, the Soil Conservation Act authorizes the federal and provincial governments to establish "soil conservation districts" within their respective territories. The law provides several incentives to encourage individual farmers operating in these districts to work together through consortia. These consortia agree with the relevant government authority to abide by specific sustainable farming practices and to collaborate with the federal and local governments to counteract soil depletion and erosion. Each consortium must periodically provide the government with soil conservation plans.⁵⁰

Benefits conferred on consortia members include federal and provincial tax incentives, government subsidies and reimbursements, and special credit lines with the federal bank (*Banco de la Nación Argentina*).⁵¹ Unless excused by *force majeure*, the failure by a consortium to carry out a partially or wholly subsidized project within the agreed-on term requires members to disgorge all such subsidies, along with interest and penalties. The Soil Conservation Act specifically holds professionals (e.g., agrarian scientists) involved in falsifying a plan, or knowingly omitting material information from a plan, jointly and severally liable with the consortium members.⁵² SAGPyA, or the

provincial counterpart for matters involving provincial lands, enforces the Soil Conservation Act. The Soil Conservation Act also created the National Soil Conservation Commission (*Comisión Nacional de Conservación del Suelo*), which is charged with coordinating efforts under the Act at the national, provincial, and local

The federal government also addresses soil conservation through laws regulating leases of farmland for crops and livestock. These laws prohibit or restrict unsustainable farming practices and impose joint obligations on the lessor and lessee aimed at preventing and fighting soil erosion and blight. Under federal law, the lessor of agricultural land may terminate a lease when the lessee fails to comply with the mandated farming practices.

See Law No. 13,246 (1948); Law No. 22,298.

levels.⁵³

Province of Buenos Aires

Pesticides and Agrochemicals

In the Province of Buenos Aires, Law No 10,699, the Agrochemical Law (*Ley de Agroquímicos*), aims to protect human health, natural resources, and agricultural production by assuring appropriate and reasonable pesticide and agrochemical use.⁵⁴ The provincial Ministry of Agriculture, Livestock and Food (*Ministerio de Agricultura, Ganadería y Alimentación*) further regulates pesticide and agrochemical use in the province of Buenos Aires. The intergovernmental Agricultural Council (*Consejo de Agricultura*), comprising representatives of the federal government and the provinces, coordinates agriculture policies, including those related to pesticide use.

Law No. 10,699, as codified by Decree 499/91, requires persons involved in the use, handling, transportation, research, development, and manufacture of controlled chemical substances to

hire a technical advisor licensed by the applicable professional board to assure compliance with the law.⁵⁵ The law calls for the provincial executive branch to set MRLs for pesticide residue on fruits and vegetables.⁵⁶ Persons subject to the law must permit the inspection of facilities and property related to the handling of a controlled substance. Violations of the law are punishable by fines set by the Ministry of Agriculture, Livestock and Food.⁵⁷

Soil Conservation

The Province of Buenos Aires is among the 21 provinces adhering to the federal Soil Conservation Act.⁵⁸

Land Use Planning

Decree-Law No. 8,912, the provincial Land Use Law (*Ley de Ordenamiento Territorial y Uso de Suelo*), regulates the use, occupation, and subdivision of all provincial lands. The law delegates enforcement to the municipal government with jurisdiction over the property and authorizes fines and corrective measures in cases of noncompliance.

City of Buenos Aires

The City of Buenos Aires has not enacted laws to regulate pesticide or agrochemical use. The city's environmental laws and ordinances affecting land use and soil contamination are discussed in this Handbook in reference to environmental impact and reporting requirements.⁵⁹

⁴³ See discussion *infra* Soil: Province of Buenos Aires.

⁴⁴ For example, federal "industrial promotion" laws (statutory regimes negotiated with the provincial government to encourage industrial development through tax benefits and subsidies) may require a qualifying business to comply with specific federal environmental standards mandated by the regime. Because they are industry-specific, industrial

promotion laws are generally beyond the scope of this Handbook. *But see* discussion *infra* Protection of Life and Ecosystems: Federal.

⁴⁵ See Law No. 20,466 (regulating fertilizer use and establishing a federal approval and labeling regime); Law No. 22,289 and Law No. 21,862 (prohibiting the manufacture, import, and marketing of chemical products determined to be harmful to human health); Law No. 18,073 and Law No. 20,418 (prohibiting substances such as Dieldrin, Endrin, Heptachloride, and HCH and limiting controlled substance levels in agricultural and livestock byproducts).

⁴⁶ Resolution 369/91 establishes requirements for PCB use, handling, and disposal. Resolution 2/95 creates a National Registry of PCB users, importers, processors, and sellers and establishes registration requirements.

⁴⁷ Resolution 577/91 regulates asbestos uses and management.

⁴⁸ See discussion *infra* International Treaties and Conventions.

⁴⁹ See Law No. 22,428 § 1; *infra* note 57.

⁵⁰ See Law No. 22,428 §§ 2-4.

⁵¹ See *id.* §§ 9-13.

⁵² See *id.* §§ 14-18.

⁵³ See *id.* §§ 21-25.

⁵⁴ See Law No. 10,699 § 1.

⁵⁵ See *id.* § 5.

⁵⁶ See *id.* § 12.

⁵⁷ See *id.* §§ 13-14.

⁵⁸ See Decree-Law No. 9,867/82 (Province of Buenos Aires); Law No. 3,957/83 (Province of Catamarca); Law No. 2,635/81 (Province of Chaco); Law No. 1,912/81 (Province of Chubut); Law No. 6,628/81 (Province of Córdoba); Decree 866/81 (Province of Corrientes); Law No. 6,752/81 (Province of Entre Ríos); Law No. 1,156/82 (Province of Formosa); Law No. 1,074/81 (Province of La Pampa); Law No. 4,206/83 (Province of La Rioja); Law No. 4,579/81 (Province of Mendoza); Law No. 1,378/81 (Province of Misiones); Law No. 1,347/82 (Province of Neuquén); Law No. 1,556/82 (Province of Río Negro); Law No. 5,973/82 (Province of Salta); Law No. 5,156/82 (Province of San Juan); Law No. 4,268/81 (Province of San Luis); Law No. 1,427/81 (Province of Santa Cruz); Law No. 8,829/81 (Province of Santa Fe); Law No. 5,051/91 (Province of Santiago del Estero); Law No. 5,344/81 (Province of Tucumán).

⁵⁹ See discussion *infra* Environmental Impact and Reporting: City of Buenos Aires.

Waste

Federal

The federal Constitution prohibits the import of hazardous waste, potentially hazardous waste, or radioactive waste into the Argentine Republic.⁶⁰ The federal Hazardous Waste Law and certain provisions of the Transit Act regulate the management of hazardous waste produced within the country.

Hazardous Waste

Law No. 24,051, the federal Hazardous Waste Law (*Ley de Residuos Peligrosos*), enacted in 1992 and codified by Decree 831/93, regulates the “cradle to grave” system of generation, transport, treatment, storage, and disposal of hazardous waste.⁶¹ The law defines “hazardous waste” as waste that poses direct or indirect harm to human beings or may pollute the soil, water, atmosphere, or environment in general.⁶² The Hazardous Waste Law only applies to waste produced or deposited in federal territory, or waste that may affect people or the environment beyond the boundaries of a single province.⁶³ Penalties for violating the law range from fines to removal from the National Registry of Generators and Operators of Hazardous Waste.

The Hazardous Waste Law employs a manifest system to track hazardous waste transport from a generator’s site to each treatment, storage, or disposal facility and establish clear lines of accountability among participants in the hazardous waste chain by maintaining information on each party controlling the hazardous waste through ultimate disposal. The manifest documents also identify the waste in terms of toxicity, or hazard potential, and quantity to alert parties of the potential hazards to human health and the environment.⁶⁴

The Hazardous Waste Law lists controlled substances and products, identifies potentially

dangerous materials, and specifies recovery, recycling, regeneration, or reutilization processes.⁶⁵ Domestic waste, radioactive waste, and waste spillage from ordinary maritime operations are excluded from the definition of “hazardous waste” under the Hazardous Waste Law and are governed instead by special laws and international treaties.⁶⁶

Under the Hazardous Waste Law, persons involved in the generation,⁶⁷ transport, treatment, storage, and disposal of hazardous waste must be listed with the National Registry of Generators and Operators of Hazardous Waste of the Secretariat of Sustainable Development and Environmental Policy (*Secretaría de Desarrollo Sustentable y Política Ambiental*, “SDSyPA”) and pay a fee determined by a formula based on waste quantity and toxicity. Thereafter, parties may obtain a hazardous waste permit (*Certificado de Aptitud Ambiental*, “CAA”), which must be renewed annually, to manage hazardous waste. The manifest system mandates hiring only registered transporters and hazardous waste facilities.⁶⁸

Resolution 980/99 created the Registry of Environmental Auditors (*Registro de Autoridades Ambientales en Residuos Peligrosos*), pursuant to the Hazardous Waste Law mandate. Collectively, Resolutions 980/99, 175/99, 103/99, and 159/99 specify requirements for performing hazardous waste audits and require the registration of environmental auditors.

Section 49 of the Hazardous Waste Law incorporates the Civil Code standard of strict liability for harm caused by dangerous activity.⁶⁹ As a result, a generator or handler of hazardous waste is strictly liable for all harm caused by contamination, unless it can show that the harm was directly caused by the negligent or deliberate act of an injured or third party. Consistent with this strict liability standard, under the Hazardous Waste Law, generators

remain liable for harm caused by subsequent handlers of hazardous waste, unless they can prove that the subsequent party's negligence or deliberate act directly caused the harm.⁷⁰

Moreover, the Hazardous Waste Law imposes criminal liability for certain acts involving hazardous waste contamination that threaten public health.⁷¹ For acts involving a corporation, criminal liability may extend to officers, directors, statutory auditors, and representatives participating in the criminal act. Punishment for both intentional and unintentional acts (e.g., negligence, reckless conduct) may include fines and imprisonment. If the criminal act involves the taking of human life, the Hazardous Waste Law imposes a 10- to 25-year prison sentence.⁷²

The 1994 national Constitutional amendments anticipate significant environmental remediation obligations. Some analysts believe that the constitutional cleanup provision in Article 41 has the potential to create onerous obligations analogous to those under the U.S. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as "Superfund"). CERCLA created an environmental tax on certain industries and provided broad federal authority to respond directly to actual or threatened releases of hazardous substances that may endanger public health or the environment. The billions collected from the tax since the law's inception in 1980 have gone to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites.

See 42 U.S.C. §§ 9601-9675 (1999); CERCLA Overview, at <http://www.epa.gov/superfund/action/law/cercla.htm>.

Eleven of the provinces, including the Province of Buenos Aires, have adopted the national law in full or enacted similar legislation.⁷³

Transport of Hazardous Waste

The Transit Act regulates the transport of hazardous waste, in addition to vehicle emissions. The law prohibits the transport of "hazardous substances" by vehicles more than 10 years old. It further requires vehicles transporting hazardous substances to post warnings, comply with various safety measures, and be driven by specially trained personnel. The Transit Act requires all hazardous substance transport to comply with the federal Hazardous Waste Law.⁷⁴

Province of Buenos Aires

Special Waste

Toxic waste, including hazardous waste, within the province of Buenos Aires is regulated by Law No. 11,720, the Special Waste Law (*Ley de Residuos Especiales*), as codified by Decree 806/97. The Special Waste Law was modeled in part on the federal Hazardous Waste Law and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.⁷⁵ The Special Waste Law promotes the use of adequate technology to reduce special waste and the risks of waste management.⁷⁶

The Special Waste Law regulates the generation, manipulation, storage, transport, treatment, and final disposal of "special waste," a category of waste that exhibits hazardous characteristics due to being explosive or flammable, poisonous or infectious, corrosive or carcinogenic, or reactive with water or air to release toxic chemicals in dangerous quantities.⁷⁷ The Special Waste Law, like the federal Hazardous Waste Law, regulates waste according to a "cradle to grave" framework. The law likewise employs a manifest system to track special waste transport from a generator's site to the transporter, and from the transporter to final disposal.⁷⁸

Similar to the Hazardous Waste Law, the Special Waste Law mandates the registration of parties involved in special waste management with the Provincial Registry.⁷⁹ SPA maintains the Provincial Registry and fixes the annual fee payable by generators, transporters, and treatment and storage facilities, based on waste classification.⁸⁰ These fees may be offset by incentives awarded by SPA to operators demonstrating new technologies and best practices designed to reduce, reuse, or recycle special waste.⁸¹

Resolution 578 supplements the Special Waste Law regarding the physical and chemical analyses to be conducted by generators when determining the dangerousness of special waste.

Upon attaining approval for their waste management processes and being listed in the Provincial Registry, the applicant receives a permit to manage special waste (*certificado de habilitación especial*), which must be renewed annually.⁸²

Several of the Special Waste Law's provisions are environmentally proactive. For example, the law obligates generators, or those involved in any process, operation, or activity that produces special waste, to adopt measures to decrease the quantity produced and, whenever possible, to treat and dispose of special waste on-site.⁸³ Also, the law requires transporters to adopt and maintain a policies and procedures manual and to provide emergency response training to personnel involved with handling special waste.⁸⁴

Penalties for violating the Special Waste Law range from warnings and fines to removal from the Provincial Registry or permit cancellation, both of which automatically halt previously authorized special waste management activities.

Resolution 446/99 further regulates special waste, establishing the technical and operational requirements for the disposal of special waste

using landfarming and biological treatment processes. Additionally, Resolution 447/99 sets the technical and safety requirements for the construction and operation of landfills used for special waste disposal.

In 1978, the provincial government created the Metropolitan Area Ecological Coordination Agency (*Coordinación Ecológica Area Metropolitana Sociedad del Estado*, "CEAMSE"), which is charged with collection, transportation, incineration, and disposal of solid domestic waste and recycling within the province. Controlled jointly by the Argentine federal government, the provincial government, and the government of the City of Buenos Aires, CEAMSE owns and operates landfills throughout the Buenos Aires area and treats landfill leachate.

See Decree-Law No. 9,111 § 4.

Recycled Special Waste

While the federal Hazardous Waste Law regulates available processes for recycling hazardous waste, no allowance exists to remove recyclable waste from the hazardous waste classification.⁸⁵ On the contrary, provincial Resolution 228/98 classifies special waste used as raw material in other manufacturing processes as recycled, beyond the scope of the Special Waste Law and its legal requirements, provided that the waste generator and the recycling manufacturer are located within the Province of Buenos Aires.⁸⁶

Before releasing the special waste to be used as raw material for other manufacturing processes, waste generators must submit to SPA detailed information about the physical and chemical characteristics of the waste, its destination, and the proposed form of transport. SPA authorizes the classification of waste as recycled upon analysis of a Technical Report, submitted by the

manufacturer, indicating capacity for handling special waste, technological and environmental impacts of incorporating special waste into the manufacturing process, and responsible parties.⁸⁷

Onsite Industrial Waste Treatment

Resolution 37/96 regulates waste treatment within the Province of Buenos Aires, requiring waste generators to file with SPA proposed treatment methods, a contingency plan for emergency response, and support for the proposed method of final disposal.⁸⁸ The resolution requires firms treating industrial waste generated on-site to register with the Provincial Registry of Treatment Facilities⁸⁹ and mandates the approval or disapproval of proposed treatment techniques within 15 working days.⁹⁰ The resolution further requires waste generators to maintain daily written accounts of treated waste, contamination analyses, and monitoring data.⁹¹ Noncompliance and false representations are punishable by removal from the Provincial Registry of Treatment Facilities and suspension of treatment activities.⁹²

Resolution 322/98 sets forth technical requirements and authorization details for constructing and operating on-site disposal facilities. Additionally, Resolution 592/00 establishes technical requirements for storing special waste generated on-site.

Transport of Special and Industrial Waste

To transport special or industrial waste within the Province of Buenos Aires, parties must comply with Resolution 63/96 and file various documents with SPA, including an application letter that contains detailed information regarding the firm's owners and directors. Additionally, parties must submit a list of vehicles used in waste transport, current Certificates of Technical Inspection and insurance policies for those vehicles, and identification information for transport vehicle

drivers. Finally, parties must describe the transported waste, submit a contingency plan for emergency response, and certify the adequacy of the treatment site.⁹³

Responsible parties must also maintain a record of any accidents that occur when transporting special or industrial waste and must notify SPA immediately of any such accidents.⁹⁴ The resolution establishes the requirements of the manifest for waste transport, which follow closely the requirements of the provincial Special Waste Law.⁹⁵ Serious violations of Resolution 63/96 can lead to suspension of transporter registration.⁹⁶

Toxic Waste Listing

To provide guidance in identifying types of waste subject to the various provincial laws and regulations, Resolution 601/98 lists toxic wastes prohibited from entry into the province in accordance with Article 28 of the provincial Constitution.⁹⁷ In addition, Resolution 601/98 requires responsible parties involved in toxic waste management to file a sworn affidavit on the toxic or non-toxic nature of the managed waste.⁹⁸

Pathogenic Waste

Law No. 11,347, the Pathogenic Waste Law (*Ley de Residuos Patogénicos*) and regulatory Decree 3,232/92 regulate the treatment, handling, storage, transport, and disposal of pathogenic wastes. Pathogenic wastes are defined as toxic or biological wastes generated during diagnosis, treatment, or immunization of human beings or animals that directly or indirectly affect humans and contaminate the soil, water, or atmosphere.⁹⁹

Pathogenic waste generators must register with the Ministry of Health. Parties involved in pathogenic waste transport, treatment, or disposal must register with SPA.¹⁰⁰

City of Buenos Aires

Regulation of waste within the City of Buenos Aires derives largely from Article 28 of the city's Constitution, which prohibits hazardous waste import, and Law No. 154, the Pathogenic Waste Law (*Ley de Residuos Patogénicos*), which regulates the generation, handling, storage, collection, transport, and final disposal of pathogenic waste.¹⁰¹ Law No. 154 excludes from its scope domestic waste, radioactive waste, and other special wastes regulated under the federal Hazardous Waste Law not deemed "pathogenic waste" by that statute.¹⁰²

Law No. 154 prohibits the disposal of untreated pathogenic waste and requires generators, transporters, and pathogenic waste treatment facility operators to use suitable methods for managing and minimizing risks.¹⁰³ Parties must register in the Registry of Generators, Transporters, and Operators of Pathogenic Waste (*Registro de Generadores, Transportistas y Operadores de Residuos Patogénicos*) by filing an affidavit that includes, among other requirements, a description of on-site waste management and final disposal methods.¹⁰⁴ In addition to registration, the Pathogenic Waste Law relies on a manifest system that specifies waste characteristics and parties responsible for waste management.¹⁰⁵ The law further requires employers to provide specialized training, pre-employment and periodic medical examinations, immunization, and protective equipment to personnel handling pathogenic waste.¹⁰⁶

As the designated regulatory authority under Law No. 154, the Secretariat of Health (*Secretaría de Salud*) of the City of Buenos Aires is responsible for, among other duties, drafting a Pathogenic Waste Management Manual (*Manual de Gestión de Residuos Patogénicos*), which classifies pathogenic waste and specifies appropriate handling procedures.¹⁰⁷ Law No. 154 incorporates by reference the civil and criminal penalties under the federal

Hazardous Waste Law, as codified, in specifying sanctions for noncompliance.¹⁰⁸

⁶⁰ See CONST. ARG. art. 41. *But see* Resolution 184/95 (establishing rules for exporting hazardous waste).

⁶¹ This legal framework is similar to that of the Resource Conservation and Recovery Act ("RCRA"), which grants authority over hazardous waste control in the United States to the Environmental Protection Agency. See 42 U.S.C. §§ 6911-6939(e).

⁶² See Law No. 24,051 § 2. See also Resolution 224/94 (amending definitions of categories of highly and non-highly hazardous waste in Decree No. 831/93).

⁶³ See Law No. 24,051 § 1.

⁶⁴ See *id.* §§ 12-13.

⁶⁵ See *id.* apps. I, II, III.A-B.

⁶⁶ See *id.* § 2. See, e.g., Law No. 23,922 (adopting the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal); discussion *infra* International Treaties and Conventions.

⁶⁷ See Resolution 250/94 (amending definitions of major, medium, and minor generators of hazardous waste in Decree No. 831/93).

⁶⁸ See Law No. 24,051 §§ 4-11, 16.

⁶⁹ See *id.* § 49; Cód. Civ. § 1,113.

⁷⁰ See Law No. 24,051 §§ 45-48.

⁷¹ See *id.* §§ 55-57.

⁷² See *id.* §§ 55-57; Cód. Pen. §§ 200, 202.

⁷³ See Law No. 11,720 (Province of Buenos Aires); Law No. 4,616/91 (Province of Catamarca); Law No. 3946/93 (Province of Chaco); Law No. 3742/93 (Province of Chubut); Law No. 8,300/93 (Province of Córdoba); Law No. 8,880/94 (Province of Entre Ríos); Law No. 1,466/93 (Province of La Pampa); Law No. 5,917/92 (Province of Mendoza); Law No. 5,042/93 (Province of San Luis); Law No. 6,080/94 (Province of Santiago del Estero); Law No. 105/94 (Province of Tierra del Fuego); Law No. 6,605/94 (Province of Tucumán). See, e.g., Law No. 11,720 § 51; discussion *infra* Waste: Province of Buenos Aires.

⁷⁴ See Law No. 24,449 § 56.

⁷⁵ See discussion *supra* Waste: Federal; *infra* International Treaties and Conventions.

⁷⁶ See Law No. 11,720 § 2.

⁷⁷ See *id.* §§ 1, 3; apps. I, II.

⁷⁸ See Law No. 11,720 §§ 20-22. See also Resolution 594/98 (setting forth requirements for a

standard manifest for transporting special and pathogenic waste).

⁷⁹ See Law No. 11,720 §§ 7-13.

⁸⁰ See *id.* §§ 4-5.

⁸¹ See *id.* § 6, app. III.

⁸² See *id.* §§ 7-13. See also Resolution 665/00 (establishing specific requirements for attaining additional permits, beyond the general permit required for all industrial establishments, for treatment, management, and disposal of special waste).

⁸³ See Law No. 11,720 § 25.

⁸⁴ See *id.* §§ 27, 32.

⁸⁵ See Law No. 24,051 apps. II-III. An example of special waste regulated in accordance with provincial law and Resolution 228/98 is spent lead acid batteries.

⁸⁶ See Res. 228/98 § 1.

⁸⁷ See *id.* §§ 2-3.

⁸⁸ See Res. 37/96 § 5.

⁸⁹ Resolution 60/96 created the Provincial Registry of Treatment Facilities of Industrial Waste, which is regulated by SPA, referenced in Resolution 37/96. See Res. 60/96 §§ 1-2; Res. 37/96 § 6.

⁹⁰ See Res. 37/96 §§ 6, 8.

⁹¹ See *id.* § 9.

⁹² See *id.* § 10.

⁹³ See Res. 63/96 § 1.

⁹⁴ See *id.* §§ 2(3).

⁹⁵ See *id.* §§ 2(4)-(5); Law No. 11,720 §§ 20-22.

⁹⁶ See Res. 63/96 §§ 3-4.

⁹⁷ See Res. 601/98 § 1, apps. I, II; CONSTIT. PROV. B.A. art. 28.

⁹⁸ See Res. 601/98 § 4. See also Resolution 594/98 (setting forth requirements for a standard manifest for transporting special and pathogenic waste).

⁹⁹ See Law No. 11,347 §§ 1-2.

¹⁰⁰ See *id.* § 6. See also Decrees No. 450/94 and 403/97 § 3 (establishing specific requirements for the generation, storage, and final disposal of pathogenic waste).

¹⁰¹ “Pathogenic waste” is defined as waste from the medical treatment of humans or animals or from research and development involving biological or toxic elements that may affect humans or contaminate the soil, air, or environment. See Law No. 154 § 2.

¹⁰² See *id.* §§ 1-3.

¹⁰³ See *id.* §§ 5-6.

¹⁰⁴ See *id.* §§ 12-14.

¹⁰⁵ See *id.* §§ 39-40.

¹⁰⁶ See *id.* § 7.

¹⁰⁷ See *id.* § 11. See “Manual de Gestión de Residuos Patogénicos” Secretaría de Salud, Gobierno de la Ciudad de Buenos Aires, available at <http://casaconsult.hypermart.net/legislacion/ciudad/manual.htm>.

¹⁰⁸ See Law No. 154 §§ 41-42; Law No. 24,051 §§ 49-54.

Water

Federal

Water resource environmental regulation in Argentina, both with respect to effluent control and drinking water supply, lacks a cohesive federal scheme. Interested parties look to local, mostly provincial but often municipal, laws and regulations to determine compliance with environmental water standards. Because these standards differ substantially among local jurisdictions, compliance and liability exposure often prove difficult to assess.

Water Pollution

On the federal level, Law No. 24,583 was enacted in 1995 to create the National Agency of Water Treatment Works (*Ente Nacional de Obras Hídricas de Saneamiento*, “ENOHSA”) and subordinate agencies charged with regulating discharges into waterways to federal jurisdiction. ENOHSA-adopted policies and programs must consider and coordinate with provincial government action directed toward similar objectives.¹⁰⁹ Decree 107/97 approved the ENOHSA charter and charged the entity with effecting Secretariat of Public Works and Transport policy aimed at developing drinking water and sanitation services through technical assistance and finance.¹¹⁰

Discharges into federal waterways, in terms of both type and volume, are regulated by Decree 674/89, as amended by Decree 776/92.¹¹¹ Decree 674/89, as amended, levies a “special rights” tariff on polluters failing to comply with maximum toxic levels set by SDSyPA resolutions on contaminated wastewater discharge. The tariff is calculated according to a formula that considers, among other factors, the degree of excess over the applicable limit, toxicity of the discharge, and harm to the environment. As amended, Decree 674/89 requires SDSyPA to sample wastewater

discharge at least twice a year to determine if a polluter must pay the special rights tariff. Proceeds from the tariff are applied toward funding the efforts of SDSyPA, including improvement of its monitoring capacity and financing of research and collaboration with local government.¹¹²

Additionally, Decree 674/89 requires all industrial sites located within the City of Buenos Aires and the Province of Buenos Aires to file an annual statement attesting to the wastewater data required by the SDSyPA resolutions. Failure to file the statement timely subjects the violator to fines. The special rights tariff applicable to a non-complying polluter is calculated in part based on the information included in this statement.¹¹³

Decree No. 674/89 sanctions three categories of industrial discharge: (1) temporarily permitted (discharge that does not trigger the special rights tariff but must be converted to non-contaminating through biennial reductions), (2) prohibited (discharge that subjects the polluter to fines and even closure, in addition to imposing the special rights tariff), and (3) unauthorized or unregistered (discharge that automatically subjects the polluter to the maximum penalty). While Decree 674/89 is designed to encourage industrial treatment before disposal of polluting substances, the tariffs assessed on the activity are often significantly less than the cost to meet the levels specified in the decree. As a result, certain sectors have criticized the regulatory scheme as a license to pollute. To aid enforcement, Decree No. 674/89 encourages private citizen and corporate “whistleblowers” to report violations.¹¹⁴ In addition, Resolution No. 85/00 of the National Water and Environmental Institute (*Instituto Nacional de Agua y del Ambiente*, “INAA”) authorizes fines for failure to comply with technical standards set forth in Decree 674/89.

Drinking Water Standards

Specific drinking water standards are generally addressed at the local level by provincial law or municipal concession agreement. Nearly all provinces have an equivalent to the federal Undersecretariat of Water Resources (*Subsecretaría de Recursos Hídricos*), as well as one or more utilities that supply drinking water and sewerage services. In some provinces, particularly those where irrigation is significant, water codes and pollution statutes are more complete and effective than the federal standards.

Nonetheless, at the federal level, Law No. 24,583 provides a framework for coordinating and funding drinking water projects. For federal jurisdictions, water standards and water use are regulated primarily by the Undersecretariat of Water Resources, an agency of the Ministry of the Economy. Various governmental entities with jurisdiction over federal water resources operate under the auspices of the Undersecretariat, including INAA, which oversees planning and development of large-scale water utilities. Law No. 24,583 also created the Federal Sanitation Council (*Consejo Federal de Saneamiento*, “COFESA”), which reviews and coordinates federal involvement in drinking water and sewerage projects carried out by the ENOHS. It is also charged with encouraging local governments to provide or improve basic sanitation services. COFESA advises the president and provincial governments on matters of sanitation and supervises actions relating to multi-jurisdictional projects.¹¹⁵

Province of Buenos Aires

Water Pollution

Law No. 5,965, the Water Resource and Atmosphere Protection Act (*Ley de protección a las fuentes de provisión y a los cursos y cuerpos receptores de agua y a la atmósfera*) and

implementing Decree No. 2,009/60¹¹⁶ prohibit effluent discharge into the provincial water system unless the effluent is treated to assure that it has been rendered innocuous.¹¹⁷ Industrial establishments must obtain a permit and approval of water resource facilities from the provincial government (Public Works and/or Public Health) before beginning operations.¹¹⁸

In some areas of the Province of Buenos Aires, federal Decree No. 674/89 applies to require industrial sites to file an annual statement attesting to the wastewater data required by SDSyPA resolutions.¹¹⁹

Law No. 5,965 grants individual towns and cities the right to inspect sites to verify compliance and to take enforcement action, including closure of a facility, and to levy fines against violators ranging from 100 pesos to 100,000 pesos for each infraction.¹²⁰

Drinking Water Standards

Law No. 12,257 sets forth the provincial water code (*Código de aguas*), a comprehensive series of statutes that aim to protect, conserve, and manage provincial water resources. The water code created the Water Authority (*Autoridad de Aguas*) to, among other objectives, plan and protect water rights, effect policy, and enforce compliance. The water code regulates, among other activities, the use of water resources and its exploitation by permit and concession, conservation and quality improvement, and means to protect water resources from prejudicial activity.¹²¹

Provincial Law No. 11,820, as amended, establishes the regulatory framework for provincial regulation of drinking water and sewerage utilities operating in the Province of Buenos Aires. The law fixes quality parameters for drinking water and sewage, as part of its declared goal to assure adequate drinking water and sewerage service for the population, while

protecting the public health, existing water resources, and the environment in general. To enforce its mandate, the law created the *Organismo Regulador de Aguas Bonaerense* (“ORAB”), a provincial regulatory authority vested with powers to oversee and enforce statutory compliance, except in those instances where ETOSS (see below) has jurisdiction.¹²²

City of Buenos Aires

Although the largest drinking water and sewerage utility, in terms of users, operates almost entirely in the City of Buenos Aires, the city government exercises limited regulatory control over its water resources. Instead, these resources are administered pursuant to a long-term concession agreement between the utility and the federal government. The *Ente Tripartito de Obras y Servicios Sanitarios* (“ETOSS”), an independent regulatory agency with representation from the federal, provincial, and city governments, was established to monitor service, ensure compliance with the concession agreement, and enforce regulatory decisions. ETOSS’s jurisdiction, coterminous with the geographical limits of the concession, extends to metropolitan areas located in the Province of Buenos Aires.

¹⁰⁹ See Law No. 24,583 § 2.

¹¹⁰ See ENOHSA CHARTER §§ 5-6.

¹¹¹ Tolerance levels for specific toxic effluents are set forth in Resolution 242/93, expressed on a milligram per liter basis.

¹¹² See Decree 674/89 §§ 7-9.

¹¹³ See *id.* §§ 3, 10-11.

¹¹⁴ See *id.* §§ 13-5, 18.

¹¹⁵ See Law No. 24,583 § 6.

¹¹⁶ Decree No. 3,790/90 partially amends Decree No. 2,009/60 and establishes requirements for industrial establishments that discharge wastewater to municipal sewer systems or the environment.

¹¹⁷ See also Resolutions 287/90 and 389/98 (establishing quality standards and permissible limits for wastewater discharge).

¹¹⁸ See Law No. 5,965 §§ 2, 6.

¹¹⁹ See discussion *supra* Water: Federal.

¹²⁰ See Law No. 5,965 §§ 7-8; Law No. 10,408 (modifying Law No. 5,965 § 8).

¹²¹ See Law No. 12,257 §§ 10-24, 34-54, 93-106.

¹²² See Law No. 11,820 §§ 1-4.

Protection of Life and Ecosystems

Federal

As in other areas of national environmental law, Argentina lacks an integrated environmental policy for regulating biological diversity and the protection of life and ecosystems. Various federal laws regulate forestry protection and industry, fishing and water resources, and endangered species.

Forestry Protection and Industry

The Argentine government prohibits the “devastation of forests” and their “unreasonable use” through Law No. 13,273, the Forestry Resources Act (*Ley de promoción forestal*), codified by Decree 710/95.¹²³ The act declares the protection, improvement, and expansion of forestlands, as well as the promotion of forestry industry development, to be in the public interest.¹²⁴

The National Forestry Administration, an agency reporting to SAGPyA, enforces the Forestry Resources Act, which applies to forests located on federal lands or within provinces that have adopted the federal law, or to protected forests where activities may affect the “general well-being, progress, or prosperity” of two or more provinces, or one province and the federal territory.¹²⁵ Provinces that adopt the federal law are represented on federal forestry and agricultural commissions¹²⁶ and are eligible to receive federal funds for forestation and reforestation projects through the National Forest Fund.¹²⁷

The Forestry Resources Act identifies and defines the different types of forests regulated by the federal law. “Protected forests” are areas designated by the government as exempt from commercial exploration in order to preserve surrounding ecosystems and biodiversity. “Permanent forests” comprise national,

provincial, and municipal nature parks and reserves. “Experimental forests” are those designated for ecological research. “Special woodlands” are forests created on private lands for agricultural purposes, and “production forests” are those lands subject to periodic extraction of timber or timber byproducts of economic value.¹²⁸ The Forestry Resources Act allows for government expropriation of forestlands when landowners do not consent to forestation or reforestation projects in protected forests commissioned by the government.¹²⁹

The Forestry Resources Act restricts the use of protected or permanent forestlands. Landowners who alter these lands must register in the Protected Forests Registry and receive approval.¹³⁰ Protected and permanent forests can only be altered to be “improved.”¹³¹

Parties intending to carry out deforestation, manufacturing, industrial, or commercial activities affecting forestlands must register with SAGPyA.¹³² Prior to any forestland exploitation, owners of the land must submit an operating plan (*plan de trabajo*) for approval.¹³³ SAGPyA considers the feasibility and prudence of forestation and reforestation plans on the basis of technical studies conducted by the petitioning party.¹³⁴ The government grants concessions that allow forestland modifications for up to ten years.¹³⁵ Those who exploit forest resources must pay a royalty, depending on the species, quantity, final purpose, and sales price of the forest products.¹³⁶

Parties falsely represent to the government production figures to avoid paying royalties are subject to a fine of up to ten times the value of the goods.¹³⁷ Violations of the Forestry Resources Act are punishable by fines ranging from \$10 to \$10,000 or temporary or permanent removal from the registry.¹³⁸

Commercial Forestry Investment

To encourage investment in the forestry sector, the government enacted Law No. 25,080, the Commercial Forestry Investment Law (*Ley de inversiones para bosques cultivados*) in 1998.¹³⁹ The Commercial Forestry Investment Law provides important financial benefits to those making investments in the Argentine forestry industry, including affording investors special tax benefits and exchange rate stability for projects that last between 30 and 50 years.¹⁴⁰ Additionally, the law provides for reimbursement of value added taxes paid for purchases, imports, and services rendered directly in connection with the forestry investment and an election to amortize the payment of value added taxes.¹⁴¹ Parties making the investment are also eligible for government funding of projects related to forestation and forest maintenance.¹⁴² Nearly all of the 23 provinces, including Buenos Aires, have adopted the national law in its entirety.¹⁴³

The Commercial Forestry Investment Law defines “investment project” as one in which the main activity is the planting of tree species and specific tasks include site preparation, planting, irrigation, protection against disease and fire, and research and development. These investments include all projects with the purpose of timber production. Regulated by Decree No. 133/99, the Commercial Forestry Investment Law complements the Promotion Regime for Forest Plantations (*Régimen de Promoción de Plantaciones Forestales*) by establishing a special regime for investments made in new timber plantations and industrial forestry projects, as well as in extending existing woodlands.¹⁴⁴

Fishing and Water Resources

Commercial and recreational maritime fishing within Argentina is governed by Law No. 24,922, the Federal Fisheries Law (*Régimen*

federal de pesca) of 1998, as codified by Decree 748/99. The Federal Fisheries Law coordinates commercial development to favor long-term sustainability through encouraging reasonable and environmentally sound policies that, in addition, promote employment of the Argentine workforce in the fishing industry. The Federal Fisheries Law regulates fishing in federal territory, including the adjacent “exclusive economic zone” of 200 nautical miles extending from the Argentine coastline as recognized by the United Nations Convention on the Law of the Sea (Montego Bay, Jamaica 1982) and ratified by Argentina in 1995.¹⁴⁵

The Federal Fisheries Law created several governing bodies to regulate and enforce the law, including SAGPyA. The Secretariat is empowered, through the Ministry of Economy (*Ministerio de Economía*), to limit fishing activities when in the national interest and to sanction violators of the fishing laws.¹⁴⁶ The Federal Fisheries Law also created the Federal Fishing Council (*Consejo Federal Pesquero*), which comprises representatives from each of the provinces with a maritime coast and members of the federal bureaucracy.¹⁴⁷ This body has the authority to formulate a national fishing policy, establish the maximum catch quota (*captura máxima permisible*) for each species, and approve commercial and “experimental” fishing permits.¹⁴⁸ The Federal Fisheries Law also created the National Fishing Fund (*Fondo Nacional Pesquero*, “FONAPE”), which uses donations, duties paid for fishing activities, and fines collected from violators to fund government research and development activities.¹⁴⁹

The Federal Fisheries Law emphasizes evaluation and conservation of marine life resources through scientific and technological research. To formulate research initiatives, the National Institute of Fishing Research and Development (*Instituto Nacional de Investigación y Desarrollo Pesquero*,

“INIDEP”) cooperates with national and provincial organizations to prevent fisheries contamination.¹⁵⁰

The law prohibits fishing without a permit or at times and in areas where banned.¹⁵¹ Further, the Federal Fisheries Law limits the exploitation of Argentine marine life resources to Argentine residents.¹⁵² The law requires parties to register themselves and their vessels with the National Fishing Registry (*Registro de la Pesca*) and fly the Argentine flag while fishing within Argentine territory.¹⁵³ Parties must pay a duty on the fish they catch, which varies depending on the particular species of fish.¹⁵⁴

At the discretion of SAGPyA, and following an administrative proceeding, sanctions for Federal Fisheries Law violations include fines from \$10,000 to \$1,000,000, suspension or cancellation of registration in the National Fishing Registry, and seizure of fishing equipment or vessels. Severe violations (*infracciones graves*), such as fishing in a prohibited zone (*zona de veda*), fishing without required permits, or using prohibited equipment or techniques, increase the fine to between \$50,000 and \$2,000,000.¹⁵⁵ The statute permits the federal government to maintain custody of seized vessels until the fine is paid. Parties guilty of multiple Federal Fisheries Law infractions within a five-year period may have severe violation fines doubled.¹⁵⁶

Nonetheless, Argentine violators of the Federal Fisheries Law face lesser penalties than their international counterparts. Penalties for Argentine nationals include warnings, disciplinary measures, fines from \$1,000 to \$100,000, and suspension or cancellation of registration in the National Fishing Registry.¹⁵⁷

Endangered Species

Argentina is a signatory to several international treaties and conventions that aim to protect

endangered species and promote biodiversity, including the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.¹⁵⁸

Province of Buenos Aires

Provincial Resource Management

In keeping with its constitutional charge to ensure biodiversity and ecosystem protection,¹⁵⁹ the government of the Province of Buenos Aires enacted Law No. 11,723, the Provincial Law on the Environment (*Ley del Medio Ambiente de la Provincia de Buenos Aires*). Codified by Decree 4,371/95, the Provincial Law on the Environment enumerates certain rights and duties of provincial residents related to the management of natural resources.¹⁶⁰ Residents are expressly charged with protecting, conserving, and improving the environment and avoiding its degradation.¹⁶¹

Certain sections of the Provincial Law on the Environment apply specifically to flora and fauna in the Province of Buenos Aires. The provincial government is charged with creating registries of indigenous flora and wild fauna that detail species habitat, phenology, and periodic population censuses. Additionally, the government must create special programs for protecting wild flora and fauna in danger of extinction and plan the recovery and enrichment of indigenous forests. The government must also control chemical and biological soil contamination in protected areas and encourage the use of alternatives to pesticides and agrochemicals. The Provincial Law on the Environment requires government approval, given after review of an EIA, for any import of foreign flora into the Province of Buenos Aires. Further, the law prohibits the exploitation and commercialization of indigenous or exotic wild fauna and requires the compilation of a list of exotic species, which are specifically prohibited from entry.

See Law No. 11,723 §§ 55-64.

The Provincial Law on the Environment requires the provincial executive branch to coordinate environmental policy with the Provincial Institute on the Environment (*Instituto Provincial del Medio Ambiente*). This agency requires the government to, among other duties, oversee the use of natural resources and assure the completion of an Environmental Impact Assessment (*Evaluación de Impacto Ambiental*, “EIA”) for projects that may adversely affect the environment.¹⁶²

Depending on the gravity of the act, penalties for noncompliance with the Provincial Law on the Environment include warnings, fines, license suspension, facility closure, and public notice of a party’s violation.¹⁶³

Forestry Protection and Industry

In the province of Buenos Aires, Law No. 5,699 of 1952, amended by Decree 7,513/68, closely follows the Federal Forestry Protection Act to protect forest resources. The provincial law also created the Provincial Forest Fund for forestation and reforestation projects.

City of Buenos Aires

The Constitution of the City of Buenos Aires includes mandates to preserve and restore ecosystems and natural resources, maintain and expand green spaces, and protect biodiversity.¹⁶⁴

Though these constitutional mandates generally are not embodied in municipal legislation, Ordinance No. 43,794 (1989) encourages the community to volunteer and make contributions to city government to help maintain municipal resources (*Convenios de Colaboración*).¹⁶⁵ A city Sponsorship Program (*Programa de Padrinazgos*) was created to, among other objectives, facilitate community support of the Green Spaces Program, which creates and maintains municipal parks and plazas, and the Costanera Sur Ecological Reserve, which preserves and protects wild flora and fauna.

¹²³ See Law No. 13,273 § 13.

¹²⁴ See *id.* § 1.

¹²⁵ See *id.* §§ 3, 74.

¹²⁶ Provinces adopting Law No. 13,273 are represented on the National Forestry Commission (*Comisión Nacional de Bosques*), the National Land Administration (*Administración Nacional de Tierras*), and in the General Department of Agriculture (*Dirección General de Agricultura*). See *id.* § 77.

¹²⁷ See *id.* §§ 4,47.

¹²⁸ See *id.* §§ 7-12.

¹²⁹ See *id.* § 26.

¹³⁰ See *id.* §§ 31-33.

¹³¹ See *id.* § 37.

¹³² See *id.* § 16.

¹³³ See *id.* §§ 14-15, 38.

¹³⁴ See *id.* § 25.

¹³⁵ See *id.* § 39.

¹³⁶ See *id.* § 43.

¹³⁷ See *id.* § 53.

¹³⁸ See *id.* § 67.

¹³⁹ See *id.* § 1.

¹⁴⁰ See *id.* § 8.

¹⁴¹ See *id.* § 10-11.

¹⁴² See *id.* §§ 17-20.

¹⁴³ See, e.g., Law No. 12,443 (Province of Buenos Aires); Decree 1,891/00 (Province of Buenos Aires).

¹⁴⁴ See Department of Forest Policy (*Coordinación de Política Forestal*), through the Forestry Development Project (*Proyecto Forestal de Desarrollo*), “Guía para la Inversión en la Industria Forestal en Argentina” [“Guide for Investment in the Forestry Industry in Argentina”], available at <http://adi.mecon.gov.ar/forestal/forestal.htm>.

¹⁴⁵ See Law No. 24,543 § 1.

¹⁴⁶ See *id.* §§ 5-7, 19.

¹⁴⁷ See *id.* § 8.

¹⁴⁸ See *id.* § 9, 17-18.

¹⁴⁹ See *id.* §§ 43-45.

¹⁵⁰ See *id.* § 11.

¹⁵¹ See *id.* §§ 11, 26.

¹⁵² See *id.* § 24.

¹⁵³ See *id.*; § 41.

¹⁵⁴ See *id.* § 28.

¹⁵⁵ See *id.* § 51.

¹⁵⁶ See *id.* § 58.

¹⁵⁷ See *id.* § 62.

¹⁵⁸ See discussion *infra* International Treaties and Conventions.

¹⁵⁹ See CONST. PROV. B.A. art. 28.

¹⁶⁰ *See* Law No. 11,723 § 2.

¹⁶¹ *See id.* § 3.

¹⁶² *See id.* §§ 4-6.

¹⁶³ *See id.* § 70.

¹⁶⁴ *See* CONST. CITY B.A. §§ 27(1), (4)-(5).

¹⁶⁵ *See* Ordinance No. 43,794 §§ 1-2.

Environmental Impact and Reporting

Federal

Argentina does not have a comprehensive EIA regime at the federal level.¹⁶⁶ Generally, EIA procedures in Argentina are implemented at the provincial and municipal levels, or are applied on a sector-by-sector basis.¹⁶⁷ Nonetheless, certain federal laws and regulations, including the Mandatory Environmental Impact Reporting for Public Investment Law and the national Hazardous Waste Law, require the performance of EIAs.

Public Investment Projects

Law No. 24,354, the Public Investment Law (*Ley de Sistema Nacional de Inversiones Públicas*), as codified by Decree 720/95, requires EIAs or feasibility studies for all public investment projects receiving federal subsidies, contributions, or loans.¹⁶⁸ Decree 720/95 designates the Secretariat of Economic Planning (*Secretaría de Programación Económica*), an office of the Ministry of Economy, as the regulatory authority of the Public Investment Law.

Annex I of Law No. 24,354 lists specific projects for which EIAs are mandatory, including those related to hazardous waste treatment, storage, and disposal, railway, highway, and commercial airport construction, and other large-scale public works.¹⁶⁹ Annex II of Law 24,354 delineates the minimum procedural requirements for public project EIAs and requires an evaluation of alternative projects, including an analysis of relative social and economic costs of an alternative and its environmental impact. Subject parties must submit EIAs to the Secretariat of Economic Planning and publish the pertinent feasibility studies and EIAs for five working days in the Official Gazette (*Boletín Oficial*), a newspaper in the city in which the applicant is domiciled, and a daily publication with the largest circulation in the area of the proposed project.

Within 90 days of the close of a 60-day public comment period, the Secretariat of Economic Policy (*Secretaría de Política Económica*) must approve, in part or in full, or deny the proposed project.¹⁷⁰

Hazardous Waste

The federal Hazardous Waste Law charges SDSyPA with furnishing EIAs of government activities involving hazardous waste.¹⁷¹ The Hazardous Waste Law requires hazardous waste treatment plants to submit an EIA to the Secretariat as a prerequisite to listing in the Registry of Hazardous Waste Generators, Transporters, and Treatment, Disposal and Storage Plants.¹⁷²

Province of Buenos Aires

In the province of Buenos Aires, the Industrial Zoning Law and Decree 1741/96 require environmental impact assessments for industrial facilities constructed or modified within the province of Buenos Aires. Additionally, the Comprehensive Law on the Environment and Natural Resources and Decree 4,371/95 incorporate environmental impact assessment requirements.

Industrial Zoning

Law No. 11,459, the Industrial Zoning Law (*Ley de Radicación Industrial*) and Decree 1,741/96 mandate environmental impact assessments for industrial projects within the province of Buenos Aires. The law requires industrial facilities to acquire a CAA used by the government to determine the plant's suitability consistent with applicable zoning regulations. Prior to obtaining a CAA, parties constructing or modifying industrial facilities must conduct an evaluation of the plant's impact on public health and safety.¹⁷³

The Industrial Zoning Law and Decree 1,741/96 apply to industrial activity described in Annex 1 of the Decree.¹⁷⁴ The Industrial Zoning Law classifies these industrial facilities according to level of “environmental complexity” (*nivel de complejidad ambiental*, “NCA”), or the degree to which the facilities manufacture, use, or store effluents affecting the environment. “Innocuous” industrial activities that do not pose a risk to the health and safety of the population nor harm the environment are Category I establishments. Category II establishments (*incómodos*) are a “nuisance” to public health or may cause serious harm to the surrounding environment. Finally, Category III establishments include industrial facilities considered dangerous because their activities constitute a risk to the health and safety of persons or pose a serious harm to the environment.¹⁷⁵ Decree 1,741/96 provides a specific formula for determining a facility’s NCA level.¹⁷⁶

All regulated industrial facilities, other than Category I facilities, must obtain a CAA from the government. New, non-Category I facilities must complete various tasks and submit an EIA in accordance with Annex 4 of Decree 1,741/96.

For Category II and III facilities and industrial parks, the first task is to submit an environmental evaluation that describes the environmental characteristics of the surrounding area. The evaluation must consider climate and geology, geomorphology, surface and underground water resources (and their current and potential use), atmospheric variables, and biological conditions. The evaluation should also consider socioeconomic aspects, including population density and type, the effect of industrial activity on the population, uses of soil, and available infrastructure.

The second task in an EIA involves a detailed report of the project, identifying relevant aspects of environmental protection, type of activities involved, and procedures for production, treatment, and classification of generated waste.

In the final task of the EIA, industrial facilities must identify and evaluate the positive and negative, direct and indirect, and reversible and irreversible environmental impacts of the proposed project. Category II establishments must also formulate a plan for internal emergencies, while Category III establishments and new industrial parks must formulate environmental monitoring programs and contingency plans.¹⁷⁷

Existing industrial establishments, other than those classified as Category I, must prepare an environmental audit (*auditoría ambiental del establecimiento*) that describes industrial processes and activities and verifies that treatment and transport of solid and semisolid waste, gaseous emissions, and effluent liquids comply with applicable laws and regulations. Additionally, these establishments must submit a schedule to implement changes to the facility (*cronograma de correcciones y/o adecuaciones*) and a “manual of environmental management” (*Manual de Gestión Ambiental*) that details the objectives of the project and identifies potential emergencies, along with their corresponding action plans.¹⁷⁸

Within 20 days, the relevant authority will analyze and accept or reject an EIA submitted by an industrial establishment and issue a Declaration of Environmental Impact (*Declaración de Impacto Ambiental*, “DIA”). Only those industrial establishments whose EIAs have been approved are granted CAAs.¹⁷⁹

The regulatory authority for the Industrial Zoning Law and Decree 1741/96 depends on the NCA classification as a Category I, II, or III industrial establishment. While municipalities are authorized to grant CAAs to Category I establishments, SPA grants CAAs to Category II (unless SPA and the municipality agree otherwise) and Category III establishments.¹⁸⁰ Upon a CAA request, municipalities must grant or deny a CAA for new Categories I or II applicants within 45 days, or within 30 days for

existing facilities. SPA must grant or deny a CAA for new Category III applicants within 90 days, or within 60 days for existing facilities. If the relevant authority fails to grant or deny the CAA within the mandated time frame, the applicant is automatically granted a CAA 60 days later for first-time applicants, or 30 days later for existing facilities.¹⁸¹ CAAs must be renewed every two years.¹⁸² The renewal process requires an environmental audit, the specific procedures of which differ depending upon NCA classification as detailed in Annex 6 of Decree 1,741/96.¹⁸³ The relevant authority renews or denies the CAA within 30 days.¹⁸⁴

Decree 1,741/96 created a Special Registry (*Registro Especial de Certificados de Aptitud Ambiental*) for those facilities that have been certified environmentally competent and granted a CAA.¹⁸⁵ Additionally, the Decree established the Registry of Professionals, Consultants, Organizations, and Official Institutions for Environmental Studies (*Registro de Profesionales, Consultoras, Organismos e Instituciones Oficiales para Estudios Ambientales*).¹⁸⁶

Sanctions for a facility's failure to comply with the Industrial Zoning Law and Decree 1,741/96 depend on the gravity of the violation. The statute identifies five distinct categories of sanctions: *muy leves*, a technical infraction; *leves*, conduct that adversely affects public health and safety; *medias*, conduct that poses a risk to public health and safety to persons or the environment; *graves*, conduct that harms public health and safety of persons and the environment; and *muy graves*, conduct that causes great irreversible harm to persons or the environment. Sanctions include warnings and fines (the amount of which ranges between the equivalent of one and 1,000 monthly salaries payable to entry-level government employees), CAA revocation, suspension or removal from the Special Registry, and temporary or permanent closure of the industrial facility.¹⁸⁷

Provincial Environmental Policy

Law No. 11,723, the Provincial Law on the Environment (*Ley de protección, conservación, mejoramiento y restauración de los recursos naturales y del ambiente en general*), and its regulatory Decree 4,371/95 require all projects that may produce a negative effect on the environment or natural resources, such as hydroelectric or nuclear energy generation and transmission, water treatment, highway construction, forestry, and hazardous waste treatment and disposal, to submit an EIA and obtain a DIA.¹⁸⁸

While Section 41 of the national Constitution specifies that governmental authorities shall provide environmental information and education, no federal legislation establishes freedom of information rules for access to official information. Some provinces, however, as well as the City of Buenos Aires, have implemented legislation that provides free public access to environmental information. Article 26 of the Constitution of the City of Buenos Aires provides the right to request information from the government regarding public or private activities affecting the environment. City Law No. 303, in keeping with this Constitutional mandate, specifies that environmental information solicited may include the results of environmental research and Environmental Impact Assessments.

See CONST. ARG. art. 41; CONST. CITY B.A. art. 26; Law No. 303 (City of Buenos Aires); Law No. 104 (City of Buenos Aires).

Other Laws and Regulations

Relevant provincial environmental laws that incorporate environmental impact assessment requirements include laws regulating liquid

emissions (Law No. 5,965), gaseous emissions (Law No. 5,965 and Decree 3,395/96), special waste (Law No. 11,720 and Decree 806/97), and industrial waste transport (Resolution 63/96). Other relevant provincial regulations of pathogenic waste generated by private establishments, such as Law No. 11,347, integrate environmental impact assessment requirements. Additionally, under Resolution 231, all equipment used in industrial installations, such as boilermakers, air accumulators and compressors, fire extinguishers, and air and underground tanks must be considered in environmental impact studies.

City of Buenos Aires

Article 30 of the Constitution of the City of Buenos Aires requires persons proposing public or private projects that may affect the environment to first perform an EIA for governmental and public consideration. Law No. 123 (1999), as amended by Law No. 452 (2000) and codified by Decree 1,120/01, draws on Article 30 to regulate EIA requirements for proposed activities in the City.¹⁸⁹

The EIA process begins with the government's classifying a proposed activity, project, or program. The Secretariats of Environment and Public Space (*Medio Ambiente y Espacio Público*), Urban Planning and Industry (*Planeamiento Urbano e Industria*), Commerce (*Comercio*), and Labor (*Trabajo*) of the City of Buenos Aires are jointly charged with determining whether the proposed action will have a material effect on the environment.¹⁹⁰ All costs incurred in completing the EIA are borne by those parties responsible for the proposed actions.¹⁹¹ Section 13 of Law No. 123 provides a list of activities presumed to produce a material environmental impact.¹⁹² Section 14 lists activities presumed cause moderate environmental impact (*mediano impacto ambiental*), including building construction and

food manufacturing. Those actions that fall under the Section 14 classification are not required to submit an EIA and are granted Proof of Categorization (*Constancia de Categorización*), along with a CAA.¹⁹³

Following classification and the City's determination of materiality, the responsible parties must submit a Manifest of Environmental Impact (*Manifiesto de Impacto Ambiental*), a descriptive summary of the actions proposed.¹⁹⁴ The Manifest must be accompanied by a Technical Study of Environmental Impact (*Estudio Técnico de Impacto Ambiental*) certified by a registered Environmental Auditor. The technical study must include information specified in Section 19 of Law No. 123, including a general description of the project, soil and water resource demands, an estimate of waste types and quantities generated, and anticipated waste treatment and disposal. Further, Section 19 requires a description of the foreseeable effects, and direct and indirect consequences, of the proposed action on the human population, flora and fauna, soil, air, and water. The Technical Study of Environmental Impact must also include potential methods for reducing, eliminating, or mitigating possible negative environmental effects.¹⁹⁵

Once the Manifest of Environmental Impact is submitted, the appropriate authority must file a Technical Report (*Dictamen Técnico*) within 45 days. For projects classified as having high environmental impact (*alto impacto ambiental*), the report must be submitted within 10 days of the Manifest. Before completing a Technical Report, the appropriate authority will provide the Technical Study to the Permanent Advisory Council (*Consejo Asesor Permanente*) for authorization or rejection of the proposed project. After a proposed project is deemed to have a material environmental impact, a public hearing must be convened within 10 working days. Within 15 days after the public hearing, the Secretariat prepares a DIA, which approves in part or in whole the proposed action or rejects

the proposal. Within five days of approving the action, the Secretariat grants a Certificate of Environmental Aptitude to reflect the responsible party's compliance with the legal requirements of the EIA.¹⁹⁶ The Interfunctional Commission of Environmental Authorization (*Comisión Interfuncional de Habilitación Ambiental*), created by Law No. 123, coordinates the criteria and procedures for authorizing certificates and EIA procedures. Parties may request from the appropriate authority that the information divulged throughout the EIA process remain confidential to protect intellectual or industrial property rights.¹⁹⁷

The government of the City of Buenos Aires maintains three Registries in relation to EIA requirements: a General Registry of Environmental Evaluation (*General de Evaluación Ambiental*), which contains all documentation submitted by applying parties pursuant to the law; a Registry of Professional Environmental Auditors and Consultants (*Consultores en Auditorías y Estudios Ambientales*); and a Registry of Offenders (*Infractores*).¹⁹⁸

Penalties for noncompliance with the requirements of Law No. 123 or falsifying information provided to authorities during the EIA process include temporary or permanent suspension of activities, projects, or programs and ceasing or demolishing involved construction projects, depending on the gravity of the offense.¹⁹⁹

¹⁹⁶ The United States National Environmental Policy Act ("NEPA"), in comparison, requires EIAs for all major actions that are proposed, approved, regulated, or funded by federal agencies. Cf. 42 USC § 4332(1)(C).

¹⁹⁷ See, e.g., Law No. 24,585 (regulating the mining sector); Resolutions 15/92 and 16/97 (regulating electrical energy); Resolutions 105/92 and 186/95 (regulating the petroleum sector).

¹⁹⁸ See Law No. 24,354 §§ 2-3.

¹⁹⁹ See *id.* ann. I.

¹⁷⁰ See *id.* ann. II (1)-(2), (4); Res. 15/01 (amending Decree No. 720/95). For projects not listed in Annex I, the Secretariat will determine within 60 working days whether or not an EIA, and hence a public hearing, is necessary. See *id.* ann. II (3). The Secretariat may utilize a 60-day extension period, in addition to the initial 90-day period, to analyze projects with environmental impacts deemed complex or extensive. See *id.* ann. II (4).

¹⁷¹ See Law No. 24,051 § 60.

¹⁷² See *id.* § 34; discussion *supra* Waste: Federal.

¹⁷³ See Law No. 11,459 §§ 3-4, 7; Decree 1,741/96 § 14.

¹⁷⁴ See Law No. 11,459 § 2; Decree 1,741/96 § 3, ann. 1.

¹⁷⁵ See Law 11,459 § 15. See also Resolution 80/99 (establishing special requirements for Category III establishments).

¹⁷⁶ See Decree 1,741/96 §§ 8-9, ann. 2.

¹⁷⁷ See *id.* § 18, ann. 4.

¹⁷⁸ See *id.*; ann. 5.

¹⁷⁹ See *id.* §§ 19-20.

¹⁸⁰ See *id.* § 12.

¹⁸¹ See Law 11,459 §§ 8, 10.

¹⁸² See *id.* § 11; Decree 1,741/96 § 33.

¹⁸³ See Decree 1,741/96 § 34; ann. 6.

¹⁸⁴ See *id.* § 35.

¹⁸⁵ See *id.* § 69.

¹⁸⁶ See *id.* § 71.

¹⁸⁷ See *id.* § 87; Law No. 11,459 § 17.

¹⁸⁸ See Law No. 11,723 § 10, ann. 2.

¹⁸⁹ See Law No. 123 § 1; CONST. CITY B.A. art. 30.

¹⁹⁰ See Law No. 123 § 7.

¹⁹¹ See *id.* § 36.

¹⁹² Those activities presumed to produce a material environmental impact include: construction of highways, railways, and airports; erection of supermarkets; projects affecting more than 2,500 square meters of land; industrial parks and iron, steel, chemical, and cement plants; treatment plants for domestic, pathogenic, hazardous, and radioactive waste; deforestation; and activities in areas deemed "environmentally critical." See *id.* § 13.

¹⁹³ See *id.* § 14.

¹⁹⁴ See *id.* §§ 17-18.

¹⁹⁵ See *id.* §§ 19-20.

¹⁹⁶ See *id.* §§ 21-33.

¹⁹⁷ See *id.* §§ 46-47.

¹⁹⁸ See *id.* §§ 41-45, 37.

¹⁹⁹ See *id.* §§ 38-39.

International Treaties and Conventions

Argentina is a signatory to certain multilateral treaties and conventions relating to environmental law. The following provides a brief summary of the various treaties and conventions, which, in accordance with the Constitution, have been adopted as federal law.

Vienna Convention on the Protection of the Ozone Layer

Argentine national Law No. 23,724 adopted the Vienna Convention for the Protection of the Ozone Layer²⁰⁰ in 1989 to help protect human health and the environment against the adverse effects of ozone layer depletion. The Convention binds Argentina to cooperate in research concerning ozone-depleting substances and processes and in formulation and implementation measures to control activities that adversely affect the ozone layer. Moreover, Argentina must exchange with other signatory nations scientific, technological, socioeconomic, commercial, and legal information relevant to the Convention and cooperate in the development and transfer of technology and knowledge.²⁰¹

Montreal Protocol on the Depletion of the Ozone Layer

Argentina's adoption of the Montreal Protocol on the Depletion of the Ozone Layer²⁰² and amendments comprises several national laws: Law No. 23,778 (1990), Law No. 24,040 (1991), Law No. 24,167 (1992), Law No. 24,418 (1995), and Law No. 25,389 (2001). Together, these laws obligate the Argentine government to protect the ozone layer by taking precautionary measures to control global emissions of harmful substances. The Montreal Protocol operates within the Vienna Convention on the Protection of the Ozone Layer and provides for measures of technology transfer and information exchange among signatory nations, calculation of control levels, and special

provisions regarding trade with non-parties to the Protocol.²⁰³

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter

In 1979, the Argentine government promulgated Law No. 21,947, approving the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.²⁰⁴ The objective of the Convention and the national law is to control pollution of the sea by deliberate disposal of waste that poses a threat to human health, marine life, and legitimate uses of the sea. The law strictly prohibits offshore dumping of pollutants such as crude oil, diesel fuel, hydraulic fluids, or radioactive waste. The law requires special permits to dump waste containing chemicals and pesticides beyond specified limits and general permits to dump other materials into the sea.²⁰⁵

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

In approving the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal²⁰⁶ with Law No. 23,922 of 1991, Argentina agreed to reduce and more efficiently manage the movement of waste across international borders and minimize the amount and toxicity of hazardous waste generated.²⁰⁷ The law prohibits the export of waste to foreign countries when those countries have not consented in writing to its import and requires persons transporting or disposing of waste to be authorized by the government. Argentina, as a party to the convention, must cooperate with other nations to achieve environmentally sound waste management.²⁰⁸ The Convention provides arbitration procedures for settling disputes between nations.²⁰⁹

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

Argentina approved the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management²¹⁰ in 2000 with Law No. 25,279, aiming to achieve and maintain a high level of safety in spent fuel and radioactive waste management and to prevent accidents with radiological consequences and mitigate their effects.²¹¹ The Convention applies to all stages of spent fuel and radioactive waste management, including handling, storage, treatment, transport, and disposal.²¹² The Convention requires the consent of importing nation for transboundary movement of spent fuel and radioactive waste and mandates reporting national inventories of spent fuel and radioactive waste.²¹³

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Law No. 25,278 approved the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade²¹⁴ to manage international commerce of highly dangerous pesticides and chemicals²¹⁵ and prevent their unwanted entry.²¹⁶ The Convention details a Prior Informed Consent procedure for formally obtaining, disseminating, and enforcing national decisions regarding chemical and pesticide importation.²¹⁷ The Convention provides for the exchange of information between nations about potentially hazardous materials and promotes technical assistance for the development of infrastructure and capacity necessary to manage chemicals.²¹⁸

Convention on Biological Diversity

To conserve biological diversity, promote sustainable use of its components, and encourage equitable sharing of the benefits from the use of genetic resources, Argentina approved the

Convention on Biological Diversity²¹⁹ with Law No. 24,375 in 1994 and regulatory Decree 1347/97.²²⁰ The Convention's comprehensive strategy for sustainable development requires nations to conserve biodiversity within and outside of their jurisdictions and formulate national biodiversity strategies and action plans.²²¹ The Convention further provides for access to and transfer of technologies to facilitate biodiversity conservation and sustainable use.²²² Before implementing projects likely to adversely impact biodiversity, nations have a duty to conduct EIAs.²²³ When proposed national projects are likely to adversely affect the biodiversity of other nations, information exchange and consultation is required.²²⁴

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Argentina approved the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES")²²⁵ and its amendments with Law No. 22,344 (1982), Law No. 25,337 (2000), and regulatory Decree 522/97. The purpose of the Convention is to protect certain endangered plant and animal species from overexploitation through a system of import/export permits.²²⁶ Law 22,344 requires permits for trading threatened and potentially threatened animals and plants listed in Appendices I and II.²²⁷ Additionally, Appendix III provides participating nations the option of listing native species that are nationally protected.²²⁸

²⁰⁰ *Convenio de Viena para protección de la capa de ozono*. 150 other countries have approved the Vienna Convention for the Protection of the Ozone Layer (1985).

²⁰¹ See Law No. 23,724 § 2; ann. A, § 2.

²⁰² *Protocolo de Montreal relativo a las sustancias que agotan la capa de ozono*. 156 other countries have adopted the Montreal Protocol on Substances that Deplete the Ozone Layer (1987).

²⁰³ See Law No. 23,778 §§ 2-4, 9, ann. A; Law No. 24,167 §§ 1(C)-(O), (S), anns. B-C; Law No. 24,418, ann. A, §§ 1(C)-(Q), (AA), ann. C; Law No. 25,389, anns. I-IV.

²⁰⁴ *Convenio sobre prevención de la contaminación del mar por vertimiento de desechos y otras materias.* 87 other nations are parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972).

²⁰⁵ See Law No. 21,947 § 1, anns. A-D.

²⁰⁶ *Convenio de Basilea sobre el control de los movimientos transfronterizos de los desechos peligrosos y su eliminación.* 111 countries are parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989).

²⁰⁷ See Law No. 23,922, ann. A, § 4(2). Hazardous Waste Law No. 24,051 (1992) follows closely the list of hazardous characteristics found in the Convention text and Annex D of Law No. 23,922. See discussion *supra* Hazardous Waste: Federal.

²⁰⁸ See Law No. 23,922, ann. A, § 4(1).

²⁰⁹ See *id.* ann. A, § 20.

²¹⁰ *Convención conjunta sobre seguridad en la gestión del combustible gastado y sobre seguridad en la gestión de desechos radiactivos.* 42 nations are signatories, and 27 nations are parties, to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1997).

²¹¹ See Law No. 25,279, ann. A, ch. 1, § 1.

²¹² See *id.* ann. A, chs. 2-3.

²¹³ See *id.* ann. A, ch. 5, § 27.

²¹⁴ *Convenio de Rotterdam sobre el procedimiento de consentimiento fundamentado previo aplicable a ciertos plaguicidas y productos químicos peligrosos objeto de comercio internacional.* 73 nations are signatories, and 15 nations are parties, to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998).

²¹⁵ The Convention regulates pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by participating nations.

²¹⁶ See Law No. 25,278 § 1.

²¹⁷ See *id.* §§ 5-6, 10-12.

²¹⁸ See *id.* §§ 15-16.

²¹⁹ *Convenio sobre diversidad biológica.* 181 nations are parties, and 168 nations are signatories, to the Convention on Biological Diversity (1992).

²²⁰ See Law No. 24,375, ann. A, § 1.

²²¹ See *id.* ann. A, §§ 4, 6.

²²² See *id.* ann. A, § 16.

²²³ See *id.* ann. A, § 14.

²²⁴ See *id.*

²²⁵ *Convención sobre el comercio internacional de especies amenazadas de fauna y flora silvestre.* 154 nations are parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

²²⁶ See Convention Preamble, arts. 2, 6; Law No. 22,344, ann. A, §§ 2, 6.

²²⁷ See Law No. 22,344, ann. A, §§ 3-4.

²²⁸ See *id.* ann. A, § 5.

COMPLIANCE AND ENFORCEMENT

With the significant changes introduced by the 1994 Constitutional reform and ensuing legislation, domestic and transnational investors must now contend with possible civil liability, administrative or judicial sanctions, and in certain cases, criminal penalties for harming the environment and threatening public health. The trend toward meaningful environmental enforcement in Argentina presents new concerns for parties whose past focus was essentially political stability and investment security.

Constitutional “Amparo”

In Argentina, citizens may bring an *amparo* (“protection”) action to enjoin certain acts or omissions by government agencies or alleged violators that currently or potentially damage, restrict, alter, or threaten rights afforded by the national Constitution, statutes, or international treaties.²²⁹ Injured parties may appeal to the federal courts to enjoin the performance or the omission of the act, according to the procedure established by Law No. 16,986. Moreover, certain Argentine laws provide for citizen involvement throughout the enforcement process.²³⁰

Argentine law also provides access to judicial remedies for plaintiffs seeking redress for public environmental harms. When environmental harm extends beyond the individual to the community, *amparo* protects parties both directly and indirectly affected by an act or omission that infringes upon the environmental right to a healthy and balanced environment. An injured party, the Ombudsman, or non-governmental organizations whose aim is environmental protection may file legal action.

In 1983, for the first time, an Argentine federal court agreed to hear a lawsuit in which a citizen, though not suffering any personal damage, requested the annulment of a government action to protect constitutional environmental rights. In the case of *Kaftan v. Gobierno Nacional*, the court ruled that licenses allowing a Japanese company to hunt dolphins of an endangered species in Argentine waters were invalid in light of the government’s failure to examine the environmental impact of the activities and the provincial government’s objections.

See Kaftan, A.E. et al. v. Gobierno Nacional 1983-D L.L.

Civil Remedies

Civil liability for environmental violations may derive from contractual or non-contractual arrangements. To hold a party contractually liable for environmental harm due to negligence or wilful misconduct, a plaintiff must prove that the failure to fulfill the contract caused the resulting harm. At-fault parties must compensate the plaintiff for actual damages, loss of earning power, and, in certain cases, damages for pain and suffering. The Argentine Civil Code does not provide for punitive damages.

Non-contractual liability may be strict, resulting from damages caused by any physical object of economic value, or may derive from the object’s defect or potential risk.²³¹ Strict liability applies if the plaintiff demonstrates a causal link between the harm suffered and the environmental offense.²³²

Administrative law principles apply to cases in which an environmental violation harms the community collectively and the economic injury is difficult to assess. In those cases, regulations imposing fines and other administrative sanctions are applied rather than indemnification for damages under the Argentina Civil Code.²³³

Damages Claims

Damages claims for environmental harm may be (i) particular, by which an individual party or interest may be compensated proportional to the extent of actual injury or (ii) collective, by which an environmental offense against the public warrants a remedy beyond direct compensation.

The goal of remediating environmental harm, as envisaged in Article 41 of the national Constitution and the general principles of the Argentine Civil Code, is to restore the environment to status ante quo, independently of any harm to humans, which must also be remediated to the extent possible. Significantly, indemnification for environmental damage neither precludes nor satisfies a requirement to remediate environmental harm.²³⁴

Claims for environmental remediation often derive from sections 1109 and 1113 of the Argentine Civil Code. Section 1109 applies to environmental harm caused by an individual directly at fault or negligent. Section 1113 extends fault to owners and operators, or their agents, who cause environmental harm.

Argentine courts have frequently awarded damages for environmental harm and granted injunctions in the same trial.²³⁵ Moreover, certain courts, particularly in the Province of Buenos Aires, have ordered parties to conduct not only environmental remediation for individual harm, but have also specified measures for avoiding future harm. In the case of *Maceroni et al. v. Dirección de Fabricaciones Militares*, the plaintiffs sought damages from defendant manufacturer for environmental contamination (emissions of sulfur dioxide and sulfur trioxide and noise pollution) and injunctive relief to bar further contamination or harm to the ecology, human health and well-being, and property.

The federal court of La Plata awarded the plaintiffs damages and ordered the defendant to procure within 30 days all equipment necessary for eliminating current, and preventing future, contamination, subject to the approval of the Environmental Research Center of the National University of La Plata (*Centro de Investigaciones del Medio Ambiente de la Universidad de La Plata*), or face closure of the facility.

Criminal Remedies

Argentine law characterizes certain environmental violations as crimes. For example, under sections 200 and 203 of the Argentine Criminal Code, polluting potable water through wilful misconduct or negligence is punishable with up to 25 years imprisonment. Additionally, the Hazardous Waste Law imposes criminal liability for certain acts involving hazardous waste contamination that threaten public health.²³⁶ Under Argentine law, criminal penalties may be imposed for wilful misconduct, misjudgment, or negligence.

²²⁹ See CONST. ARG. art. 43.

²³⁰ For example, water quality legislation in Argentina permits private plaintiffs to participate in facility inspections during investigations. See Law No. 13,577 §§ 31-32; Decree No. 674/89.

²³¹ See CÓD. CIV. § 1113.

²³² See Eugenia Bec, "State of Environmental Law: Argentina" (July 1, 1993).

²³³ See *id.*

²³⁴ See *Subterráneos de Buenos Aires S.E. v. Shell Capsa* (Federal Civil Court of Appeals de la Ciudad de Buenos Aires, 1999).

²³⁵ See also *Irauzu Margarita v. COPETRO S.A.* (Cámara Civil y Comercial de La Plata, 1993).

²³⁶ See Law No. 24,051 §§ 55-57.

APPENDIX A

Reference Guide to Federal Administrative Bodies and Organizations

Office of the President

Poder Ejecutivo Nacional (PEN)
President Fernando de la Rúa
Casa de Gobierno
Balcarce 50
1064 Buenos Aires, Argentina
Tel: (54 11) 4344-3600
URL: <http://www.presidencia.gov.ar>

Ministry of Social Development and Environment

Ministerio de Desarrollo Social y Medio Ambiente (MDSyMA)
Dr. Juan Pablo Cafiero
Avenida 9 de Julio 1925, Piso 14°
1332 Buenos Aires, Argentina
Tel: (54 11) 4379-3648/4379-3649/
4381-4182/4383-3021
Email: mdsyma@desarrollosocial.gov.ar
URL: <http://www.desarrollosocial.gov.ar>

Secretariat of Sustainable Development and Environmental Policy

Secretaría de Desarrollo Sustentable y Política Ambiental (SDSyPA)
(Office vacant as of date of publication)
San Martín 459, Piso 1°
1004 Buenos Aires, Argentina
Tel: (54 11) 4348-8285/8290/8292/
8294/8322/8311
Fax: (54 11) 4348-8355
Email: omassei@medioambiente.gov.ar
URL: <http://www.medioambiente.gov.ar/sdsypa/default.htm>

Secretariat of Agriculture, Livestock, Fisheries and Food

Secretaría de Agricultura, Ganadería, Pesca y Alimentación (SAGPyA)
Marcelo Regunaga
Avenida Paseo Colón 922/982
1063 Buenos Aires, Argentina
Tel: (54 11) 4349-2000
URL: <http://www.sagpya.mecon.gov.ar/>

Secretariat of Technology, Science and Innovation

Secretaría para la Tecnología, la Ciencia y la Innovación Productiva (SeTCIP)
Dr. Adriana Puiggrós
Avenida Córdoba 831
C1054AAH Buenos Aires, Argentina
Tel: (54 11) 4313-1366
Fax: (54 11) 4312-8364
URL: <http://www.setcip.gov.ar/home.htm>

National Council of Scientific and Technical Research

Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET)
Avenida Rivadavia 1917
C1033AAJ Buenos Aires, Argentina
Tel: (54 11) 4953-7230/7239
Email: <http://www.conicet.gov.ar/home.htm>

Federal Environmental Council

Consejo Federal de Medio Ambiente (COFEMA)
Tel: (54 11) 4348-8429
Fax: (54 11) 4348-8566
Email: cofema@medioambiente.gov.ar
URL:
<http://www.medioambiente.gov.ar/cofema/default.htm>

Federal Health Council

Consejo Federal de Salud (COFESA)
Talcahuano 778 1° Piso
1013 Buenos Aires, Argentina
Tel: (54 11) 4373-5555
Fax: (54 11) 4371-6279
Email: cofesa@cofesa.com

National Ombudsman of Argentina

Defensor del Pueblo de la Nación
Montevideo 1244
C1018ACB Buenos Aires, Argentina
Tel: (54 11) 4819-1500
Fax: (54 11) 4819-1581
Email: defensor@defensor.gov.ar
URL: <http://www.defensor.gov.ar/index-en.htm>

**National Institute of Water
and the Environment**

Instituto Nacional del Agua y del Ambiente
(INAA)
Autopista Ezeiza-Cañuelas, Tramo J. Newbery
Km 1,620
1804 Ezeiza, Argentina
Tel: (54 11) 4480-9219/9225
Fax: (54 11) 4480-0094
Email: ina@ina.gov.ar
URL: <http://www.ina.gov.ar/>

**National Institute of Fisheries Research and
Development**

Instituto Nacional de Investigación y Desarrollo
Pesquero (INIDEP)
Paseo Victoria Ocampo 1
7600 Mar del Plata, Argentina
Tel: (54 223) 486-2586
Fax: (54 223) 486-1830
Email: postmaster@inidep.edu.ar
URL: <http://www.inidep.edu.ar/>

Federal Fisheries Council

Consejo Federal Pesquero
Paseo Colón 922, Piso 1°
Buenos Aires, Argentina
Tel: (54 011) 4349-2361/2362/2363
Fax: (54 011) 4349-2364
Email: lprado@sagyp.mecon.gov.ar
URL: <http://www.cfp.gov.ar/>

Office of National Forestry Policy

Coordinación de Política Forestal Nacional
Avenida Paseo Colón 982, Piso 2°
1063 Buenos Aires, Argentina
Tel: (54 011) 4349-2235/2111/2194
Fax: (54 011) 4349-2196
Email: forest@sagyp.mecon.gov.ar
URL:
<http://www.sagpya.mecon.gov.ar/forestal/forestal.htm>

Argentine Institute of Standards

Instituto Argentino de Normalización (IRAM)
Perú 552-556
1068 Buenos Aires, Argentina
Tel: (54 11) 4345-6606/3465
Fax: (54 11) 4345-3468/3469
Email: iram2@sminter.com.ar
URL: www.iram.com.ar

**Ente Nacional de Obras Hídricas de
Saneamiento (ENOHSA)**

L.N. Alem 628 Pisos 10, 11, 13
1001 Buenos Aires, Argentina
Tel: (54 11) 4891-6500
Fax: (54-11) 4313-0833
URL: <http://www.enohsa.gov.ar>

National Environmental Information System

Sistema de Información Ambiental Nacional
(SIAN)
URL: <http://www.medioambiente.gov.ar/sian/>

APPENDIX B

Reference Guide to Province of Buenos Aires Administrative Bodies and Organizations

Governor

Gobernador
Dr. Carlos Ruckauf
Calle 6 entre 51 y 53
1900 La Plata, Argentina
Tel: (02 21) 429-4100
URL: <http://www.spa.gba.gov.ar>

Vice Governor

Vice Gobernador
Felipe Carlos Sola
Calle 6 entre 51 y 53
1900 La Plata, Argentina
Tel: (02 21) 422-8885
URL: <http://www.spa.gba.gov.ar>

Secretariat of Environmental Policy (and Regional Representative of COFEMA)

Secretaría de Política Ambiental (y Representativo Regional de COFEMA)
Dr. Ricardo Eusebio Rodriguez
Calle 12 y 53 Torre II Piso 14°
1900 La Plata, Argentina
Tel: (0054221) 429-5548/5524
Fax: (0054221) 429-5567
Email: secreta@spa.gba.gov.ar
URL: <http://www.spa.gba.gov.ar>

Tripartite Commission of Sanitary Works and Services

Ente Tripartito de Obras y Servicios Sanitarios (ETOSS)
Avenida Callao 976/982
Buenos Aires, Argentina
Tel: 4816-1848/4815-9229
Email: etossgr@etoss.org.ar

Buenos Aires Water Regulatory Agency

Organismo Regulador Aguas Bonaerense (ORAB)
Email: info@orab.mosp.gba.gov.ar
URL: <http://www.orab.mosp.gba.gov.ar>

CEAMSE

Coordinación Ecológica Area Metropolitana Sociedad del Estado
Avenida Amancio Alcorta 3000
1437 Buenos Aires, Argentina
Tel: (54 11) 4912-0017/0021
Fax: (54 11) 4912-6912/6916
Email: ceamse@ceamse.gov.ar
URL: <http://www.ceamse.org.ar/central4.html>

APPENDIX C

Reference Guide to City of Buenos Aires Administrative Bodies and Organizations

Mayor

Jefe del Gobierno
Dr. Aníbal Ibarra
Bolívar 1
C1066AAA Buenos Aires, Argentina
Tel: (54 11) 4323-9400/4331-3531/4331-3537
URL: <http://www.buenosaires.gov.ar/default.asp>

Vice Mayor

Vicejefe del Gobierno
María C. Felgueras
Bolívar 1
C1066AAA Buenos Aires, Argentina
Tel: (54 11) 4323-9400/4331-3531/4331-3537
URL: <http://www.buenosaires.gov.ar/default.asp>

Secretariat of the Environment and Public Space

Secretaría de Medio Ambiente y Espacio Público
Eduardo Enrique Ricciuti
Avenida de Mayo 575, Piso 1°
Buenos Aires, Argentina
Tel: (011) 4323-9722/9440
Fax: (011) 4345-0829/5353
Email: gcba@buenosaires.gov.ar
URL: www.buenosaires.gov.ar

City Foundation

Fundación Ciudad
Galileo 2433, Planta Baja
1425 Buenos Aires, Argentina
Tel: (54 11) 4803-5557
Fax: (54 11) 4806-8294
Email: f.ciudad@interlink.com.ar
URL: <http://www.fundacionciudad.org.ar/>

Office of the Ombudsman for the City of Buenos Aires

Defensoría del Pueblo de la Ciudad de Buenos Aires
Venezuela 842
1095 Buenos Aires, Argentina
Tel: (54 11) 4338-4900
Email: defensoria_ciudad@buenosaires.gov.ar
URL: http://www.buenosaires.gov.ar/defensoria/sec_defensoria.asp

APPENDIX D

Reference Guide to Argentine Non-Governmental Organizations

Alihuen Civil Association

Asociación Civil Alihuen
Santa Rosa, La Pampa, Argentina
Email: comentarios@alihuen.org.ar
URL: <http://www.alihuen.org.ar/>

Argentine Association Against Environmental Contamination

Asociación Argentina Contra la Contaminación Ambiental (AACCA)
Junín 956, Piso 4°
1113 Buenos Aires, Argentina
Tel: (54 01) 963-3414 ext. 314

Argentine Association of Ecology

Asociación Argentina de Ecología
Avenida San Martín 4453
1417 Buenos Aires, Argentina
Tel: (54 11) 28-505/ 23-374/ 26-368
Fax: (54 11) 22-111

Argentine Association for Nature

Asociación Argentina para la Naturaleza
Avenida Belgrano 571, Piso 1°
Moron 1708
Buenos Aires, Argentina
Tel: (54 11) 483-4190

Argentine Association of Sanitary Engineering and Environmental Science

Asociación Argentina de Ingeniería Sanitaria y Ciencias del Ambiente (AIDIS)
Avenida Belgrano 1580, Piso 9°
1093 Buenos Aires, Argentina
Tel: (54 11) 4381-5832/5903
Fax: (54 11) 4383-7665
Email: aidisar@aidisar.org
URL: <http://www.aidisar.org/>

Argentine Association of Water Conservation and the Environment

Asociación Argentina de Preservación del Agua y su Medio Ambiente (APAMA)
Marcelo T. de Alvear 1261, Piso 1°
1058 Buenos Aires, Argentina
Tel: (54 11) 815-9049

Argentine Business Consortium for Sustainable Development

Consejo Empresario Argentino para el Desarrollo Sostenible (CEADS)
Maipú 1, Piso 1°
1599 Buenos Aires, Argentina
Tel: (54 11) 331-7680
Fax: (54 11) 331-7677
Email: mpoodts@pecom.com.ar

Argentine Center of Engineers: Commission on the Environment

Centro Argentino de Ingenieros: Comisión de Medio Ambiente (CAI)
Calle Cerrito 1250
1010 Buenos Aires, Argentina
Tel: (54 11) 4811-4133/4811-0570 /4812-0440/4812-3223
Email: informes@cai.org.ar
URL: <http://www.cai.org.ar/index.html>

Argentine Council for International Relations

Consejo Argentino para las Relaciones Internacionales (CARI)
Uruguay 1037, Piso 1°
1016 Buenos Aires, Argentina
Tel: (54 11) 4811-0071/0072/0073/0074
Fax: (54 11) 4815-4742
URL: <http://www.cari1.org.ar/>

Argentine Environmental Center

Centro Ambiental Argentino (CAMBIAR)
Marcelo T. de Alvear 1261, Piso 3°
Buenos Aires, Argentina
Tel: (54 11) 816-1241
Fax: (54 11) 784-2427
Email: cambiar@ssdnet.com.ar

Argentine Wildlife Foundation

Fundación Vida Silvestre Argentina
Defensa 245/51, Piso 6° K
Buenos Aires, Argentina
Email: desarrollo@vidasilvestre.org.ar
URL: <http://www.vidasilvestre.org.ar/>

Association for the Protection of the Environment and Ecological Education of the Argentine Republic

Asociación para la Protección del Medio Ambiente y Educación Ecológica de la República Argentina (APRODEMA)
Belgrano 1670, Piso 4°
Buenos Aires, Argentina
Tel: (5411) 314-2118
Email: aprodeama@peaknet.com.ar

Biosphere Foundation

Fundación Biosfera
16 N°1611
1900 La Plata, Argentina
Tel: (54 22) 1457-3477
Fax: (54 22) 1457-0481
URL: <http://www.biosfera.org>

Buen Ayre Forum

Foro del Buen Ayre
CIMA Calle 14, 106 Mercedes
Buenos Aires, Argentina
Email: marem@cpsag.com
URL: <http://www.foroba.org.ar>

Center of Research for Change

Centro de Investigaciones para la Transformación (CENIT)
Cavia 3094
1425 Buenos Aires, Argentina
Tel: (5411) 4801-4417
Fax: (5411) 4807-9081
Email: cenit@fund-cenit.org.ar
URL: <http://www.fund-cenit.org.ar/index.htm>

Citizen Power Foundation

Fundación Poder Ciudadano
Rodríguez Peña 681, Piso 2°, Oficina 4
1020 Buenos Aires, Argentina
Tel: (54 11) 4375-4925
Fax: (54 11) 4375-4926
Email: fundacion@poderciudadano.org.ar
URL: <http://www.poderciudadano.org.ar/>

Environment and Natural Resources Foundation

Fundación Ambiente y Recursos Naturales (FARN)
Avenida Monroe 2142, Piso 1°
Buenos Aires, Argentina
Tel: (54 11) 4787-3820/4787-5919/4783-7032/4788-4266
Email: farn.cds@wamani.cpc.org
URL: <http://www.farn.org.ar>

Federal Council of Environmental Non-Governmental Organizations

Consejo Federal de Organizaciones no Gubernamentales Ambientalistas
16 N°1611
1900 La Plata, Argentina
Tel: (54 21) 573-477
Fax: (54 21) 570-481
Email: biosfera@isis.unlp.edu.ar

Foundation for the Defense of the Environment

Fundación para la Defensa del Ambiente (FUNAM)
Casilla de Correo 83
5000 Córdoba, Argentina
Tel: (54 35) 1469-0282
Fax: (54 35) 1452-0260
Email: funam@funam.org.ar
URL: <http://www.funam.org.ar>

Friends of the Earth: Argentina

Amigos de la Tierra: Argentina
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Fax: (54 1) 777-9837
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URL: <http://www.foe.org/fea/foei.html>

Greenpeace: Argentina

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1425 Buenos Aires, Argentina
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Human Rights and Environment Center

Centro de Derechos Humanos y Medio
Ambiente (CEDHA)
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Tel: (54 35) 4144-8854
Email: cedha@cedha.org.ar
URL: <http://www.cedha.org.ar>

Interdisciplinary Commission on the Environment

Comisión Interdisciplinaria de Medio Ambiente
(CIMA)
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Email: marem@quimica.com.ar
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Marplatense Association of Comprehensive Environmental Studies

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Patagonia Nature Foundation

Fundación Patagonia Natural
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URL: <http://webs.satlink.com/usuarios/f/fpnat/>

PROTECT Foundation

Fundación PROTEGER/Coalición Ríos Vivos
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3000 Santa Fe, Argentina
Tel: (54 342) 455-8520
Email: jcproteg@satlink.com
URL: <http://www.proteger.org.ar>

Sinapsis Foundation

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Tourism and Environment Association

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APPENDIX E

Argentine Environmental Law Acronyms

Acronym	Spanish	English	Type
AACCA	Asociación Argentina Contra la Contaminación Ambiental	Argentine Association Against Environmental Contamination	NGO
AsAE	Asociación Argentina de Ecología	Argentine Association of Ecology	NGO
AIDIS	Asociación Argentina de Ingeniería Sanitaria y Ciencias del Ambiente	Argentine Association of Sanitary Engineering and Environmental Sciences	NGO
AMEI	Asociación Marplatense de Estudios Ambientales Integrales	Marplatense Association of Comprehensive Environmental Studies	NGO
APAMA	Asociación Argentina de Preservación del Agua y su Medio Ambiente	Argentine Association of Water Conservation and the Environment	NGO
APRODEMA	Asociación para la Protección del Medio Ambiente y Educación Ecológica de la República Argentina	Association for the Protection of the Environment and Ecological Education of the Argentine Republic	NGO
B.O.	Boletín Oficial	Official Gazette	GOV
CAA	Certificado de Aptitud Ambiental	Hazardous Waste Permit	LAW
CAI	Centro Argentino de Ingenieros: Comisión de Medio Ambiente	Argentine Center of Engineers: Commission on the Environment	NGO
CAMBIAR	Centro Ambiental Argentino	Argentine Environmental Center	NGO
CARI	Consejo Argentino para las Relaciones Internacionales	Argentine Council for International Relations	NGO
CEADS	Consejo Empresario Argentino para el Desarrollo Sostenible	Argentine Business Consortium for Sustainable Development	NGO
CEAMSE	Coordinación Ecológica Área Metropolitana Sociedad del Estado	Metropolitan Area Ecological Coordination Agency	NGO
CEDHA	Centro de Derechos Humanos y Medio Ambiente	Center of Human Rights and Environment	NGO
CENIT	Centro de Investigaciones para la Transformación	Center of Research for Change	NGO
CIMA	Comisión Interdisciplinaria de Medio Ambiente	Interdisciplinary Commission on the Environment	NGO
COFEMA	Consejo Federal de Medio Ambiente	Federal Environmental Council	GOV
COFESA	Consejo Federal de Salud	Federal Health Council	GOV
CONICET	Consejo Nacional de Investigaciones Científicas y Técnicas	National Council of Scientific and Technical Research	GOV
DIA	Declaración de Impacto Ambiental	Declaration of Environmental Impact	LAW
EIA	Evaluación del Impacto Ambiental	Environmental Impact Assessment	LAW
ENOHSA	Ente Nacional de Obras Hídricas de Saneamiento	National Agency of Water Treatment Works	GOV
ETOSS	Ente Tripartito de Obras y Servicios Sanitarios	Tripartite Commission of Sanitary Works and Services	GOV

Acronym	Spanish	English	Type
FONAPE	Fondo Nacional Pesquero	National Fisheries Fund	GOV
FUNAM	Fundación para la Defensa del Ambiente	Foundation for the Defense of the Environment	NGO
INAA	Instituto Nacional del Agua y del Ambiente	National Water and Environmental Institute	GOV
INIDEP	Instituto Nacional de Investigación y Desarrollo Pesquero	National Institute of Fisheries Research and Development	GOV
IRAM	Instituto Argentino de Normalización	Argentine Institute of Standards	GOV
MDSyMA	Ministerio de Desarrollo Social y Medio Ambiente	Minister of Social Development and Environment	GOV
NCA	Nivel de Complejidad Ambiental	Level of Environmental Complexity	LAW
ONG	Organización No Gubernamental	Non-Governmental Organization	NGO
ORAB	Organismo Regulador Aguas Bonaerense	Buenos Aires Water Regulatory Organization	GOV
PEN	Poder Ejecutivo Nacional	National Executive Branch	GOV
PRODESUR	Programa de Desarrollo Sustentable Regional	Program of Regional Sustainable Development	GOV
SAGPyA	Secretaría de Agricultura, Ganadería, Pesca y Alimentación	Secretariat of Agriculture, Livestock, Fisheries and Food	GOV
SDySPA	Secretaría de Desarrollo Sustentable y Política Ambiental	Secretariat of Sustainable Development and Environmental Policy	GOV
SeTCIP	Secretaría para la Tecnología, la Ciencia y la Innovación Productiva	Secretariat of Technology, Science and Innovation	GOV
SIAN	Sistema de Información Ambiental Nacional	National Environmental Information System	GOV
SPA	Secretario de Política Ambiental	Secretary of Environmental Policy	GOV
SRH	Subsecretaría de Recursos Hídricos	Undersecretariat of Water Resources	GOV

GOV: Governmental Agency, Organization, or Document

NGO: Non-Governmental Organization

LAW: Legal or Regulatory Documentation or Classification

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Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (*Convenio de Rotterdam sobre el procedimiento de consentimiento fundamentado previo aplicable a ciertos plaguicidas y productos químicos peligrosos objeto de comercio internacional*), Law No. 25,278 (B.O. 03/08/00), page 35

Convention on Biological Diversity (*Convenio sobre diversidad biológica*), Law No. 24,375 (B.O. 06/10/94), page 35

Regulatory Authority of the Biological Diversity Law (*Autoridad de aplicación de la Ley sobre diversidad biológica*), Decree 1,347/97 (B.O. 16/12/97), page 35

Convention on International Trade in Endangered Species of Wild Fauna and Flora (*Convenio sobre el comercio internacional de especies amenazadas de fauna y flora silvestre*), Law No. 22,344 (B.O. 01/10/82), page 35

Approval of an Amendment to the Convention on International Trade of Endangered Species of Wild Fauna and Flora (*Apruébase una enmienda a la Convención sobre el comercio internacional de especies amenazadas de fauna y flora silvestres*), Law No. 25,337 (B.O. 16/11/00), page 35

Endangered Species of Wild Fauna and Flora (*Especies amenazadas de fauna y flora silvestre*), Decree 522/97 (B.O. 11/06/97), page 35