

FSMC, TITLE 25. ENVIRONMENTAL PROTECTION

Subtitle II: FSM Environmental Protection Act

Chapter 5: General Provisions

- [§ 501.](#) Short title.
[§ 502.](#) Public policy.
[§ 503.](#) Definitions.

§ 501. Short title.

This subtitle may be cited as the Federated States of Micronesia Environmental Protection Act.

Source: PL 3-83 § 1.

Cross-reference: The statutory provisions of the [TT Environmental Protection Act](#) are found in chapters 1 to 4 of this title.

Editor's note: Chapters 1 through 4 of this title were designated [subtitle I](#) at the time of the first cumulative supplement in order to distinguish the Trust Territory provisions they encompass from the Federated States of Micronesia Environmental Protection Act, which is codified in chapters 5 through 7. For provisions on transition from [subtitle I](#) to subtitle II, see [section 708 of this title](#). Wherever "this title" is used in chapters 1 through 4 it should be read "this subtitle."

§ 502. Public Policy.

(1) The Federated States of Micronesia, recognizing the profound impact of man's activity on the interrelations of all components of the natural environmental, particularly the profound influences of population growth and redistribution, cultural change, resource exploitation, and new expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality for the overall welfare and development of man, declares that it is the continuing policy of the Federated States of Micronesia, in cooperation with State and municipal governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the Federated States of Micronesia.

(2) In order to carry out the policy set forth in this subtitle, it is the continuing responsibility of the Federated States of Micronesia to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate governmental plans, functions, programs, and resources to the end that the inhabitants of the Federated States of Micronesia may:

- (a) fulfill the responsibilities for each generation as trustee of the environment for succeeding generations;
- (b) assure for all Micronesians safe, healthful, productive, and aesthetical and culturally pleasing surroundings;
- (c) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences; and

(d) preserve important historic, cultural, and natural aspects of our Micronesian heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.

(3) The effort to protect and preserve the environment will be carried forward in close cooperation with the States in the formulation of policy, enforcement, and other activities.

(4) The Federated States of Micronesia recognizes that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Source: PL 3-83 § 2.

§ 503. Definitions.

The following words, for the purpose of this subtitle, shall have the following meanings:

(1) “*Board*” means the Secretary of Human Resources;

(2) “*Chairman of the Board*” or “*chairman*” means the Secretary of Human Resources or his designee;

(3) “*Person*” means the Federated States of Micronesia, a State, municipality, political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Federated States of Micronesia or any State or country, lessee or other occupant of property, or individual, acting singly or as a group;

(4) “*Pollutant*” means one or more substances or forms of energy which, when present in the air, land, or water, are or may be harmful or injurious to human health, welfare, or safety, to animal or plant life, or to property, or which unreasonably interfere with the enjoyment by the people of life or property.

(5) “*Primary drinking water regulation*” means a regulation which:

(a) Applies to public water systems;

(b) Specifies contaminants which, in the judgment of the Board, may have any adverse effect on the health of persons; and

(c) Specifies for each such contaminant either:

(i) A maximum contaminant level, if, in the judgment of the Board, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or

(ii) If, in the judgment of the Board, it is not economically or technologically possible to so ascertain the level of such contaminant, each treatment technique known to the Board which leads to a reduction in the level of such contaminant;

(d) Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control and testing procedures to ensure compliance with such levels and to ensure proper operation and maintenance of the system and requirements as to:

(i) The minimum quality of water which may be taken into the system; and

(ii) Siting for new facilities for public water systems.

(6) “*Secondary drinking water regulation*” means a regulation which applies to public water systems and which specifies the maximum contaminant level which in the judgment of the Board is requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water:

(a) Which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of persons served by the public water system providing such water to discontinue its use; or

(b) Which may otherwise adversely affect the public welfare. Such regulations may vary according to geographic or other circumstances.

(7) “*Trust Territory Environmental Protection Board*” means the board established pursuant to [25 F.S.M.C. 201](#).

Source: PL 3-38 § 3; PL 5-21 § 10.