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TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 140 - WASTE & MATERIALS MANAGEMENT

SUBCHAPTER 20 - RECYCLING & SPECIAL WASTE

PART 6 - Rules and Regulations for the Prohibited Release of Balloons

6.1 Purpose

A. These regulations establish the requirements for the Prohibited Release of Balloons. This program is to be administered by the Rhode Island Department of Environmental Management.

B. The Prohibited Release of Balloons is a matter of statewide interest and concern, The release of balloons inflated with lighter-than-air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals, as many animals are attracted to the bright colors of balloons and mistake them for food which may cause an animal severe injury or death. Many animals become entangled in balloon strings and are injured or strangled to death as a result thereof. Some balloons have a metallic coating that conducts electricity, and when they are released and touch electrical power lines it can lead to downed wires, power loss, fires, or other injuries.

C. The purpose of these regulations is to provide clarity on the definitions, prohibitions, enforcement, penalties, jurisdiction, violations, and appeals.

6.2 Authority

These rules and regulations are promulgated pursuant to the requirements and provisions of R.I. Gen. Laws Chapter 23-96.

6.3 Definitions

A. For the purposes of these regulations, the definitions as defined in R.I. Gen. Laws § 23-96-1 shall apply to these regulations, and the following definitions:

1. “Balloon” means a flexible nonporous bag made from any material that can be inflated and then sealed at the neck, inflated with a gas that is lighter than air

2. “Person" or "entity” means one person that releases balloons, or the entity that intentionally organizes the release of balloons by more than one person at the same time and place.

3. "Violations" means the prohibited practices as stated in R.I. Gen. Laws § 23-96-1 for the purposes of this regulation.

6.4 Prohibited Release of Balloons

For the purposes of these regulations, the prohibitions set forth in R.I. Gen. Laws § 23-96-1 shall apply to these regulations.

6.5 Enforcement and Penalty

Any person that violates these regulations will be subject to administrative penalties as set forth in R.I. Gen. Laws § 23-96-2.

6.6 Enforcement Jurisdiction

Upon receipt of a reported violation, the Department may investigate the alleged violations, and may initiate enforcement proceedings before the Administrative Adjudication Division.

6.7 Violations and Appeals

Any person issued an administrative penalty by the Department pursuant to this Rule may file an appeal in accordance with R.I. Gen. Laws Chapter 42-17.7 and Part 10-00-1 of this Title (the "Rules and Regulations for the Administrative Adjudication Division") by presenting a written request for a hearing within twenty (20) days of the applicant's receipt of the notice of the enforcement action. The written request must be presented to the Clerk of the Administrative Adjudication Division.