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DERECHO A UN AMBIENTE SANO FRENTE AL CONSUMO SOSTENIBLE DE PLÁSTICOS DE UN SOLO USO: CASO ECUADOR

THE RIGHT TO A HEALTHY ENVIRONMENT VERSUS SUSTAINABLE CONSUMPTION OF SINGLE-USE PLASTICS: THE CASE OF ECUADOR

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RESUMEN: El consumo acelerado de plástico a nivel mundial conlleva una gestión insostenible, lo que representa un peligro para los ecosistemas de manera latente e irreparable. Por lo Revisar de acuerdo a metodología cual, la importancia de esta investigación, recae en la problemática legal y técnica medioambiental actual, causada por factores de contaminación hacia el suelo, agua, aire y en general los servicios ecosistémicos, provocada por el ser humano al utilizar de forma desproporcionada plásticos de un solo uso, por cuanto resulta esencial el estudio de las leyes promulgadas por el estado Ecuatoriano; otro punto estratégico del estudio es analizar la normativa ecuatoriana respecto al ambiente sano y ecológicamente equilibrado precepto de orden constitucional en relación al consumo sostenible de plástico de un solo uso. Se aplica un enfoque cualitativo con un alcance descriptivo, mediante el método teórico dogmático, es decir, se usa la literatura de varios autores y legislación relacionada a materia ambiental. Con los resultados obtenidos es previsible verificar la falta de cumplimiento y escaza normativa que aun dispuesta no es aplicada para su cumplimiento, además de evidenciar que los textos legales en dicha materia de sostenibilidad no tienen un alcance legal adecuado para dar paso a la sostenibilidad. Por tal motivo, el problema de la investigación a resolver parte en identificar la existencia o no de normativas ambientales y si es eficiente la aplicación y control de las mismas respecto al plástico de un solo uso para garantizar el derecho a un ambiente sano, ecológicamente equilibrado enfocado al Consumo Sostenible.

Palabras clave: *Ambiente sano, regulación ambiental, sostenibilidad, plásticos de un solo uso, Ecuador, consumo sostenible*

ABSTRACT: The accelerated global consumption of plastics has led to unsustainable management practices, posing a latent and potentially irreversible threat to ecosystems. Therefore, the significance of this research lies in addressing the current legal and technical environmental challenges arising from the pollution of soil, water, air, and ecosystem services, largely driven by the disproportionate use of single-use plastics. In this context, the analysis of legislation enacted by the Ecuadorian State becomes essential. Another key objective of this study is to examine Ecuadorian regulatory frameworks concerning the right to a healthy and ecologically balanced environment a constitutional principle in relation to the sustainable consumption of single-use plastics. A qualitative approach with a descriptive scope is adopted, employing the theoretical-dogmatic method; that is, it draws upon scholarly literature and environmental

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legislation.The findings suggest both a lack of compliance and regulatory gaps, as well as weak enforcement of existing norms. Furthermore, the results indicate that current legal frameworks on sustainability lack the necessary scope and effectiveness to adequately promote sustainable practices.Consequently, the research problem focuses on identifying the existence and scope of environmental regulations, as well as assessing their effectiveness in the regulation, implementation, and monitoring of single-use plastics, in order to guarantee the right to a healthy and ecologically balanced environment within a framework of sustainable consumption.

Keywords: *Healthy environment, environmental regulation, sustainability, single-use plastics, Ecuador, sustainable consumption*

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INTRODUCTION

Environmental pollution is a topic that has gained strength for several decades, and which at present at the worldwide level is of great concern. For which, it has been necessary the implementation of environmental rights that permit the well-being of the human being and nature. The Stockholm Declaration on the Human Environment establishes as a fundamental right that the human being enjoy adequate living conditions in an environment of quality, for which it is his obligation the protection and care of the place where he dwells for the future and present generations. Which gave way to the right to a healthy and ecologically balanced environment.

Regarding what is indicated above, in Ecuador (1) considers that this right added to dignity guarantees to the persons their development in an adequate and healthy environment that permits the satisfaction of the basic needs, such as: life, health, feeding, housing, among others.

In equal form, in Latin America, (2) mentions on the recognition and guarantees of the right to a healthy and ecologically balanced environment. Which entails finding that the application of the effective judicial protection in Latin America exhibits great achievements, in which novel institutions and many other projects in procedural matter are premiered that orient toward the protection of this right from the citizen access and the protection of the environment as responsibility of each citizen.

In this sense, the necessity of raising awareness on the importance of this right and exercising actions that guarantee it is visualized, to assure to the future generations a sustainable environment, in which they develop in an adequate manner through the care and protection of Mother Earth.

Thus (3) allude regarding an area of sustainable development, which corresponds to sustainable consumption, which pretends to obtain changes in the consumption patterns, lifestyle and the functioning of economies to achieve an integral human development. For which it is necessary to put into practice and guarantee sustainability,

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as a form of change in the conscience and actions for society, that entails complying with what is mentioned above.

At present, plastic has become a serious problem for the environment, principally for the soil and water component. Thus for (4), he exposes that the consumption of plastic in Ecuador is a topic that the State treats by means of public policies that permit minimizing the consumption and generation. Nevertheless, the awareness of the citizenship and the application of norms to reduce the negative impact on the environment is required.

It is evident the existence of a complex situation that resides in the scarce application, control and regulation regarding the handling of single-use plastic. Which generates a notable affectation to the environment and to a correct fulfillment of sustainable development as also to the rights that are established in the Constitution of the Republic of Ecuador (5), regarding the environment, in which it is guaranteed:

The right of the population to live in a healthy and ecologically balanced environment, that guarantees the sustainability and the good living, sumak kawsay. The preservation of the environment, the conservation of the ecosystems, the biodiversity and the integrity of the genetic heritage of the country, the prevention of environmental damage and the recovery of the degraded natural spaces is declared of public interest (Art. 14).

In equal form, the same norm establishes “The right to live in a healthy environment, ecologically balanced, free of contamination and in harmony with nature” (Art. 66. Numeral 27).

In the last years, it is evidenced that single-use plastics have caused problems of contamination to rivers, seas, oceans, in addition to influencing negatively on the soil and the ecosystems. It is important to emphasize that this situation would be aggravated by the quantity of generation, external agents, time of degradation; that without a control and effective actions will entail the extinction of ecosystems and risk on human life.

Ecuador in the year 2015 adopted the Sustainable Development Goals (SDGs), which seek among other things, to protect the environment and balance the environmental sustainability until the year 2030, for this there exist 17 SDGs. The 2030 Agenda, upon speaking of objective number 12 “Sustainable Production and Consumption”, establishes regarding consumption that one of the goals is “By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse”. However, with what has already been manifested, the Ecuadorian state tries to put into practice the agreement of which it is part, but in the majority of localities the application is very weak, given that, sufficient actions that permit reaching said goal are not evidenced.

For such reason, the research problem to resolve starts in identifying the existence or not of environmental regulations and if there exists the application and control of the same regarding single-use plastic to guarantee the right to a healthy, ecologically balanced environment focused on Sustainable Consumption.

The present investigation seeks to analyze the Ecuadorian regulation regarding the healthy and ecologically balanced environment in relation to the sustainable consumption of single-use plastic. The hypothesis that is posed is: the Ecuadorian

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regulation guarantees a healthy and ecologically balanced environment product of the consumption of single-use plastics. As means to find the response to the present hypothesis, the following objectives are posed: examine Ecuadorian environmental regulation and literature on the right to a healthy and ecologically balanced environment and single-use plastics; determine the scope and effectiveness of the regulations previously established by the Ecuadorian state in relation to the consumption of single-use plastic and establish parameters of sustainability for the fulfillment of environmental laws, regarding the consumption of single-use plastic for a healthy and ecologically balanced environment.

The study is directed to a qualitative approach with a descriptive scope, by means of the utilization of the theoretical dogmatic method, that is, the literature of several authors and legislation related to environmental matter is used, in addition to the application of interviews to jurists and professionals in environmental matter.

MATERIALS AND METHODS

The investigation focuses on a critical propositive paradigm, with a type of descriptive investigation and a qualitative scope, the same which are supported by the theoretical deductive, practical and dogmatic legal methods. In addition, a documentary approach is utilized, which permits selecting in an adequate manner the information and collecting legal and technical aspects, through interviews, directed to persons with knowledge in the environmental area, with the aim of finding the adequate path for the elaboration of the investigation.

Upon speaking specifically of the critical propositive paradigm it permits identifying and criticizing the potential of change, which entails addressing the research problem and the possible solutions in function of the type of methodology that is used. Now, it corresponds to establish that the type of investigation that is utilized is descriptive. Therefore, the finality of this method is to discover dimensions in the events, contexts or situations.

With what is stated above, the present work fits in the descriptive investigation, inasmuch as several categories are described and analyzed, with the finality of verifying if the Ecuadorian regulation guarantees a healthy and ecologically balanced environment product of the consumption of single-use plastics. Therefore, the qualitative process consists of stages for the elaboration of the investigation.

The principal tool for the collection of data that was used were the interviews to persons specialists in the legal and technical environmental area. Together with this, the collection of information was realized through the review of doctrinal texts, books, legal orderings, scientific articles, informative notes, treaties and international agreements.

Techniques and instruments of information collection

This work utilizes two methods that serve to give emphasis to the type of investigation realized. The first method makes reference to the theoretical, this is the deductive, because it permits realizing a study from the general toward the specific. That is, the persons have the intention of using their reasoning to deduce and go from global aspects until arriving at the exclusive practice.

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The deductive method entails a benefit upon expressing that the studied realities become an advanced and different knowledge to that which was visualized previously, in addition to being flexible upon permitting illustrating the analytical and comparative aspects. With which a result of emphasis for any investigation is achieved and a step forward is given in the already existing studies.

Thus, in the present study, said method is utilized since it begins with a visualization, review and theoretical analysis to understand the scope of the right to a healthy and ecologically balanced environment. In this manner, the general aspect is arrived at to afterwards be able to abstract the particular context upon specifying the sustainable consumption of single-use plastic.

Regarding the practical method, upon being involved in the area of law, the dogmatic legal is employed. Consequently, the handling of the legal technique and the logic that permit verifying legal consequences that lead to a behavior associated with the legal ordering is necessary.

In this work, the Ecuadorian environmental regulation is analyzed, interpreted and applied, specifically that related to the sustainable consumption of single-use plastic so that the right to a healthy environment is guaranteed. Therefore, it is sought to evidence if there exists a problematic in said ordering according to the current situation in this country.

The research modality that is applied is bibliographic documentary, which permits making use of primary sources such as the scientific articles, existing legislation in Ecuador, international treaties, postgraduate theses and doctrinal.

By means of what is stated above, the bibliographic technique is verified, given that doctrinal type information is collected and analyzed to subsequently be able to give an analytical criticism and verify if in effect the Ecuadorian regulation is the adequate and fulfillment is given to the same, in relation to single-use plastic. In such manner, it is intended to visualize if the right to a healthy and ecologically balanced environment is guaranteed, upon complying with Sustainable Development Goal SDG 12 as is sustainable production and consumption.

In such circumstance, a questionnaire is elaborated that contains questions that will be permanent and will have a sequential order, for which the questions have to be answered rapidly. After what is mentioned by the author, the type of interview that in the present research work is utilized is structured.

The elaboration of the questionnaires upon being a structured interview permits obtaining relevant information in a summarized manner, by means of questions that have relation with the area of environmental law, specifically with the topic and the variables under study. For example, it is intended to obtain information regarding the knowledge and application of Ecuadorian environmental regulation, projects related to circular economy in relation to single-use plastic, guaranteeing of the right to a healthy and ecologically balanced environment. In addition, the interviews are realized to lawyers and environmental technicians who have wide trajectory and interest for the area of the investigation or academy.

Population and sample

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With the aim of obtaining information, interviews are realized which are carried out in a telematic form, through Zoom and by electronic mail, for reasons of distance. The same are directed to lawyers and engineers with knowledge in the environmental area.

As is manifested, the type of interview that is utilized is structured. Given that the persons to whom it is interviewed have to respond the questions according to a questionnaire that is realized previously. In addition, the application is for a sole occasion, but the interviewed person is made known on the topic that is going to be treated previously.

After realizing the interviews, information of great importance is obtained, which permits complying with the objective posed in this section. The interviewed professionals made known their technical criteria in a clear form and amplified the topic on certain occasions.

RESULTS

Doctrinal and legal base of the right to a healthy and ecologically balanced environment

The environmental rights are a fundamental base in society, since they entail a set of faculties, prerogatives and principles that permit that humanity can develop in an adequate manner in the social, economic and cultural ambit. For such reason, one of the rights of great importance at present is the right to a healthy environment, inasmuch as it encompasses individual as collective aspects. Thus, (1) considers that this right is intrinsic to the right to dignity, since together they permit guaranteeing to the human being his optimal development, upon satisfying his basic needs (life, feeding, health, the good living, housing, education, among others) in a healthy and adequate environment.

In a conceptual manner, the healthy environment is a right that must be considered fundamental and progressive, where the sole titular is the human being. Seen in this form, the State is key protagonist to guarantee its fulfillment, through public policies related to avoiding contamination and damage, to thus assure the development of the life project of the human being with dignity.

Thus also emphasis is made in Latin America, in reference to the right to a healthy and ecologically balanced environment, upon establishing that the application of said right has great advances both in institutions and in projects in procedural matter related to the protection of the same, upon involving it and relating it with the responsibility of the citizenship and its access to the mentioned right.

At the same time (6) estimates that a healthy environment is that which permits the individual and in society development of the human being, since it is that healthy and full environment that permits maintaining an equilibrium between nature and individual. That is, without a healthy environment and without complying with the duty of care, there does not exist life for the human being; in question, all our surroundings permit that the individuals develop in dignified conditions, there lies the importance of the equilibrium that must exist between the two.

In such virtue, it is necessary to take measures that permit practicing what the right to a healthy environment entails, through conscious actions both of the citizenship and of the state, that guarantee not only to the present but also to the future generations, a

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sustainable space, for an adequate development upon caring and protecting pacha mama.

In the last years, some countries have granted to nature and to the environment the quality of subjects of rights, upon including them in their Magna Cartas. This, due to the fact that it is considered that, without any of these, there does not exist life in optimal conditions for the human being.

In the same line, the authors (7) consider that to protect the planet and those of us who develop on it, the right to the environment has to be incorporated in the legal framework of all the states, since an adequate environment entails the human being to continue in constant evolution for his well-being; however, it is the same who most affect the ecosystem, in the relation environment and individual through extraction of minerals, manufacture of residues, industrial innovation, among other aspects. For such situation, it is evidenced that the environment must be considered as fundamental right, since there does not exist life in optimal conditions without an adequate environment.

In relation to what is said above, the author (1) justifies through two theories the importance of the legal protection of the environment. In the first place, he speaks of the anthropocentric theory, upon exposing that the environment belongs to humanity, but if this suffers any damage, the consequences will be direct for the human being. While the theory of ecocentrism gives autonomy to the environment upon making it deserving of protection for the simple fact of its existence and, therefore, all that is part of it deserves tutelage and society has the duty to protect it. Said in this form, there exists a coincidence in said theories, upon establishing that the environment deserves protection both if it is seen as subject of rights in an autonomous manner or as a right granted to the persons, for which it is precise that the right to a healthy environment and the right to life are independent, but also are united intimately.

Legal foundations of the right to a healthy environment

The right to a healthy environment was a topic treated for the first time by the United Nations Organization, specifically in the Stockholm Declaration on the Human Environment 1972 (8), in which it was emphasized on the right that the man has to enjoy appropriate living conditions in an environment of quality so that both the present and the future generations enjoy well-being and dignified life, for which he is obliged to protect it. In this form, said right is conceived in the States around the world, who put greater emphasis on the environment and implemented said right in their supreme norm.

Based on the Stockholm Declaration, two decades later, in the city of Rio de Janeiro (9), the United Nations Conference on Environment and Development was celebrated, and it treated on new topics such as sustainable development, the care of the environment, the cooperation of the States and the creation of norms. Subsequently, the Johannesburg Declaration on Sustainable Development (10) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights – Protocol of San Salvador (11) reinforced the recognition of the right to a healthy environment.

In Ecuador, the Constitution of the Republic of Ecuador (2008) recognizes the right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and good living (sumak kawsay). It declares of public interest

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the preservation of the environment, the conservation of ecosystems, biodiversity and the integrity of the genetic heritage of the country, the prevention of environmental damage and the recovery of degraded natural spaces (Art. 14). Likewise, Article 66 numeral 27 establishes the right to live in a healthy environment, ecologically balanced, free of contamination and in harmony with nature.

An interesting aspect in said country, regarding the right to a healthy environment, is that the term ecologically balanced is added, for which the Constitutional Court of Ecuador by means of Judgment No. 1149-19-JP (15) explains that adding the term ecologically balanced environment to said right entails that no living being will put in danger any element necessary for life nor will it be put in danger. Likewise, Ecuador counts with a wide catalog of rights of nature, many of which involve the citizens and the state, who are responsible for the duty of care and permit them to participate in an active manner through public policies, denouncements and actions in benefit of mother earth.

In the same sense, the Organic Code of the Environment, in Article 5, makes known that sustainability, participation and adoption of public policies are part of the right to a healthy environment. While Article 6 mentions on the maintenance, regeneration, existence and restoration of the vital cycles in relation to the rights of nature (16).

Sustainable consumption of single-use plastic

The term sustainable development was heard for the first time in the Brundtland Report of the World Commission on Environment and Development (1987) (17), upon mentioning it as that which satisfies those needs that the present generations have without compromising the future ones. But with time, this concept passed to be ambiguous and imprecise, inasmuch as sustainable development encompassed much more than what was mentioned before.

In the same sense, (3) consider that sustainable development is linked directly with sustainable consumption, due to the fact that it is sought to change the patterns of lifestyle, economies and consumption, which would result in integral human development. Likewise, development is considered sustainable upon existing an improvement in the quality of life and adequate conservation of natural resources (18). Said in this form, the planet has to adapt and apply sustainability, since there does not exist another option.

A current concept proposed by the authors (19) poses sustainable development as that which transcends the economic ambit and must include the environmental and social dimension. Thus, the human being must adapt to the limits that the economic, social and environmental impose, which for the United Nations Organization as for several authors is considered a trilogy of requirements for the guarantee of sustainable development.

In this context (20) refers to said trilogy as a form of maintaining the equilibrium, in the economic, at the same time that the ecosystems are preserved for the future generations; in the social, which attends an equalitarian distribution of the resources together with justice and equity; and the environmental, which seeks the optimal consumption of the present natural resources so that there exists an economic growth without causing greater destruction to the planet.

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However, this three-legged chair for some authors cannot be sustained by itself, for which (21) proposes good governance as a fourth aspect, upon alluding that the government of each country has the duty to seek the prosperity and well-being of society, for which it must guarantee it by means of basic functions such as public policies. Nevertheless, the governments are not the only ones that have said duty, but also the entrepreneurial sector must reflect and take measures regarding the environmental impact of its activities.

In concordance (22) names a set of principles of sustainable development that must be taken into account, among them intergenerational equity, intragenerational equity, the precautionary principle, the polluter-pays principle and the principle of common but differentiated responsibilities.

The United Nations created 17 objectives, with the aim of putting into practice said aspects and principles. In concordance (23) considers that the SDGs are guides so that the countries can implement policies in relation to sustainable development. Thus also (24) allude that they are means to action in favor of the access to justice and world peace, all this in benefit of the planet, the persons and their prosperity.

Within the present investigation, it is precise to realize a focus on objective number 12, which seeks to guarantee modalities of "sustainable production and consumption", in which it is established as goal "By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse" United Nations Organization (25). In this sense, the creation of patterns of sustainable consumption and production is necessary, for which the persons have to be informed to apply this modality and introduce it to the medium as a lifestyle.

With what is seen above, it is necessary to analyze sustainable consumption as one of the areas to be treated with urgency for the application of sustainable development. As first aspect, it is necessary to explain that the term to consume in a general form is to make use of something that afterwards will disappear or is going to be extinguished. Said in this form (26) establishes sustainable consumption as a form of consuming, which satisfies both the needs of the present generations as those of the next ones. Consequently, it is necessary to prioritize the consumption of products manufactured with technology and raw material of low environmental impact, in addition to optimizing the consumption of goods with the aim of mitigating the wastes and excesses and, therefore, preventing the environmental impairment of the possible residues generated.

At present, in a globalized world, not only is consumed but the human being is consumerist upon normalizing the surpassing or exaggerating the limits of what is necessary. It is important to take actions to leave to the future generations a place in which they can develop in an optimal manner, through changes of patterns such as, for example, choosing products friendly with the environment that use economic systems aligned to its care.

In search of the application of three areas: economic, social and environmental, sustainable consumption is visualized from several perspectives. Below some given by the Confederation of Consumers and Users of Madrid (27) are made known: Obtain information on the social and environmental conditions in which the products that we are going to obtain or the services that we are going to utilize have been elaborated.

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Value the environmental and social repercussions that the use of a product or service can have not only in the local ambit, but also in its global dimension. Prefer products and services that are durable, reparable, reusable and recyclable. Reduce the generation of residues and the consumption of energy and water. Choose products of local and seasonal production. Participate in collective and solidary consumption initiatives.

The United Nations Organization (28) signals that sustainable consumption and production is about doing more and better with less. It is also about decoupling economic growth from environmental degradation, increasing resource efficiency and promoting sustainable lifestyles. Sustainable consumption and production can contribute substantially to the alleviation of poverty and the transition toward low-carbon and green economies.

Consequently, for the European Commission (29), the circular economy seeks to maintain the value of products, materials and resources for the longest time possible, minimizing the generation of residues. This model is opposed to the traditional linear economy of "extract, produce, use and throw away". The circular economy is based on three principles: design out waste and pollution, keep products and materials in use, and regenerate natural systems (30).

In this context, corporate social responsibility and the conservation of the environment become key strategies for sustainable development (31). The production and sustainable consumption and the reduction of food waste as one of its goals (32) reinforce the necessity of changing production and consumption patterns. Corporate environmental protection behavior and the moderating role of green investors and green executive cognition (33) show the importance of the private sector in the transition toward sustainability.

The ecological footprint is another relevant concept. (34) signals some aspects of the ecological footprint as a measure of the impact of human activities on the environment. The United Nations (35) indicates that each person consumes more than 50,000 particles of plastic per year. Recent studies show that current levels of microplastic pollution impact wild seabird gut microbiomes (36). Greenpeace (37) provides data on plastic production that evidence the magnitude of the problem.

In Ecuador, the National Institute of Statistics and Censuses (INEC) through its Environmental Information Module in Households (38, 39) provides data on the generation and management of residues at the household level, which permit visualizing the magnitude of the problem of single-use plastics in the national context.

Ecuadorian regulation for the sustainable consumption of single-use plastics

It is fundamental to make reference to the environmental principles that are related to the sustainable consumption of single-use plastics and that are consecrated in the Ecuadorian legal ordering. Among them stand out the precautionary principle, the preventive principle, the polluter-pays principle, the principle of sustainable development and the principle of intergenerational equity.

The Organic Law for the Rationalization, Reuse and Reduction of Single-Use Plastics (2020) (40) constitutes the principal specific regulation on the matter. This law establishes progressive prohibitions, percentages of post-consumer recycled material

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that must be complied with, transition periods, exceptions and a regime of infractions and sanctions.

Regarding the terms for the prohibition of single-use plastics, the law mentions:

- In 12 months from the entry into force of the law, prohibit the commercialization and use of bags and single-use plastic containers for foods of human consumption in all the areas of the National System of Protected Areas; the use of single-use bag or wrappers for the delivery of printed advertising; newspapers, magazines and other formats of written press, receipts of collection of public or private services, account statements and all information directed to consumers, users or citizens in general and the manufacture of plastic straws for internal consumption, distribution, commercialization.

- In 24 months from the entry into force of the law, the importation, manufacture for internal consumption of distribution and commercialization of carry bags of plastic that do not contain recycled material; bags or articles of single-use plastic that entail the production of microplastics and containers, packages or glasses that come from polystyrene and do not contain the minimum percentage of post-consumer recycled material is prohibited.

- In 36 months from the entry into force of the law, the importation, manufacture for internal consumption of distribution and commercialization of bags, wrappers of single-use plastic that do not contain the minimum percentage of post-consumer recycled material, plates, glasses and other utensils for foods and beverages of human and animal consumption is prohibited.

- During the transition period, the free delivery of bags, containers, tableware, utensils and other single-use objects is prohibited; in the case that the consumer desires to acquire them, they will have an additional cost that will be charged by the establishments or commerce.

- There exist exceptions, in which the prohibition does not apply, regarding the bags or packages of plastic that constitute the primary packaging of bulk foods, of animal origin or in the cases that hygiene, cleanliness, health is procured and the polymeric base straws adhered to packages or products that are commercialized and recycled with the package.

- Also, the term of 6 months is established, in products with plastic components such as wet towels, hygienic, tampons, balloons so that they are labeled and the consumers are informed of the negative impact. In addition, a national registry of importers and producers of single-use plastics will be implemented.

Table 1. Percentage of post-consumer recycled material to be complied with

	18 months	36 months	48 months
Plastic carry bags	50%	55%	60%
Expanded polystyrene containers	8%	12%	18%
Glasses-Tubs	10%	25%	30%
Cutlery	10%	25%	30%
PET bottles	5%	15%	30%

Source: Organic Law for the rationalization, reuse and reduction of single-use plastic, 2020.

Finally, the infractions and the sanctions that the present law makes known are catalogued as slight, serious and very serious. Equally, in the case of sanctions of economic character, it is evaluated in function of the economic capacity.

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With what is exposed, the implementation of policies in the Decentralized Autonomous Governments and Metropolitan Districts at the level of Ecuador is ordered. In this context, some ordinances are visualized at the national level:

Table 2. Ordinances implemented on single-use plastic

City	Ordinance number	Name	Summary
Quito	Metropolitan Ordinance No. 022 - 2021	For the progressive reduction of single-use plastics and the promotion of the development of reusable, biodegradable and compostable substitutes in the Metropolitan District of Quito	Establishes the terms, uses, prohibitions and sanctions of single-use plastics, the handling of progressive residues and the municipal strategies in fulfillment of sustainable consumption and the SDGs, among other aspects.
Guayaquil	Ordinance ARCP-DE-2018-38	Ordinance to regulate the manufacture, the commerce of any type, distribution and delivery of single-use plastic products and specifically of plastic straws, packages, tubs, cutlery, glasses, plastic cups and t-shirt type plastic bags, inclusive oxo-biodegradable, in the canton of Guayaquil	Establishes the terms, prohibitions, sanctions, exceptions, the education and promotion, among other aspects of the single-use plastics.
Galápagos	Resolution number 003-CGREG-XXXI-I-2018	Reformatory ordinance to ordinance number 005-CGREG-11-II-2015, which promotes responsible consumption by means of the commercialization and distribution of disposable plastic products and disposable packages of expanded polystyrene (foam, styrofoam), in the Galápagos Islands	Seeks to promote responsible consumption, through the awareness of the permanent and visiting population. Also, it establishes strategies for the consumption of biodegradable and environmentally friendly products to prevent environmental damages to the Galápagos ecosystem.

Source: Own elaboration based on the Official Registry, 2018-2021.

In concordance with the preceding regulations, there are found laws that go hand in hand with the same, such as the Regulation to the analyzed law, the National Program for the Integral Management of Solid Residues – PNGIDS, which establishes all related to the handling of solid residues, together with this is found the Ministerial Agreement number 061 that treats on the integral management of non-hazardous residues. Also, the existence of the Organic Law of Inclusive Circular Economy is evidenced, which establishes mechanisms for the implementation of eco-design, production, sustainable consumption, reduction of residue generation, decrease of non-renewable resources and sustainable development, this without mentioning the Organic Code of the Environment which is the indispensable law upon speaking of environmental matter.

DISCUSSION

The consumption of single-use plastic causes a strong affectation to the human being. At present, despite existing a law regarding the consumption of this material, actions by the authorities or control entities that make effective its application are not visualized. For this, it is considered that there exists lack of interest of the state in this type of topics, since other priorities such as the political and economic aspects abound. In addition, the lack of dissemination of the laws, policies and actions that are reflected at this moment contributes to this situation. Added to this, there is a lack of entities, authorities and officials specialists in environmental topics or at least that are capacitated, to confront a due control of the current environmental regulation.

In such virtue, it is clear that even when Ecuador is a Constitutional State of Rights and Justice and its duty is to guarantee what is established in the Constitution, the right to a healthy and ecologically balanced environment has been failed. Inasmuch as it is determined that, although it is true, it has complied with certain measures established in the Organic Law for the Rationalization, Reuse and Reduction of Single-Use Plastics, it

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has widely omitted the majority of aspects. Since, solely a small percentage of the companies, sectors and persons comply with the aforementioned law, while the majority, as well as small businesses continue with the excessive and innocent use of this type of plastics, that is, it contributes to that the ecological footprint increases.

However, there still exists the possibility of guaranteeing the mentioned right, for which it is indispensable to educate the society in topics regarding those of the problematic, disseminate the laws, audit the institutions in charge of said topic. In short, any type of policies that are instituted to reduce the consumerist conduct that the persons have is worthy of praise.

CONCLUSIONS

Once the doctrine of several authors and the current environmental regulation was examined, it was obtained that the healthy and ecologically balanced environment is a fundamental and progressive right, that is recognized individually, although it has collective notion; therefore, in case of being violated it affects in a direct manner the human being and the rights that the Constitution guarantees, such as life, health, among others. In addition, the lack of regulation that permits encompassing in a direct manner Sustainable Development Goal (SDG) number 12 in what is related to sustainable consumption was determined.

With the reading of the environmental regulation on single-use plastic, it was determined that there exists little legislation related to the topic under study, which corresponds to the Organic Law for the rationalization, reuse and reduction of single-use plastic, the same which encompasses in a general manner the responsible consumption of plastic. However, a primordial part such as the consumer is left aside, that is, an integral approach that commits all the involved parties is not taken into consideration.

In this sense, it is important to emphasize that the Ecuadorian State in its commitment of giving fulfillment to the SDGs, as also to the protection and care of the environment has generated a Law that emphasizes single-use plastic, upon applying the 3Rs. Nevertheless, after the investigation it is concluded that unfortunately from the control entities Ministry of the Environment, Water and Ecological Transition, Decentralized Autonomous Governments of the country, such as municipalities, assertive strategies of dissemination of the norm have not been established which is reflected in the interviews realized, as also the existing ignorance in a great part of the population, consequently, the lack of application.

Thus also, it is important to mention that the lack of effectiveness of the norm has also been influenced due to the fact that qualified professionals that have a vast knowledge on the matter are not counted with. Consequently, the result that is evidenced at present in the lack of knowledge and application.

In equal manner, it is visualized that at the worldwide level single-use plastic is one of the principal causers of the increase of the ecological footprint, even when topics related to sustainable development are regulated in legal instruments.

The State has to contribute with public policies that permit the applicability of the norm under parameters of fulfillment and that go beyond particular interests. Within the parameters of sustainability a key point to strengthen is the education from the

institutional, educational level, to the society in general by means of multiple strategies that go hand in hand with the technological revolution such as publicity campaigns in distinct means of dissemination (television, radio, internet, billboards, others), interactive, informative documents, included in bills of basic services or documents of governmental services which, in the medium term permits that all know on the law, begin to apply it and directly the environment is the greatest beneficiary.

Another important aspect obtained from the present study corresponds in establishing environmental strategies of reduction of single-use plastic. For example, the processes of recycling that in this last time has gained ground, as also the cash back or money back for the reuse of plastic material, eco-load, among others.

It is concluded that the rational use of single-use plastics in this contemporary society is inevitable, the technical and legal regulation fall short and the insufficient application of the optimal parameters for the equilibrium of production and sustainable consumption, given the needs of the market is a fact, it is for this that it is important to highlight the spaces of scientific investigation such as undergraduate theses (41).

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