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Incinerator Bill Heads to Governor After Lawmakers Add Limits, Downtime Rules and Green Waste Safeguards

Bill 36-0232 allows air curtain incinerators for green waste only when safer alternatives such as shredding, mulching, composting and reuse are unavailable, with added rules on sorting, fire safety, smoke control and required downtime.

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A bill authorizing the use of air curtain incinerators to manage green waste across the territory is heading to Governor Albert Bryan Jr.'s desk after lawmakers amended the measure Thursday to require consideration of greener alternatives, waste sorting, fire safety, smoke reduction and operational downtime.

Bill No. 36-0232, widely referred to as the “incinerator bill,” was special ordered to the legislative floor by Senator Clifford Joseph after [previously stalling](#) in the Committee on Rules and Judiciary. The measure amends existing law to allow air curtain incinerators to be used in the management of green waste.

The bill has been heard on three occasions, with lawmakers, experts and community members allowed to comment. It has drawn significant opposition from some senators and members of the public, with concerns centered on environmental degradation, public health impacts and the potential effect on communities near landfills.

On April 26, the measure stalled in the Rules and Judiciary Committee after failing to secure enough votes to move forward. During that meeting, Senator Ray Fonseca asked that the bill be tabled to give him additional time to prepare amendments.

Senator Clifford Joseph moved the issue back into consideration Thursday by asking that the bill be placed on the session agenda. As in previous hearings, lawmakers remained divided.

Supporters argued that the territory’s landfills are overwhelmed with green waste and that inaction could create broader disposal problems as major recovery projects move forward. Senator Franklin Johnson pointed to the Anguilla Landfill on St. Croix and its proximity to the island’s only airport.

“If that green waste that we have light on fire, that airport ain’t gonna run,” he warned.

Senator Kurt Vialet also raised concerns about landfill capacity, particularly as construction activity connected to recovery work increases.

“If you just have acres and acres of green waste, where are you going to put all of this construction material?” he asked.

Despite those arguments, Senator Fonseca maintained his opposition. He said the bill’s special order was an attempt to “bypass the normal legislative process to change existing VI law,” even though the measure had already been heard on three prior occasions.

Mr. Fonseca used his allotted time to highlight what he viewed as the risks of air curtain incinerators, particularly if inorganic material enters the system. He also raised concerns about long-term health effects on nearby communities, including Bovoni.

He argued that the relevant authorities should instead “concentrate on the chipping and the mulching and composting,” saying farmers need that material “because we have poor soil.”

Senator Kenneth Gittens objected to the claim that the legislative process had been bypassed.

“You could always tell when it’s an election season,” he said, describing Senator Fonseca’s remarks as “reckless and not actually reflecting the actual legislative record.”

Senator Marvin Blyden told colleagues that the measure required “a little more tweaking,” and said he was preparing an amendment to introduce by the next legislative session.

Senate President Milton Potter also expressed hesitation, saying he was concerned that air curtain incineration could become the primary method of disposing of green waste.

“There is nothing irresponsible of lawmakers saying we need to proceed with caution with this,” he stated.

Mr. Potter was later satisfied by amendments introduced by Senators Avery Lewis and Clifford Joseph.

Among the amendments was language stating that air curtain incinerators should be used only “if other environmentally safe alternatives, such as shredding, mulching, composting, and reuse, are not available.” The amendments also encourage the promotion of greener alternatives.

Lawmakers also added requirements for associated policies and procedures to address waste sorting, fire safety and smoke minimization.

Another amendment requires a “mandatory one-week period of downtime pursuant to the manufacturer's recommendation, or after 10 consecutive weeks of operation, whichever is less.”

Still, opposition remained. Senators Ray Fonseca, Dwayne DeGraff and Carla Joseph voted against the measure. Senators Marvin Blyden and Alma Francis Heyliger did not vote.

Bill No. 36-0232 now advances to Governor Bryan's desk, where it is expected to be approved.