

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

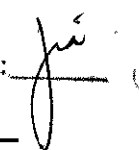
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Senate
Office of the Secretary

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SENATE
S.B. NO. **419**

RECEIVED BY: 

Introduced by **SENATOR FERDINAND R. MARCOS, JR.**

EXPLANATORY NOTE

"Waste audits conducted in November 2010 by the EcoWaste Coalition, the Global Alliance for Incinerator Alternatives (GAIA), Greenpeace, Mother Earth Foundation and other environment advocacy groups revealed that 75.55% of the total volume of trash in Manila Bay was plastic discards, mostly plastic bags, and polystyrene (styrofoam) products." (BusinessWorld Weekender, "To plastic or not to plastic, that is the question.....", March 2, 2012).

This gives us a glimpse of the dismal ecological state of our country. Our environment is helplessly begging to be rescued from the snares of imminent destruction.

This bill seeks to address this serious ecological malady. It proposes to regulate the use of plastic materials in order to minimize land-based sources of pollution, and increase efforts to protect water quality.

This legislative proposal advocates reusable, biodegradable bags, made of a washable material that does not contain lead or any other heavy metal in a toxic amount, and designed and manufactured for at least 100 uses, which shall be available for customers.

Through this bill, consumers are encouraged to reduce, and eventually eliminate, the use of plastic bags, thereby saving the fragile life of our environment.

In view of the foregoing, approval of this bill is earnestly requested.


FERDINAND R. MARCOS, JR.

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**AN ACT REGULATING THE USE OF PLASTIC BAGS,
AND FOR OTHER PURPOSES**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. State Policy – The State shall advance the right of the people to a balanced and healthful ecology. Towards this end, it is necessary to reduce the environmental, public health, economic, and societal costs resulting from the production, use, and discard of single-use plastic carryout bags thereby minimizing land-based sources of pollution, and increasing efforts to protect water quality.

SECTION 2. Definitions – For purposes of this Act, the following definitions shall apply:

a) "Department" means the Department of Environment and Natural Resources.

(b) "Recycled paper bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets all of the following requirements:

- (1) Contains a minimum of 40 percent postconsumer recycled content;
- (2) Accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs;
- (3) Capable of composting.
- (4) Printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of postconsumer content.

(c) (1) Until a standard is established and enforceable by the Department, "reusable, biodegradable bag" means a bag that meets both of the following requirements:

- (A) Designed and manufactured for at least 100 uses.
- (B) Made of a washable material that does not contain lead or any other heavy metal in a toxic amount, as determined by the Department.

(2) By January 1, 2014, the Department shall establish standards in regulations that define "reusable, biodegradable bag," using the standards specified in paragraph (1), and any additional durability, material content, or labeling requirements. Labeling requirements shall, at a minimum, require reusable, biodegradable bags to be imprinted, in a manner sufficient to be identifiable and readable, with both of the following:

(A) The name of the reusable, biodegradable bag producer;

(B) The reusable, biodegradable bag seal or logo, as determined by the Department, showing compliance with the minimum standards.

(d) "Reusable, Biodegradable bag producer" means either of the following:

(1) A person or entity that manufactures a reusable, biodegradable bag;

(2) A person or entity that initially sells or offers for sale or distribution a reusable, biodegradable bag.

(e) (1) "*Single-use carryout bag*" means a bag made of plastic, paper, or other material, that is provided by a store to a customer at the point of sale and that is not a reusable, biodegradable bag, as defined in subdivision (c).

(2) A single-use carryout bag does not include either of the following:

(A) A bag provided by a pharmacy to a customer purchasing prescription medication.

(B) A nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable, biodegradable bag.

(f) "Store" means a retail establishment that meets any of the following requirements:

(1) Supermarkets and grocery stores;

(2) A retail space over 100 square meters that generates sales of retail goods;

(3) A convenience food store, foodmart, sari-sari store or other entity engaged in the retail sale of a limited line of goods that generally includes milk, bread, soda, and snack foods .

SECTION 3. Carryout Bag Regulation –

a. (1) On and after April 1, 2014, a store, as defined in paragraph 1 or 2 of subdivision (f) of Section 2, shall not provide a single-use carryout bag to a customer at the point of sale.

(2) On and after July 1, 2014, a store, as defined in paragraph 1 or 2 of subdivision (f) of Section 2, shall only provide reusable, biodegradable bags, as defined by subdivision (c) of Section 2, that meet the requirements of this chapter and standards established by the Department.

(b) A store shall make reusable, biodegradable bags available for purchase by a customer. A store, as defined in paragraph 1 or 2 of subdivision (f) of Section 2, may provide reusable, biodegradable bags to customers at no cost.

(c) Notwithstanding the requirements of subdivision a, a store shall make available for sale to a consumer at the point of sale a recycled paper bag at a reasonable cost.

(d) Beginning July 1, 2014, a store as defined in paragraph 3 of subdivision (f) of Section 2 shall comply with the provisions of this article.

SECTION 4. Certification –

(a) On or after January 1, 2015, and on or before January 1 every two years thereafter, a reusable, biodegradable bag producer that sells, distributes, or makes a reusable, biodegradable bag available to a store shall submit a certification to the Department that each reusable, biodegradable bag meets the requirements of subdivision (c) of Section 2 and associated standards issued by the Department.

(b) A reusable, biodegradable bag producer shall submit a fee to the Department with each certification pursuant to Section 2.

(c) The Department shall provide a system to submit certifications online.

(d) The Department shall publish a list on its Internet Web site that includes:

(1) The name, location, and appropriate contact information of a reusable, biodegradable bag producer in compliance with this section.

(2) The reusable, biodegradable bag product or products in compliance with this section.

SECTION 5. Certification Fees --

- (a) The fee for the initial certification by a reusable, biodegradable bag producer, as defined in subdivision (d) of Section 2, shall be as determined by the Department. In establishing the initial fee, consideration by the Department shall include, but not be limited to, if provided by a reusable, biodegradable bag producer, the annual sales revenue of a participating reusable, biodegradable bag producer, the number of its employees, and the number of reusable, biodegradable bag products to be submitted for certification by the such participating producer.
- (b) The fee for biennial certification thereafter shall be determined by the Department which shall include inspection and re-certification. The Department may adjust the biennial certification fee, if the Department determines that additional fees are necessary to support implementation of this section. Notification of any fee increases shall be provided to certified producers and posted on the department's Internet Web site 60 days in advance of the fee increase.
- (c) The fees in this section shall not exceed the amount necessary to cover the Department's reasonable costs associated with the implementation of this chapter.

SECTION 6. Inspection --

- (a) The Department may inspect and audit any entity subject to this chapter.
- (b) On or after July 1, 2014, the Department may test any reusable, biodegradable bag manufactured by a reusable, biodegradable bag producer and provided to a store for sale or distribution for compliance with this chapter and associated regulations.
- (c) The Department may enter into an agreement with other government agencies that conduct inspections to provide necessary enforcement of this chapter.

SECTION 7. Violations --

- (a) Any violation of Section 3 shall be subject to an administrative penalty of a fine as assessed by the Department in an amount not less than five thousand pesos (P5,000.00) for the first violation. Subsequent violations may be increased by up to ten thousand pesos (P10,000.00) per violation, but not to exceed one hundred thousand pesos (P100,000.00) per violation.

- (b) Any violation of Section 4, or any submission of false or misleading information to the Department, shall be subject to an administrative penalty of a fine assessed by the department of up to fifty thousand pesos (P50,000.00) per violation, not to exceed an annual total of one hundred fifty thousand pesos (P150,000.00).
- (c) The Department shall publish a list on its Internet Web site of any fines or penalties that have been levied against a violator of this section for failure to comply with the requirements of this chapter.

SECTION 8. Reusable, Biodegradable Bag Account –

- (a) The Department shall deposit all certification fees paid pursuant to this article into the Reusable, Biodegradable Bag Account, which is hereby created in the Department. The moneys deposited in the Reusable, Biodegradable Bag Account shall be expended by the Department, upon appropriation by the Congress, to assist the Department with its costs of implementing this Act.
- (b) The Department shall deposit all penalties and fines collected pursuant to this article into the Penalty Subaccount, which is hereby created in the Reusable, Biodegradable Bag Account, and shall be expended by the Department, upon appropriation by the Congress, to assist the Department with its costs of implementing this Act.

SECTION 9. Rules and Regulations. – The Department shall adopt rules and regulations necessary to implement the provisions of this Act within ninety (90) days from the effectivity thereof.

SECTION 10. Repealing Clause – All laws, executive orders, executive issuances, rules and regulations or part thereof inconsistent or contrary to the provisions of this Act, are hereby repealed or amended accordingly.

SECTION 11. Separability Clause – In case any provision of this Act is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 12. Effectivity — This Act shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

Approved.