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0103
House Bill No. _____



Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

EXPLANATORY NOTE

The widespread use of plastic bags and other plastic single-use containers and products is a fact of life in our modern daily existence and there is no denying these have proven to be of convenient and practical use to us. Regrettably, however, such convenience carries with it a long-term devastating impact on the environment and the health of the public. The destructive effects of their continued use dwarf their supposed expediency.

The massive use of plastic bags and other single-use plastics has been a major cause not only of litter, waste and pollution, but also floods, especially in the urban areas, that have resulted in the death of thousands and destruction of properties, not to mention the life-threatening health hazards their manufacture and use expose people to.

It is estimated that between one to five trillion plastic bags are consumed worldwide each year. Five trillion is almost ten million plastic bags a minute.¹ Many studies have shown that plastic bags and foam containers can take up to thousands of years to decompose, contaminating soil and water, and posing significant ingestion, choking and entanglement hazards to wildlife on land and in the ocean.²

In a recent report on plastic pollution by the Ocean Conservancy and McKinsey Center for Business and Environment, the Philippines has been found to be the world's third largest source of plastic pollutants leaking into the ocean and is said to have the highest plastic trash collections in the Southeast Asia. Yet, to date, the country is wanting in policies that regulate the use of plastic bags and other single-use plastics which account for over seventy percent (70%) of its plastic residual waste.

The consolation is a number of local government units in the country have already passed and implemented ordinances banning the use of plastic products especially plastic bags. However, considering the massive extent of damage single-use plastics are causing the environment, it has become incumbent upon Congress to immediately enact a national law that effectively addresses the urgent need for concrete and effective policies and mechanisms for regulation of plastics in a nationwide scale.

Towards this direction, this proposed bill seeks to regulate the production, use, recycling and disposal of plastic bags and other single-use plastics in the whole country. For its effective implementation, the measure provides for a gradual phase out of single-use plastics, a transition program for the shift to the use of biodegradable plastics, encouragement of the use of reusable bags or containers, a recovery program for return of used plastic bags, a Special Environmental Fund for Plastics Regulation, the role of local government units, a program for affected workers of the plastic industry and support for affected manufacturers of plastic products, among others.

In view of its urgency, the approval of this bill is most earnestly sought.

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1st District Agusan del Norte

¹ UNEP (2018). SINGLE-USE PLASTICS: A Roadmap for Sustainability

² *Ibid*

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AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION, USE, RECOVERY, COLLECTION,
RECYCLING, AND DISPOSAL OF PLASTIC PRODUCTS

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

1 SECTION 1. **Short Title.** – This Act shall be known as the “Plastic Products Regulation Act”.

2 SEC. 2. **Definition of Terms.**– As used in this Act:

3 (a) **Biodegradable plastic product** refers to a plastic product that degrades and attains
4 molecular structure suited for biodegradation that results from the action of naturally occurring
5 microorganisms within the parameters established pursuant to this Act: *Provided*, That the materials
6 therefor shall not significantly affect food security programs of the government;

7 (b) **Commercial establishment** refers to an establishment or cluster of establishments engaged
8 in commerce or sales of goods or services including, but not limited to, market stores, shopping mall
9 outlets, supermarkets, department stores, groceries, convenience stores, food chains, restaurants,
10 cafes, bars, sari-sari stores, vendors, ambulant stalls and the like;

11 (c) **Operator** refers to a person or group of persons in control of, or having daily responsibility
12 for the daily operation of a commercial establishment which may include, but not limited to, the owner
13 of the store;

14 (d) **Plastic** is a lightweight, hygienic and resistant material that can be shaped in different ways
15 and employed in a wide range of applications.

16 (e) **Plastic bag** refers to a polymer bag designed to be provided or utilized at the point of sale
17 for carrying and transporting goods;

18 (f) **Reusable bag** refers to a washable bag, a *bayong* or any shopping bag used for carrying and
19 transporting goods, which bags are made of organic or non-organic materials and can be used several
20 times; and

21 (g) **Single-Use Plastic Products** refer to disposable and single-use plastic or foam plates, cups,
22 or food containers, utensils, cutlery, straws, stirrers, and similar products, including plastic bags used by
23 commercial establishments;

24 SEC. 3. **Biodegradable Plastic Products for Basic Services.** – Six (6) months after the effectivity of
25 this Act, commercial establishments shall provide biodegradable plastic products to their consumers.
26 Operators shall promote and make available for sale locally-made reusable bags that are made of
27 indigenous, organic or compostable materials like *abaca* and water lily. The use of eco-friendly and
28 biodegradable products as alternatives to all forms of single use plastic products shall be provided as
29 sanctioned under Section 6 of this Act.

30 A biodegradable plastic product shall visibly bear, a logo showing that it is a biodegradable
31 plastic product as well as the manufacturing date and name of manufacturer and distributor, and the
32 words “RETURN FOR RECYCLING” and other markings in conformity to existing Philippine National
33 Standards (PNS).

34 Within six (6) months from the effectivity of this Act, the Department of Trade and Industry (DTI),
35 in coordination with the Department of Environment and Natural Resources (DENR), Department of
36 Science and Technology (DOST), leagues of local government units (LGUs), National Solid Waste
37 Management Commission (NSWMC), and other government and private agencies and organizations
38 concerned shall, promulgate the appropriate PNS for biodegradable plastic products. The DTI shall
39 consider in the PNS the effective reusability and recyclability of these products.

One (1) year after the effectivity of this Act, any product that uses materials other than plastic, which is practically not reusable, recyclable or safe to be in contact with food, shall not be provided to consumers.

SEC. 4. In-Store Recovery Program.— Within sixty (60) days after the effectivity of this Act, the operator or cluster of operators of commercial establishments that provide plastic products to consumers as part of a purchase on retail, shall establish an in-store recovery program that shall give their customers an opportunity to return their used plastic products to the commercial establishments from which the plastic products originated.

An in-store recovery program provided by the operator of said commercial establishment shall include the following:

(a) A plastic product recovery bin which shall be placed at each commercial establishment or cluster of establishments shall be visible, easily accessible to the customer, and clearly marked that the recovery bin is available for the purpose of collecting recyclable plastic products or for disposal through industrial treatment facilities;

(b) A collection system whereby all plastic products recovered by the commercial establishment shall be collected by the barangays, transported, and whenever practicable, recycled or disposed through industrial treatment facilities by the cities and municipalities pursuant to Sec. 19 of this Act.

(c) A maintenance record of the commercial establishment's in-store recovery program describing the recovery, collection, transport, and whenever applicable, recycling, composting and disposal to industrial treatment facilities of plastic products collected for a minimum of three (3) years, and every year thereafter. It shall make the records available to the DENR, DTI and concerned LGU, upon request, to demonstrate compliance with this Act.

The LGU concerned shall monitor the implementation of this program and maintain records of the volume of plastic products it has recovered, collected and transported for recycling or disposal to composting facilities pursuant to this Act. It shall also make the records available to the DENR and DTI.

(d) A customer plastic exchange system wherein the commercial establishment shall require their customers to surrender an equivalent or practically equivalent plastic bag for the provision of a new plastic bag. Otherwise, the customer or consumer will be charged a fixed fee of Five pesos (Php 5.00) per plastic bag, which fee shall be reflected in their receipts, and shall form part of the Special Environmental Trust Fund created under Sec. 13 of this Act. Manufacturers, distributors and exporters of the biodegradable plastic bags shall participate in this program as part of their extended producer's responsibility initiatives.

SEC. 5. Exemptions. — Primary plastic packaging used in the manufacture of finished products for sale in the general market, and those used to pack or contain items to be distributed in relief operations in times of calamities shall be excluded from the prohibitions under this Act.

SEC. 6. Phaseout of Plastic Products. — Notwithstanding the provisions of Section 4 of this Act, non-biodegradable, non-reusable and non-recyclable plastic products shall be gradually phased out within a period of one (1) year from the effectivity of this Act. Thereafter, production, importation, sale, distribution, provision or use of said plastic products shall be prohibited.

SEC. 7. Program for Affected Employees and Workers of the Plastic Industry. — The Department of Labor and Employment (DOLE), in coordination with the DTI, shall conduct studies to determine the impact of this Act on affected plastic industry employees and workers.

Likewise, in coordination with Technology Education and Skills Department Authority (TESDA), plastic manufacturers, non-government and civil society organizations and institutions, the DOLE and DTI shall develop a program for alternative livelihood opportunities for employees and workers in areas like recycling or upcycling of used plastic products.

SEC. 8. Support for Affected Plastic Manufacturers. — The DTI, through the Board of Investments, shall develop benefits and programs to assist affected plastic manufacturers to buffer the impact of this Act on their industry, by creating incentives to facilitate their transition into the provision of goods and services that will support the implementation of this Act,

SEC. 9. Monitoring and Market Inspections. — The DENR and DTI, in coordination with the LGUs and local law enforcement agencies, shall cause the regular and routine inspection and monitoring of point-of-sale stores and facilities of plastic manufacturers to determine compliance with this Act. Inspection and monitoring shall include the following:

(a) Entry or access to the premises of operation and business, including storage rooms and stockrooms;

- (b) Inspection of off-site storage facilities, distribution centers, and transshipment points; and
(c) Inspect sanitary landfills to determine if only residual plastic products are being disposed of.

SEC. 10. **Role of the National Solid Waste Management Commission.** – The National Solid Waste Management Commission (NSWMC), created pursuant to Section 4 of Republic Act No. 9003 shall, in addition to its functions under the said law, aid and assist in the implementation and enforcement of its Act.

The NSWMC is hereby mandated to conduct studies to ensure the harmonious implementation of this Act with the Republic Act No. 9003.

The DENR is hereby mandated and directed to provide the necessary financial and manpower resources to enable the NSWMC to perform its additional functions as mandated in this Act.

SEC. 11. **Effect on LGU Ordinances Before or After the Effectivity of this Act.** – LGU ordinances in relation to this Act, such as bans and prohibitions on the use of plastic products, promulgated and enforced prior to the effectivity of this Act shall remain valid and subsisting: *Provided, That*, within one (1) year following the promulgation of this Act, LGUs shall issue or amend their respective ordinances in line with the provisions of this Act.

The provisions, mandates, and directives of this Act shall serve as minimum standards and stipulations for LGU ordinances.

SEC. 12. **Information and Education Campaign.** – The DENR, in coordination with the LGUs, Department of Interior and Local Government, Department of Education, Commission on Higher Education, and Public Information Agency, shall conduct a continuing information and education campaign on the proper regulation of plastic products in the country.

Such campaign shall be incorporated in and shall be in addition to the public information and education campaign under section 55 of Republic Act No. 9003.

SEC. 13. **Labelling Requirements.** – Plastic and biodegradable plastic bags, reusable bags, and recyclable paper carry-out bags as defined under this Act shall be appropriately labelled to be biodegradable, non-biodegradable, or recyclables as the case may be.

Labels shall include the name of the manufacturer, the location where the bag was manufactured, percentage of postconsumer recycled materials used, and indication of the materials, chemicals, and substances used to manufacture the said product.

This shall also comply with any rules or regulations or product labelling as required by the Republic Act no. 7494, of the Consumer Act of the Philippines.

SEC. 14. **Special Environmental Fund for Plastic Product Regulation.** – There is hereby created a Special Environmental Trust Fund, hereinafter referred to as the Fund, to be managed by the NSWMC, for Plastic Product Regulation, to be composed of levies, fees, and fines collected pursuant to the implementation and enforcement of this Act.

The Fund shall be exclusively used for the following:

(a) Improve the capacity of LGUs, and local law enforcement agencies for the implementation of this Act;

(b) Conduct of information and education campaigns on plastic products regulation and related environmental awareness measures;

(c) Assist and provide incentives for manufactures and community-based initiatives for the production of native reusable bags, as well as for non-government and civil society organizations promoting proper solid waste management; and

(d) Augment the Solid Waste Management Fund under Republic Act No. 9003.

Forty percent (40%) of the fines collected under Sec. 20 of this Act shall be allocated to or retained by the Barangay where the fined prohibited acts are committed in order to finance the solid waste management of said unit.

SEC. 15. **Access to Information.** – The public shall have access to records, reports, or information concerning the implementation and mandates of this Act.

Such documents shall be available for inspection or reproduction during normal business hours: *Provided, That* the DENR, DTI or concerned LGU may consider a record, report or information or particular portions thereof confidential and may not be made public when such would divulge trade secrets, production or sales figures or methods, production or processes unique to such manufacturer, seller, or distributor, or would otherwise tend to affect adversely the competitive position of such manufacturer.

SEC. 16. **Citizens Suit.** – For the purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal, or administrative action in the proper courts or bodies against:

(a) any person who violates or fails to comply with the provisions of this Act and its implementing rules and regulations; or

(b) the DENR or other implementing agencies with respect to orders, rules and regulations issued inconsistent with this Act; and/or

(c) any public officer who willfully or grossly neglects the performance of an Act specifically enjoined as a duty by this Act or its implementing rules and regulations, abuses authority in the performance of duty, or, in any manner improperly performs the duties under this Act or its implementing rules and regulations: *Provided, however,* That no suit can be filed until after a thirty-day (30) notice has been given to the public officer and the alleged violator concerned, and no appropriate action has been taken thereon.

The court shall exempt such action from the payment of filing fees and statements upon *prima facie* evidence of the non-enforcement or violation complained of, and likewise exempt the plaintiff from the filing of an injunction bond for the issuance of preliminary injunction.

In the event that the citizen should prevail, the court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

SEC. 17. *Suits and Strategic Legal Action Against Public Participation.* – Where a suit is brought against a person who filed an action as provided in Section 15 of this Act, or against any person, institution or government agency that implements this Act or any other consumer related laws, rules, and regulations, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination within not exceeding thirty (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal resources of the person complaining or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the court shall dismiss the case and award the attorney's fees and double damages.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act, its rules, regulations, and guidelines.

SEC. 18. *Lead Implementing Agency.* – The DENR, unless otherwise provided herein, shall be the primary government agency responsible for the implementation and enforcement of this Act.

The DENR as the lead agency together with the DTI, Department of Interior and Local Government (DILG), and NSWMC shall issue the Implementing Rules and Regulations within sixty (60) days from the approval of this Act.

In the furtherance of the objectives of this Act, the DENR and the NSWMC, in coordination with the DTI, shall consult, and enter into an agreement with other government agencies, LGUs, concerned non-governmental organizations (NGOs), people's organizations (POs), or private enterprises.

SEC. 19. *Role of Local Government Units (LGUs).* – The LGUs shall have the primary responsibility in the effort to decrease the percentage of plastic product wastes produced within their respective territorial jurisdictions.

For this purpose, they shall be primarily responsible for the collection, transportation, recycling and disposal of plastic products recovered to industrial treatment facilities pursuant to this Act. The LGUs may enjoin the participation of other concerned government agencies, private entities and industries.

The DOST, in coordination with the National Ecology Center, shall provide the LGUs with technical assistance, trainings and continuing capability-building programs to attain the objectives of this Act.

SEC. 20. *Fines and Penalties.* – Violations of Sections 3,4 and 6 of this Act, and the deliberate misrepresentation of the vendor, distributor or manufacturer shall be penalized in the following manner:

(a) A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not exceeding Five hundred thousand pesos (P500,000.00) for the first offense; and

(b) A fine of not less than Five hundred thousand pesos (P500,000.00) but not exceeding Seven hundred fifty thousand pesos (P750,000.00) for the second offense; and

(c) Automatic revocation of its business permit for the third offense.

For purposes of the imposition of appropriate fines hereof, the DTI shall establish classification of commercial establishments based on their capitalization.

SEC. 21. *Administrative Action.* – Without prejudice to the right of any person to file an administrative action, the DENR shall, on its own instance or upon verified complaint by any person, institute administrative proceedings in the proper forum against any natural or juridical person who violates any of the provisions of this Act with respect to:

(a) Standards and limitations provided by this Act; or
(b) Such Orders, rules or regulations issued by the DENR with respect to such standard or limitation.

SEC. 22. **Independence of Action.**—The filing of an administrative suit against such person or entity does not preclude the right of any other person to file any criminal or civil action.

SEC. 23. **Enforcement.**— The enforcement of the penal provision of this Act shall be made through the DENR, in coordination with the Office of the Mayor of the LGU concerned.

SEC. 24. **Joint Congressional Oversight Committee.**— The Joint Congressional Oversight Committee created under Section 60 of Republic Act No. 9003, shall likewise monitor the implementation of this Act and review the implementing rules and regulations promulgated by the DENR. The Joint Committee shall be co-chaired by the Chairpersons of the House Committee on Ecology and the Senate Committee on Environment.

SEC. 25. **Implementing Rules and Regulations.**— The DENR, in coordination with the DTI, the NSWMC and other relevant government agencies and organizations shall, within ninety (90) days from the effectivity of this Act, promulgate the implementing rules and regulations (IRR) governing this Act.

SEC. 26. **Appropriations.**— The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the concerned agencies. Thereafter, such sums as may be necessary for the operation and maintenance of this Act shall be included in the annual General Appropriations Act.

SEC. 27. **Separability Clause.**— If, for any reason, any provision of this Act or part thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the other provisions or parts hereof not affected shall remain in full force and effect.

SEC. 28. **Repealing Clause.**— All laws, decrees, orders, issuances, ordinances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 29. **Effectivity.**— This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,