

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
FIFTEENTH CONGRESS
First Regular Session
House Bill No. 4462

Introduced by **Hon. Mark Aeron H. Sambar**

EXPLANATORY NOTE

The Constitution, Article 2, Section 16 provides:

The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Every year, an estimated 500 billion to 1 trillion plastic bags are consumed worldwide. The Worldwatch Institute estimates that in the U.S. alone, an estimated 12,000,000 barrels of non-renewable petroleum oil are required to produce the 100 billion bags consumed annually.¹ Although plastic bags make up only a small percentage of all litter, the impact of these bags is nevertheless significant. Plastic bags create visual pollution problems and can have harmful effects on aquatic and terrestrial animals. Plastic bags are particularly noticeable components of the litter stream due to their size and can take a long time to fully break down.² Plastic bags are made from a non-renewable natural resource: petroleum. Consequently, the manufacturing of plastic bags contributes to the diminishing availability of our natural resources and the damage to the environment from the extraction of petroleum. At the same time, plastics are hazardous to produce; the pollution from plastic production is harmful to the environment. Most plastic bags are made of polyethylene - more commonly known as polythene - they are hazardous to manufacture and are said to take up to 1,000 years to decompose on land and 450 years in water.³

¹ <http://planetgreen.discovery.com/home-garden/plastic-bag-facts.html>

² <http://www.environment.gov.au/settlements/waste/plastic-bags/index.html>

³ <http://news.bbc.co.uk/1/hi/uk/1974750.stm>

Plastic bags and packaging account for a major part of our waste in landfills. More importantly, plastic bags are one of the top items of litter on our community beaches, roads, sidewalks, and vegetation along with cigarette butts and Styrofoam. Plastic bags are light and hard to contain. Because of their light weight, plastic bags fly easily in wind, float along readily in the currents of rivers and oceans, get tangled up in trees, fences, poles, and so forth, and block the drainage.⁴ Countless plastic bags end up in our ocean and cause harm to our marine wildlife. Many marine animals and birds mistakenly ingest plastic or become entangled and choke in plastic bags that is floating around. For instance, environmentalists have pointed out that turtles often mistake plastic bags for jellyfish and invariably swallow them. It is estimated 100,000 marine mammals die each year because of plastic litter in our ocean in the North Pacific.⁵ Land animals seem to be victims as well. In countries such as India, cows are mistakenly ingesting plastic bags on the streets as they are scavenging for food and end up choking or starving to death, as the plastic cannot be digested.⁶

The international crisis, which plastic bags are creating, is indicated by the fact that most nations recognize the problem and are making strong attempts to eliminate the use and productions of plastic bags. Many countries in Europe and Asia are attempting to eradicate plastic bags. Some are banning plastic bags altogether while others are implementing a tax on plastic bags to decrease their use. In Bangladesh, plastic bags have been banned completely since early 2002. They were found to have been the main culprit during the 1988 and 1998 floods that submerged two-thirds of the country. The problem was that discarded bags were choking the drainage system.⁷ In 2001, Bombay council also eliminated the use of plastic bags to prevent them from littering the streets and clogging up the city's sewerage system. As a result, merchants have switched to recycled paper bags and litter in the city has been reduced considerably.⁸ In Ireland, a tax on plastic bags was introduced. Essentially, each plastic bag handed out costs the consumer an extra 15 cents. After the tax scheme began in March 2002, it is estimated the plastic bags available at stores have been decreased by 90%.

According to DENR data, more than 80 percent of the trash retrieved from the country's shorelines are made of non-biodegradable materials such as plastic and rubber.

⁴ <http://news.bbc.co.uk/1/hi/world/europe/1849302.stm>

⁵ www.algalita.org

⁶ <http://news.bbc.co.uk/1/hi/uk/1974750.stm>

⁷ <http://news.bbc.co.uk/1/hi/uk/1974750.stm>

⁸ http://news.bbc.co.uk/1/hi/world/south_asia/1329600.stm

About half of plastic items thrown in bodies of water around the country were plastic bags.⁹ This Bill seeks to address the solid waste management problem particularly that caused by plastic bags.



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⁹ <http://www.gmanews.tv/story/201791/malls-to-charge-fee-for-plastic-bags-once-a-week>

1 **SECTION 3. *Definition of Terms.*** - As used in this Act, the following terms shall
2 **mean:**

3 **(a) "Green carryout bag"** means a single-use carryout bag that is provided by a store to a
4 **customer at the point of sale and meets all of the following requirements:**

5 **a. Is composed of at least 40 percent post-consumer recycled content material.**

6 **b. Is capable of composting within 180 days, as determined by the Department of**
7 **Environment and Natural Resources.**

8 **(b) "Green carryout bag"** does not include a reusable bag.

9 **(c) "Manufacturer"** means the producer of a single-use carryout bag sold to a store.

10 **(d) "Operator"** means a person in control of, or having daily responsibility for, the daily
11 **operation of a store, which may include, but is not limited to, the owner of the store.**

12 **(e) "Paper carryout bag"** means a paper carryout bag provided by a store to a customer at
13 **the point of sale that is not a reusable bag as defined in subdivision (g).**

14 **(f) "Plastic carryout bag"** means a plastic carryout bag provided by a store to a customer
15 **at the point of sale that is not a reusable bag as defined in subdivision (g).**

16 **(g) "Reusable bag"** means either a bag made of cloth or other machine washable fabric
17 **that has handles or a durable plastic bag with handles that is at least 2.25 mils thick and is**
18 **specifically designed and manufactured for multiple reuse.**

19 **(h) "Single-use carryout bag"** means a carryout bag provided by the store to a customer at
20 **the point of sale that is not a reusable bag as defined in subdivision (g), and includes**
21 **biodegradable or compostable bags.**

22 **(i) "Store"** means a retail establishment that provides single-use carryout bags to its
23 **customers as a result of the sale of a product and that meets any of the following**
24 **requirements:**

1 a. Is a "supermarket" or a large self-service retail market that sells food and
2 household goods that has over 1,000 square meters of retail space or

3 b. Is a chain of convenience food stores primarily engaged in retailing a limited
4 line of goods that includes milk, bread, soda, and snacks, with a total
5 combined square footage of 1,000 square meters or more in any part of the
6 country.

7 (j) "Department" shall refer to the Department of Environment and Natural Resources.

8 SECTION 4. *Charge for the use of plastic bags.* -- On and after 1 July 2011, a store
9 shall not provide a single-use carryout bag, including a green carryout bag, to a customer at
10 the point of sale, unless the store charges the customer not less than FIVE PESOS (P5.00) per
11 bag regardless of size. The amount charged pursuant to this section shall not be subject to
12 sales tax, shall be separately stated on the receipt provided to the customer at the time of sale,
13 and shall be identified as the Plastic Bag Pollution Cleanup Charge.

14 SECTION 5. *Use of the amount collected.* -- A store charging a fee pursuant to this
15 section shall use the amount of the fee retained pursuant to this Act for all of the following:

16 (a) Reimbursement of the store's costs associated with the collection and
17 remittance of the fee;

18 (b) The development of in-store educational materials for distribution to
19 customers encouraging the use of reusable bags.

20 (c) The development and implementation of an educational campaign
21 encouraging the use of reusable bags, including, but not limited to, public service
22 announcements.

23 (d) Reimbursement of the store's costs associated with providing reusable bags to
24 customers or as donations to community organizations, nonprofit organizations, and other
25 similar entities.

1 (e) Reimbursement of the store's costs associated with the purchase of single-use
2 carryout bags.

3 SECTION 6. *Plastic Bag Pollution Fund*. –

4 (a) The Plastic Bag Pollution Fund is hereby established. All fees collected by the
5 Department pursuant to this Section shall be deposited in the fund. By 31 July 2011, and
6 quarterly thereafter, a store that collects the Plastic Bag Pollution Cleanup Charge shall
7 calculate the amount of funds collected and shall remit the same to the Department for
8 deposit into the Plastic Bag Pollution Fund, less funds retained by the store pursuant to
9 Section 5 of this Act.

10 (b) The funds in the Plastic Bag Pollution Fund shall be used by the Department,
11 upon appropriation by the Legislature, for the following purposes:

- 12 a. Development and implementation of programs related to the use of single-
13 use carryout bags to encourage and support pollution prevention,
14 abatement and cleanup, enforcement, green chemistry, water quality
15 protection and cleanup, and environmental and public education and
16 outreach.
- 17 b. To establish and maintain local programs, including those in partnership
18 with nonprofit community-based organizations, for purposes of litter
19 cleanup activities, source reduction and recycling efforts, educational and
20 litter prevention programs, and other programs to mitigate the
21 environmental impacts of single-use carryout bags.
- 22 c. Mitigation projects relating to storm water pollution, including devices to
23 prevent single-use carryout bag litter from entering storm drain systems.
- 24 d. Reusable bag giveaway programs, including those targeting low-income
25 residents.

1 e. The revenues deposited in the Plastic Bag Pollution Fund that are
2 generated from the fee imposed pursuant to this chapter shall not be used
3 for activities unrelated to the prevention or reduction of litter or the
4 environmental impacts of single-use carryout bags.

5 SECTION 7. *Annual Report to Congress.* – The Secretary shall submit a report within
6 one year from the implementation of this Act on the revenue generated and proposed use of
7 the fund to be included in the general appropriations act in the following year.

8 SECTION 8. *Implementing Rules and Regulations.* – The Secretary shall prepare and
9 disseminate the Implementing Rules and Regulations of this Act two months before 1 July
10 2011.

11 SECTION 9. *Separability Clause.* – If any provision, or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14 SECTION 10. *Repealing Clause.* Any law, presidential decree or issuance,
15 executive order, letter of instruction, administrative order, rule or regulation contrary to or
16 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
17 accordingly.

18 SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
19 publication in at least two (2) newspapers of general circulation.

Approved,