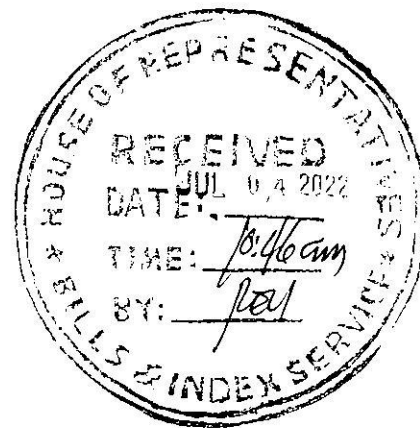


Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **1038**



Introduced by Rep. Bernadette Herrera-Dy

AN ACT BANNING THE USE OF SINGLE-USE PLASTICS NATIONWIDE TO
ELIMINATE PLASTIC POLLUTION IN THE PHILIPPINES

Explanatory Note

Plastic is made of polyethylene, a component that makes plastic extremely hard to decompose. It may take approximately 1000 years for plastics to decompose in landfills.¹ Regrettably, the number of plastics in the Philippines over the years increased in an alarming manner. According to a report made by the International Union for Conservation of Nature, the Philippines is among the top five countries in the world where plastics originate. A report from Ocean Conservancy and McKinsey Center for Business and Environment found that the Philippines generates 2.7 million metric tons of plastic garbage each year, with 20% or 521,000 tons of which ends up in the ocean. According to Earth Day Network's statistics, the Philippines ranked third as the worst polluter of the world's oceans in 2018. It is also important to note that the Philippines experiences many typhoons due to its geographical location. In a year, there are at least 20 cyclones² that hit the Philippines and have caused intense flooding. The amount of plastics in the drainages systems all over the country is the main cause³.

According to World Wide Fund for Nature Philippines, plastic pollution is a serious threat not only to marine life but to human life as well. At the same time, plastics don't completely degenerate and just break down into small pieces (into microplastics) which are ingested by the fish that people consume. The organization further emphasized that the possibility of plastics ending up on dinner plates is a serious concern and a health hazard. Specifically, waste from single-use plastics proves to be the biggest problem. Environmental groups in the Philippines expressed their concern as plastic bags are used only once. Single-use plastics include straws, coffee stirrers, soda, and water bottles and most food packaging materials. At the same time, many lightweights and single-use plastic products which account for approximately 50 percent of all plastics produced, are not deposited in containers for subsequent removal to landfills, recycling centers, or incinerators.⁴ The Philippines' "sachet economy" has also contributed to the proliferation of plastics.⁴ Products sold in single-use sachets include instant coffee, shampoo, cooking oil, food seasoning, and toothpaste. However, once they're used, they are just thrown away. Thus, there is a need to lessen the use of such products or ban them entirely in different industries.

Fortunately, there have been many initiatives for waste management in schools, workplaces, and even in the hospitality and tourism industry. Specifically, Hilton Manila Hotel currently uses non-plastic straws and glass bottles instead of plastic ones for their complementary drinking water.⁵ This is an important initiative since 75% of environmental pollution caused by the hotel industry was from over-consuming energy, water, and materials while operating their business.⁶ Without policies that support the

¹ LeBlanc, R. (2019). The Decomposition of Waste in Landfills: A Story of Time and Materials. Retrieved from: <https://www.thebalancesmb.com/how-long-does-it-take-garbage-to-decompose-2878033>

² PAGASA report

³ Klippe, A. (2018). The cause of flood is not poor drainage system. Flood Control Asia. Retrieved from: <https://floodcontrol.asia/cause-of-floods-is-not-poor-drainage/>

Moore, C. (n.d.). Plastic Pollution In Oceans And On Land. Encyclopaedia Britannica. Retrieved from: <https://www.britannica.com/science/plastic-pollution/Plastic-pollution-in-oceans-and-on-land>

⁴ Tacio, H. (2018). Plastic Problems, Pollution in the Philippines Gaia Discovery. Retrieved from: <https://www.gaiadiscovery.com/planet/plastic-problems-pollution-philippines>

⁵ Tayao-Juego, A. (2018). This hotel will soon ditch the little shampoo bottles Filipinos love. Philippine Daily Inquirer. Retrieved from: <https://business.inquirer.net/261139/this-hotel-will-soon-ditch-the-little-shampoo-bottles->

⁶ Viernes, J. (2014). Greening the Hotel Operations: Puerto Princesa Experience. Asia Pacific Journal of Multidisciplinary Research. Retrieved from: <http://www.apmr.com/wp-content/uploads/2014/09/APJMR-2014-2125.pdf>

implementation of appropriate green practices, hotels could add to the adverse impact of the increase in wastes that go back to the environment. Local government units have also taken action and have pushed for ordinances on waste management and the ban of single-use plastic products such as plastic bags and straws. Although there are many policies that ban plastics in different cities in the Philippines and initiatives from industries to limit the use of plastics, these are not enough. The Global Alliance for Incinerator Alternatives emphasized that the lack of a comprehensive national policy to regulate plastic bags have proven to be problematic for cities and municipalities that are trying to reduce or regulate plastic bag usage within their jurisdiction.⁸ Furthermore, a lack of uniformity in policies also creates a lot of confusion for citizens, who may find themselves penalized for a lack of awareness about what is allowed in one city and what is not allowed in another.⁹

It is of utmost importance to align policies across the country and to work together with industries in eliminating plastic pollution. There is a need for an all-encompassing nationwide policy against the industries' use of various single-use plastic products that harm the environment. Through, the Nationwide Single-Use Plastic Ban Act, the government shall be able to save the environment and to regulate industries' use of plastics in their operations. By implementing a national policy against the use of single-use plastics, the state shall ensure the protection of its environment, prioritize the safety of its citizens, and promote sustainable development across all sectors.

In view of the foregoing, the immediate passage of this measure is earnestly sought.



BERNADETTE HERRERA-DY

⁸Global Alliance for Incinerator Alternatives (n.d.). Plastic Bag Bans in the Philippines. Retrieved from:

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AN ACT BANNING THE USE OF SINGLE-USE PLASTICS NATIONWIDE TO
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Section 1. Short Title. This Act shall be known as the "Nationwide Single-Use Plastic Ban Act."

Section 2. Declaration of Policy. It is the duty of the state to ensure that its people have a safe place to live in. The protection of the environment must be given the utmost priority in policy and practice. Plastic pollution has been a major driver in the destruction of our oceans and the uncleanliness of surroundings. This problem also extends in our food sources as these are affected by our plastic waste. Single-use plastics in the country serve to be detrimental and have far-reaching consequences. It is the state's responsibility to propose and to implement possible solutions to solve this problem.

To this end the state shall adopt a nationwide ban of single-use plastics and promote 23 alternative methods towards sustainable development.

Section 3. Definition of Terms. For the purpose of this Act, the following terms will mean:

- a) Single-use plastic - also referred to as disposable plastics, are commonly used for plastic packaging and include items intended to be used only once before they are thrown away or recycled. These include, among other items, grocery bags, food packaging, bottles, straws, containers, cups, and cutlery.
- b) Plastic waste - plastic debris that can vary in size from large containers, fishing nets to microscopic plastic pellets or even particles that are discarded and pollute lands, rivers coasts, beaches, and oceans.
- c) Plastic pollution - accumulation in the environment of synthetic plastic products to the point where they create problems for wildlife and their habitats as well as for human populations. These are waste that is poorly recycled, dumped in landfills or abandoned in nature. This waste is carried by the winds, pushed by the rains into sewers, streams, rivers, and finally in the oceans.
- d) Plastic recycling - refers to the process of recovering waste or scrap plastic and reprocessing it into a useful product.
- e) Eco-friendly - not environmentally harmful; ecologically beneficial. Products/alternatives that aim to lessen carbon footprints.

Section 4. Nationwide ban of Single-Use Plastics and Transition Program. A nationwide ban of all single-use plastics shall be implemented within one (1) year upon the effectivity of this

Act. All schools, supermarkets, shops, hotels, establishments, government offices, and industries shall implement this ban in all processes of production, distribution, consumption, and other activities that may include the use of single-use plastics. A transition program shall also be undertaken to help all concerned individuals and industries in implementing the ban. The program shall include but are not limited to the following objectives:

- a) Ban all single-used plastics nationwide within the given time period. Failure to comply shall be penalized as prescribed under Section 10 of this Act.
- b) Prohibit production of single-use plastics within the given time period. Failure to comply shall be penalized as prescribed under Section 10 of this Act.
- c) Research and develop sustainable and cheap alternative methods, packaging, and processing of products using single-use plastics.
- d) Explore and recommend good practices that can be adapted across all sectors.
- e) Replace all single-use plastics to eco-friendly and sustainable alternatives.
- f) Restrict importation of single-use plastics. Failure to comply shall be penalized as prescribed under Section 10 of this Act.
- g) Monitor and regulate plastic recycling of existing single-use plastics and develop the recycling sector.
- h) Raise awareness of the single-use plastic ban in schools, households, and workplace and promote different sustainable practices through different media. The program shall be developed and monitored by a multi-stakeholder committee under Section of this Act.

Section 5. Multi-stakeholder Committee for the Nationwide Single-Use Plastic Ban and Transition Program. To ensure the effective implementation of the program, the Department of Science and Technology (DOST), the Department of Trade and Industry (DTI), the Department of Environment and Natural Resources (DENR), the Department of Education (DepEd), the Commission on Higher Education (CHED), the National Economic Development Authority (NEDA), Bureau of Customs (BOC), the Department of Finance (DOF), the Department of Information and Communications Technology (DICT), the Securities and Exchange Commission (SEC), local government units, academe representatives across the region, industry representatives (hospitality, tourism, manufacturing, enterprise, etc.), representatives from non-government organizations, and representatives from civil society shall develop and formulate accurate guidelines and appropriate mechanisms for the transition program and the nationwide 20 ban of single-use plastics. The Committee shall also manage other concerns that may arise 21 from this Act.

Section 6. Incentives for Compliant Establishments and Industries. Companies, Establishments, Schools, Industries, and other entities that have complied with the ban and program within the given time period shall be subject to incentives and tax rebates under reasonable conditions. This shall be determined by the Committee under Section 5 of this Act.

Section 7. Support for Sustainable Business Initiatives, Research and Development, and Promotion of the Recycling Sector. Tax incentives shall be provided to companies willing to invest in plastic recycling equipment or in the manufacturing of eco-friendly alternatives. Academe and other similar firms shall also be given support and/or grants for research and development of eco-friendly and sustainable alternatives to single-use plastics. Businesses in the recycling sector shall be given access to financial, infrastructural, technical, and knowledge support from the government. These measures shall be determined by the Committee under Section 5 of this Act.

Section 8. Declaration of Plastic Products and Regulation for New Businesses. Existing single-use plastics of companies and industries under this Act shall be declared and shall be recycled accordingly. The production of new single-use plastics outside the declared data after the given time period shall be penalized under Section 10 of this Act. New businesses that will be registered under relevant agencies upon the effectivity of this Act shall already adopt a no single-use plastic policy. Other standards and regulations shall be determined by Committee under Section 10 of this Act.

Sector 9. Continuing Multi-stakeholder Consultations on Good Practices. The Committee, together with other industry representatives shall hold annual meetings, consultations, and

knowledge-sharing for a period of five (5) years upon the effectivity of this Act. This shall be an avenue to discuss the impact of the ban, explore new initiatives, and facilitate the adaptation of effective mechanisms in different industries.

Section 10. Penal Provisions. The following are the imposed penalties of those in violation of the Act herewith:

1. Establishments using single-use plastics after the given time period and outside its declared data: A fine of fifty thousand pesos (P50,000) for the first offense. A fine of one hundred thousand pesos (P100,000) and the suspension of their business permits and registrations under relevant agencies for a period of six (6) months for the second offense. A fine of two hundred thousand pesos (P200,000) and the suspension of their business permits and registrations under relevant agencies for a period of one (1) year for the third offense.

2. Companies' production of single-use plastics after the given time period: A fine of one hundred thousand pesos (P100,000) for the first offense. A fine of two hundred fifty thousand pesos (P250,000) and the suspension of their business permits and registrations under relevant agencies for a period of one and a half (1.5) years for the second offense. A fine of three hundred fifty thousand pesos (P350,000) and the cancellation of their business permits and registrations under relevant agencies. Importation of single-use plastics by companies: A fine of two hundred thousand (P200,000) and the suspension of their business permits and registrations under relevant agencies for a period of two (2) years for the first offense. After the suspension is lifted, the company shall be black-listed by the Bureau of Customs from trading for a period of six (6) months. A fine of four hundred thousand (400,000) and the cancellation of their business permits and registrations under relevant agencies for the second offense.

Section 11. Fund Sources. The amounts necessary to implement this Act shall be included in the annual General Appropriations Act.

Section 12. Implementing Rules and Regulations. Within sixty (60) days from the effectivity of this Act, the Committee, in consultation with appropriate government agencies and other stakeholders, shall promulgate the necessary rules and regulations to implement this Act.

Section 13. Separability Clause. If for any reason or reasons, any part of the provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 14. Repealing Clause. All laws, decrees, orders, rules, and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 15. Effectivity Clause. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette and at least two (2) newspapers of general circulation.

Approved,