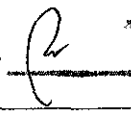


FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

10 SEP 28 P1:47

SENATE  
S. No. **2547**

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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#### 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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

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,

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

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

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

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.<sup>4</sup> 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 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.<sup>5</sup> 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.<sup>6</sup>

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. Discarded bags were choking the drainage system.<sup>7</sup> 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.<sup>8</sup> 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%.

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

<sup>5</sup> [www.algalita.org](http://www.algalita.org)

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

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

<sup>8</sup> [http://news.bbc.co.uk/1/hi/world/south\\_asia/1329600.stm](http://news.bbc.co.uk/1/hi/world/south_asia/1329600.stm)

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

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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

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1 AN ACT  
2 TO REDUCE THE NUMBER OF PLASTIC BAGS USED IN SUPERMARKETS AND  
3 CREATING THE PLASTIC BAG POLLUTION FUND

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Plastic Bag Use Disincentive  
5 Act of 2010.”

6 SECTION 2. *Declaration of Policy.* – It is the policy of the State to afford full protection  
7 to and the advancement of the right of the people to a healthful ecology in accord with the  
8 rhythm and harmony of nature. In this light, the State has adopted the Philippine Agenda 21  
9 framework which espouses sustainable development to fulfill human needs while maintaining  
10 the quality of the natural environment for current and future generations.

11 As a party to the United Nations Framework Convention on Climate Change, the State  
12 adopts the ultimate objective of the Convention, which is the stabilization of greenhouse gas  
13 concentrations in the atmosphere at a level that would prevent dangerous anthropogenic  
14 interference with the climate system. This objective should be achieved within a time frame  
15 sufficient to allow ecosystems to adapt naturally to climate change to ensure that food production  
16 is not threatened and to enable economic development to proceed in a sustainable manner.

17 SECTION 3. *Definition of Terms.* – As used in this Act, the following terms shall mean:

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

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

1           b. Is capable of composting within 180 days, as determined by the Department of  
2           Environment and Natural Resources.

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

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

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

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

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

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

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

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

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

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

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

25          SECTION 4. *Charge for the use of plastic bags.* – On and after 1 July 2011, a store shall  
26          not provide a single-use carryout bag, including a green carryout bag, to a customer at the point  
27          of sale, unless the store charges the customer not less than FIVE PESOS (P5.00) per bag  
28          regardless of size. The amount charged pursuant to this section shall not be subject to sales tax,

1 shall be separately stated on the receipt provided to the customer at the time of sale, and shall be  
2 identified as the Plastic Bag Pollution Cleanup Charge.

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

5 (a) Reimbursement of the store's costs associated with the collection and remittance  
6 of the fee.

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

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

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

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

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

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

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

24 a. Development and implementation of programs related to the use of single-use  
25 carryout bags to encourage and support pollution prevention, abatement and  
26 cleanup, enforcement, green chemistry, water quality protection and cleanup,  
27 and environmental and public education and outreach.

28 b. To establish and maintain local programs, including those in partnership with  
29 nonprofit community-based organizations, for purposes of litter cleanup

1 activities, source reduction and recycling efforts, educational and litter  
2 prevention programs, and other programs to mitigate the environmental  
3 impacts of single-use carryout bags.

4 c. Mitigation projects relating to storm water pollution, including devices to  
5 prevent single-use carryout bag litter from entering storm drain systems.

6 d. Reusable bag giveaway programs, including those targeting low-income  
7 residents.

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

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

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

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

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

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

Approved,