

Republic of the Philippines
PROVINCE OF LA UNION

TANGGAPAN NG SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE JOURNAL OF THE 119th REGULAR SESSION OF THE 19th SANGGUNIANG
PANLALAWIGAN OF LA UNION HELD AT THE CITY OF SAN FERNANDO,
PROVINCE OF LA UNION ON OCTOBER 04, 2012

Hon. Aureo Augusto Q. Nisce..... Vice-Governor / Presiding Officer

PRESENT:

Hon. Francisco "Kit" C. Ortega, Jr. Member
Hon. Jose Maria "Pepe" C. Ortega Member
Hon. Joaquin C. Ostrea, Jr. Member
Hon. Reynaldo M. Mosuela Member
Hon. Victoria L. Aragon Member
Hon. Rolando V. Rivera Member
Hon. Robert B. Madarang, Jr. Member
Hon. Ruperto A. Rillera, Jr. Member
Hon. Alfredo Pablo R. Ortega Member
Hon. Manuel "Mannix" R. Ortega, Jr. Member

ABSENT:

Hon. Henry B. Balbin Member (OB)
Hon. Kenneth Paolo C. Tereng Member (OB)

ORDINANCE NO. 030-2012

**REGULATING THE USE OF THIN FILM, SINGLE USE, CARRY OUT PLASTIC BAGS, SANDO BAG
AND/OR PLASTIC LABO AS WELL AS STYROFOAM OR STYROPHOR, ESTABLISHING AN
ENVIRONMENTAL PROTECTION FEE FOR ITS USE, PROVIDING MECHANISM FOR ITS
RECOVERY AND RECYCLING AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

*Authored by: Hon. Francisco "Kit" C. Ortega, Jr.
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Hon. Jose Maria "Pepe" C. Ortega*

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Hon. Robert B. Madarang, Jr.
Hon. Rolando V. Rivera*

WHEREAS, Article II, Section 16 of the Philippine Constitution provides that "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;"

WHEREAS, Section 3 (i) of R.A. 7160 provides that, "Local Government Units shall share with the National Government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction subject to the provisions of this Code and national policies;"

WHEREAS, Section 468 (a) (1) (vi) of RA 7160 empowers the Sangguniang Panlalawigan to protect the environment and impose appropriate penalties for activities which endanger the environment resulting in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;

WHEREAS, based on the Waste Analysis and Characterization Study (WACS) conducted in selected towns in the province, non-biodegradable plastic bags as well as styrofoam/styrophor contribute largely to the volume of municipal wastes being disposed daily and remain a nuisance to the environment for a long time;

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WHEREAS, plastic bags and polysterene products such as styrofoam/styrophor, being non-biodegradable materials together with other wastes when disposed inappropriately and indiscriminately and the eventual burning of the same in open dumps coupled with the rampant "throw-away" behavior of the population are exacerbating air pollution, clogging of canals, creeks, rivers and other waterways specially during rainy seasons causing floods and harming our water and marine resources that results in the deterioration of water quality and eventually constituting a serious threat to public health and the integrity of the ecosystem;

WHEREAS, the thin film, single use, carry out plastic bags, sando bag and/or plastic labo as well as styrofoam or styrophor which are given to consumers for free in stores all the more contribute to the "throw-away attitude of its users;

WHEREAS, to discourage and reduce the use of these types of plastic bags in the province, it is deemed necessary to regulate such use and introduce alternative materials that are more environmental-friendly;

WHEREAS, the best way to implement such policy is to seek the involvement of the business sector and the citizens as well in protecting our environment;

WHEREAS, Section 57 of R.A. 9003 otherwise known as the Ecological Solid Waste Management Act of 2000 provides that the commercial and business sector must be encouraged to initiate, participate and invest in integrated ecological solid waste management projects, to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote and propagate effective solid waste management practices;

WHEREAS, it is the best interest of the health and welfare of the people that regulation include the imposition of an environmental protection fee to: a) address the "throw-away" attitude of consumers on single-use plastic bags; b) discourage and minimize the use of plastic bags; 3) mainstream the use of reusable bags; and 4) invite the active participation of the citizenry in practices that promote a clean and sustainable environment.

Be it ordained by the Sangguniang Panlalawigan of the Province of La Union in session assembled, that:

SECTION 1. SHORT TITLE. This ordinance shall be known as "**PLASTIC BAG AND STYROPHOR/STYROFOAM REGULATION ORDINANCE**".

SECTION 2. DEFINITION OF TERMS. For the use of this ordinance, the following terms are defined as follows:

- a. Thin film, Single Use, Carry Out Plastic Bags, Sando Bag and/or plastic labo – means any bag made from plastic with .025 mm or less, provided by a commercial establishment/vendor to a customer at the point of sale or owned/possessed by a customer for the purpose of containing and transporting/carrying away goods and intended to be used for one time only.
- b. Business Establishment – refers to an establishment or a cluster of establishments engaged in commerce or sale of goods or services, including but not limited to market stores, shopping malls outlets, supermarkets, department stores, groceries, convenience stores, food chains, restaurants, cafes, bars, sari-sari stores and the like.
- c. Reusable Bag – refers to washable canvass bag, "bayong" or any shopping bag made from plastic with .026 mm or higher used for carrying and transporting goods and can be used several times.
- d. Polysterene foam (Styrofoam/styrophor) – a petroleum-based plastic made from polysterene monomer and a light weight material used in all types of products from cups, plates and as food containers or packaging materials.

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- e. **Environmental Protection Fee** – a charge or regulatory fee imposed against the distribution, purchase, or use of thin film, single use, carry out plastic bags, sando bag and/or plastic labo in order to discourage its use, thereby, reducing its presence in the waste stream and its ancillary environmental impacts.
- f. **Relevant Recyclers** – refers to an individual or business entity duly registered and engaged in the trading of junk materials for the purpose of recycling said materials into new products.
- g. **Chasing Arrows** – a symbol or mark that is printed on the outside body of a materials to identify or distinguish such material as recyclable.
- h. **Relevant Retailers** – refers to establishments located within the geographical limits of the Province of La Union which are commonly and are regularly engaged in retail business and duly registered as one such as Shopping Malls, Supermarkets, Department Stores, Fast Food Chains, Restaurants, Drug Stores, Pharmacy and Wet and Dry Markets.
- i. **Reusable bag** – a bag with handle that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other machine washable fabric and/or (2) made of durable plastic that is at least 0.5 mm thick and/or (3) made of indigenous materials such as buri, rattan, etc.

SECTION 3. REGULATION ON THE USE AND SELL OF THIN FILM, SINGLE USE, CARRY OUT PLASTIC BAGS, SANDO BAG AND/OR PLASTIC LABO AND POLYSTERENE PRODUCTS SUCH AS STYROFOAM AND/OR STYROPHOR.

- a. No person or consumer shall use thin film, single use or carry out plastic bags, sando bags and/or plastic labo at the point of sale for the purpose of carrying away goods.
- b. No person or business establishment shall sell thin film, single use or carry out plastic bags, sando bags and/or plastic labo at the point of sale for the purpose of carrying away goods.
- c. Relevant retailers shall only provide carry-out plastic bags not lower than 20 microns in thickness that contain marking such as “recyclable” and/or drawn with “chasing arrows” representing the symbol of a recyclable material, with the name of the manufacturer and contact number to ensure that these plastic bags can still be reused by consumers.
- d. Only carry-out plastic bags which are tested to have passed the “not lower than 20 microns thickness test” by the DOST or any authorized agency will be allowed to be sold in markets and to be provided by relevant retailers. The market management shall assign an area within the market where these plastic bags may be purchased with corresponding transaction receipt.
- e. Consumers may bring reusable/recyclable bags for each type of grocery/purchase (i.e. one bag for laundry soap, one separate bag for edible goods) at the checkout or cashier’s counter otherwise an “environmental protection fee” shall be collected for each carry-out plastic bag used for each type of grocery/purchase.
- f. Consumers may bring reusable/recyclable bags for each type of grocery/purchase in the market otherwise stall owners would collect “environmental protection fee” for each plastic bag used.
- g. No person within the Province of La Union shall use polysterene products (styrofoam/styrophor) that are used as containers for food, food produce and other products.

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- h. No person or business establishments within the Province of La Union shall offer or sell polysterene products (styrofoam/styrophor) that are used as containers for food, food produce and other products.
- i. Relevant retailers shall only provide reusable plastic containers for food, food produce and other products;

SECTION 4. Environmental Protection Fee for Reusable Carry Out Plastic Bags – All relevant stores mentioned in Section 3 (d) and (e) shall charge and collect environmental protection fee for the plastic bags at the point of sale using the following rates:

| | Sizes | Dimension (in) | Dimension (cm) | Environmental Protection Fee |
|-----|-------------|----------------|-------------------|------------------------------|
| a.1 | Extra Small | 7.5" x 10" | 18.5 cm. x 25 cm. | P 0.50 |
| a.2 | Small | 8" x 12" | 20 cm. x 30 cm. | P1.00 |
| a.3 | Medium | 10" x 14" | 25 cm. x 35 cm. | P2.00 |
| a.4 | Large | 12" x 16" | 30 cm. x 40 cm. | P3.00 |
| a.5 | Extra Large | 14" x 20" | 35 cm. x 50 cm. | P4.00 |
| a.6 | Jumbo | 16" x 24" | 40 cm x 60 cm. | P5.00 |

The rule of the nearest to the standard size as shown in the above matrix shall be implemented for the charging of the environmental protection fee.

SECTION 5. Purpose of the "Environmental Protection Fee" – Primarily, the imposition of an environmental protection fee seeks to change the consumer behavior rather than generate fund. It is a move towards shifting from mindless consumption or "throw-away" habits to a lifestyle that is anchored on 3 R's of waste management, namely, reduce, reuse and recycle.

The environmental protection fee also seeks to regulate the generation of waste from plastic bags creating an economic option of consumers to use reusable carry bags. To further promote the use of such and reduce the quantity of plastic bags being disposed that eventually pile up in our sanitary landfills and/or entering our waste stream or waterways.

SECTION 6. Mandatory Production of "Reusable Bags" – All stores shall provide the following reusable bags to be purchased by the consumer for a minimum fee. It shall be made available in the respective checkout counters of the stores, purposely for multiple reuse and to replace and discourage the use of plastic bags as carry out bag. Appropriate sizes and design must be provided for the following purpose:

- a. Reusable shopping bag – Reusable bag to be used for shopping and buying groceries. Applicable for shopping malls, supermarkets and grocery stores.
- b. Take out bag – reusable bag to be used for carrying food and drinks for two or more persons, applicable for fast food chains.
- c. Agora bag – reusable bag to be used in carrying goods from wet and dry markets such as meat, fish, vegetables, fruits and other goods.
- d. Medicine bag – reusable bag or medicine kit appropriate to carry small quantity of medicines such as tablets and capsules, bottled syrups/ suspensions and the like. Applicable for drugstores and pharmacy

SECTION 7. Incentives for using "Reusable Bag". To mainstream the use of reusable bags, stores are hereby instructed to formulate appropriate incentives to consumers which may include, but not limited to the following:

- a. "Point System Scheme" – For those stores implementing the point system scheme to their regular customers, additional points should be given to those who are using "reusable shopping bag." The store should also promote redemption of "reusable bags" for the points earned or accumulated in their shopping.

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- b. "Free Reusable Bags" – In addition to the reusable bags redeemed or earned in the point system scheme, old and dilapidated reusable bags purchased from the stores shall be replaced with a new one free of charge.
- c. "Raffle Draws" – As a promotional campaign for the use of alternative check out bags or reusable bags, all stores shall conduct raffle draws for those that purchased a certain number of reusable bag from the store or an accumulated receipt not charged with the "environmental protection fee." Prizes for the raffle draws maybe taken from their sale of reusable plastic bags.
- d. "Green Lane" – All stores shall provide special counter or express lane to be called as "green lane" to cater to customers using reusable bags to encourage them and other stakeholders to use such bag during shopping. This will also serve as an information and advocacy measure in caring for the environment.

SECTION 8. "Plastic Bag Holiday" – A "plastic bag holiday" shall be implemented every first Friday and last Friday of every month. This day shall be a rest day for all plastic bags which means that on this day, no single plastic bag will be provided in the check out or cashier counter of every store in malls, supermarkets, pharmacies and the likes. Transactions for the "environmental protection fee" will also be suspended. Customers would have to bring their own carry-out or check out reusable plastic bags. Violation of this provision will be penalized accordingly.

SECTION 9. Plastic Bag Recovery and Recycling Mechanism

- a) Buyback Centers – All stores shall be required to put up their own buy back centers or outlets for used plastic bags to recover said plastic bags out of the waste stream.
 - a.1 Only reusable plastic bags of not less than 20 microns in thickness with markings such as recyclable, chasing arrows, name of store, shall be allowed for the buy back;
 - a.2 Stores shall only redeem used plastic bags that are clean, dry and with markings of their stores where it originated; and
 - a.3 Plastic bags as described above can be trade-in for a reusable bag. The stores shall devise an exchange scheme for the conversion (e.g. 5kg of used plastic bag in exchange for a reusable bag).
- b) Relevant Recyclers – a list of relevant recyclers shall be provided to all stores that will collect used plastic bags. All plastic bags accumulated by the stores shall be directly sold to the recyclers of their choice.
- c) Waste Markets – The stores may also bring their accumulated used plastic bags to the waste markets designated and provided by the Local Government Unit concerned. The place/area and schedule for the waste market will be determined by the LGUs.
- d) All shopping malls and/or department stores are likewise directed to implement their own waste markets within their areas to ensure that there will be enough venues where used plastic bags may be redeemed.

SECTION 10. Implementation and Monitoring – After series of public hearings and the passing of this Ordinance, the Office of the Provincial Governor, the Office of the Provincial Agriculturist – Environment and Natural Resources (OPAG-ENR) Officer and the Provincial Planning and Development Officer through the involvement of local environment/sanitation officers in every municipality, shall draft and implement the Implementing Rules and Regulations of this Ordinance. It may also adopt and amend the guidelines, rules, regulations and forms to implement this Ordinance.

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Within thirty (30) days from the approval of this Ordinance, the implementing rules and regulations shall be issued by the Provincial Governor for the proper and effective implementation of this ordinance.

To ensure that the provisions of this Ordinance are strictly monitored and implemented, a Task Force under the supervision of the Office of the Provincial Agriculturist – Environment and Natural Resources (OPAG-ENR) Officer shall also be created. The Task Force shall consolidate reports from various local government units, prepare a quarterly report on the progress of its implementation for legislative reference of the Sangguniang Panlalawigan Committee on Environmental Protection, Human Ecology and Security and Committee on Health and Sanitation, and Committee on Laws, Rules and Privileges, respectively.

SECTION 11. Information Education and Communication Campaign. The Province through the Provincial Information and Tourism Office (PITO) shall spearhead the conduct of massive information, education and communication campaigns using quad media (print, radio, television and internet).

SECTION 12. Budget. An initial amount of three hundred thousand pesos (Php300,000.00) is hereby allocated for the first year of operation for the information, education and communication campaign, implementation and monitoring of this ordinance as well as for the operation of the Task Force. One hundred thousand pesos (Php 100,000.00) is allocated annually thereafter to sustain the operation of the ordinance.

SECTION 13. Before the implementation of this ordinance, the OPAG-ENR Officer in coordination with the Department of Environment and Natural Resources is mandated to conduct feasibility studies on possible alternative materials to thin film, single use, carry out plastic bags, sando bag and/or plastic labo and polysterene products (styrofoam/styrophor), that are cheap and accessible for distribution and marketing either from locally abundant resources but will not adversely affect our environment or tie-up with other industries so as not to affect trade and commerce in the province.

SECTION 14. From the result of the feasibility studies, the OPAG-ENR Officer is hereby mandated to implement a livelihood program on manufacturing and distribution of alternative materials as replacement of thin film, single use, carry out plastic bags, sando bag and/or plastic labo and polysterene products (styrofoam/styrophor). These livelihood projects must be coordinated with other concerned offices and agencies to help residents of the province earn additional income.

SECTION 15. Prohibited Acts. Business establishments and/or individuals are prohibited from:

- a. Using, selling and providing thin film, single use carry out plastic bags, sando bags and/or plastic labo to consumers for carrying away goods; and
- b. Using, selling and providing polysterene foam such as Styrofoam as containers and food packaging materials.

SECTION 16. Penalties. Any business establishment through its registered owner/operator and/or proprietor that shall violate any of the prohibited acts stated above shall be punished through the imposition of the following penalties:

| | |
|---------------------------------------|--|
| First offense | - Php2,000.00 fine |
| Second offense | - Php3,000.00 fine |
| Third offense and succeeding offenses | - Php5,000.00 fine or imprisonment of not more than one year or both in the discretion of the court. |

SECTION 17. Any individual or person found to have violated this Ordinance shall be penalized as follows:

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| First offense | - Php1,000.00 fine |
| Second offense | - Php2,000.00 fine |

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Third offense and succeeding offenses - Php5,000.00 fine or imprisonment of not more than six months or both in the discretion of the court.


SECTION 18. Separability Clause. If any part of this ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

SECTION 19. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

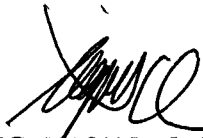
SECTION 20. Effectivity - This ordinance shall be implemented on January 1, 2013.

UNANIMOUSLY APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


CARIDAD J. VILUAN
Secretary to the Sanggunian

ATTESTED:


AUREO AUGUSTO Q. NISCE
Vice-Governor
Presiding Officer


FRANCISCO "KIT" C. ORTEGA, JR.
Sangguniang Panlalawigan Member


ROLANDO V. RIVERA
Sangguniang Panlalawigan Member


JOSE MARIA "PEPE" C. ORTEGA
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ALFREDO PABLO R. ORTEGA
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VICTORIA L. ARAGON
Sangguniang Panlalawigan Member


MANUEL "MANNIX" B. ORTEGA, JR.
Sangguniang Panlalawigan Member

APPROVED:


MANUEL C. ORTEGA
Governor