Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
18th City Council

PO2010-13

50th Regular Session

ORDINANCE NO. SP-2140, S-2012

AN ORDINANCE REGULATING THE USE OF PLASTIC BAGS AND ESTABLISHING AN ENVIRONMENTAL FEE FOR ITS USE, PROVIDING MECHANISM FOR ITS RECOVERY AND RECYCLING AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilor DOROTHY A. DELARMENTE.
Co-Introduced by Councilors Francisco A. Calalay, Jr., Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Joseph P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Alfredo D. Vargas III, Eden "Candy" A. Medina, Julienne Alyson Rae V. Medalla, Roderick M. Paulate, Godofredo T. Liban II, Julian ML. Coseteng, Allan Benedict S. Reyes, Jaime F. Borres, Jose Mario Don S. De Leon, Gian Carlo G. Sotto, Eufemio C. Lagumbay, Edcel B. Lagman, Jr., Jesus Manuel C. Suntay, Jessica Castelo Daza, Raquel S. Malañgen, Vincent DG. Belmonte, Marvin C. Rillo, Ranulfo Z. Ludovica and John Ansell R. De Guzman.

WHEREAS, it is the duty of the City to protect the natural environment, the economy and health of its citizens;

WHEREAS, the Waste Analysis and Characterization Study (WACS) conducted by the Quezon City - Environmental Protection and Waste Management Department (EPWMD) revealed the following information:

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(1) Waste Intake at Payatas Disposal Facility :	1,259 tons/day or 1,259,000 kgs/day
(2) % and weight of assorted plastic materials in the waste stream:	21% or 264,390 kgs./day
(3) % and weight of plastic bags in the waste stream :	12% or 151,080 kgs./day
(4) Density of waste :	210 kgs/ cu.m
(5) Volume of plastic bags in the waste stream:	719 cu.m./ day or 45 10-wheeler truckload

WHEREAS, based on the WACS conducted, plastic bags contribute largely to the volume of City solid wastes being disposed of daily and may become a nuisance to the environment for a long time when not recovered, reused and recycled;

WHEREAS, the expansive usage of single-use plastic bags and their typical disposal also creates significant litter problems in the city and sometimes clogs up canals and sewerage systems that cause floods;

WHEREAS, the free distribution of single-use plastic bags in stores effects a throw-away attitude among its users;

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WHEREAS, to address the throw-away attitude among its users and recover as much plastic bags from the waste stream, it is deemed necessary to implement an effective system of plastic bag recovery;

WHEREAS, the best way to implement such regulation is to seek the participation and commitment of the business sector and the citizens as well in protecting the natural environment;

WHEREAS, it is also the duty of the business sector 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, promote and propagate effective solid waste management practices, as provided in Section 57 of Republic Act No. 9003 or the Ecological Solid Waste Management Act;

WHEREAS, it is the best interest of the health, safety and welfare of the people that regulation include the imposition of an environmental fee to: (1) address the mindless consumption of single-use plastic bags; (2) 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.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Short Title: This Ordinance shall be entitled "Plastic Bag Reduction Ordinance".

SECTION 2. Definition of Terms: For the purpose of this Ordinance, the following definitions are hereby established, to wit:

a) "City" - the Quezon City Local Government Unit.

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b) *"Department" - the Environmental Protection and Waste Management Department (EPWMD).*

c) *"Plastic Recovery System Fee" - a charge or regulatory fee imposed to consumer on the use of new plastic bag/s at the point of sale in the absence of alternative reusable bags and/or redemption of used plastic bags.*

d) *"Green Fund" – a fund or money earned from the imposition of plastic recovery system fee by the retail stores intended to fund various initiatives that would benefit the environment.*

e) *"HDPE" – High Density Polyethylene plastic or type-2 plastic material. (source: ppia technical briefing on plastics)*

f) *"LDPE and LLDPE" – Low Density Polyethylene and Linear Low Density Polyethylene plastic or type-4 plastic material. (source: ppia technical briefing on plastics)*

g) *"Plastic Bags" – plastic carryout bags with handles, holes or string usually made from HDPE, LDPE/LLDPE and PP plastic material, or any other type of recyclable plastic materials with thickness not lower than 15 microns.*

h) *"PP" - Polypropylene plastic or type-5 plastic material. (source: ppia technical briefing on plastics)*

i) *"Recyclable" - a material that can be sorted, cleansed, and reconstituted for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise, thermally destroying solid waste.*

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j) *"Relevant Recyclers" – 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.*

k) *"Relevant Retailers"- establishments located within the geographical limits of Quezon City which are commonly and are regularly engaged in retail business and duly registered as one such as: Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains, Drugs Stores, Pharmacy and Wet & Dry Markets.*

l) *"Reusable bag" – a carryout bag 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 and/or (3) made of indigenous material like buri, rattan etc.*

m) *"Used Plastic Bags" – old or second-hand plastic carryout bags with handles, holes or string usually made from HDPE, LDPE/LLDPE and PP plastic material, or any other type of recyclable plastic materials.*

SECTION 3. Regulations on the use of Plastic Bags – The following regulations shall be imposed on the use of plastic bags as carryout bag:

(a) *Distribution of plastic bags by "Relevant Retailers" lower than the regulated thickness of 60 microns is prohibited under this Ordinance.*

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SECTION 10. Enforcement and Penalties.

a) Any establishment that violates the provisions of this Ordinance shall be charged of an infraction and shall be penalized by:

a.1) 1st Offense: A fine not exceeding P1,000.00

a.2) 2nd Offense: A fine not exceeding P3,000.00

a.3) 3rd Offense: A fine not exceeding P5,000.00 and cancellation of Business Permit.

b) An Environmental Violation Receipt (EVR) shall be issued to the violator by the Department, after which, he/she shall proceed to the EPWMD Office within seven (7) working days for the issuance of the Order of Payment and make the necessary payment to the City Treasurer's Office. If an establishment fails to settle his/her liability within the given time, the case shall be referred to the City Legal Office for appropriate action.

SECTION 11. Seperability Clause - If for any reason, any provision, section, or part of this Ordinance is declared not valid by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or part which shall continue to be in force and effect.

SECTION 12. Applicability Clause - All other matters relating to the impositions in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.

SECTION 13. Repealing Clause – All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

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