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 15 microns is prohibited under this Ordinance.

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(b) To ensure the recovery of plastic bags from the waste stream, consumers who will not bring with them "reusable bags" and/or redeem "used plastic bags" for a new plastic bag, shall be charged with an "plastic recovery system fee". Said fee shall be indicated in the customer's transaction receipt as a reminder that they can save money if they use reusable bags and/or if they bring used plastic bags in exchange for a new plastic bag.

(c) Stall owners/lessees in wet and dry markets will not be allowed to directly distribute plastic bags provided in subsection 2(g). The market management shall assign areas within the market where these plastic bags may be purchased with corresponding transaction receipt.

(d) Plastic bags with no handles, holes or strings commonly used for wrapping unpacked fresh foods and cooked foods at supermarkets, wet & dry markets, restaurants, canteen and the like shall not be included under the scheme as the usage of such plastic bag is justified on the grounds of public hygiene.

SECTION 4. "Plastic Recovery System Fee" for plastic bag – All stores as defined in subsection 2(k) shall charge and collect with a fix amount of two pesos (P2.00) per plastic bag regardless of its size.

SECTION 5. Purpose of the "Plastic Recovery System Fee" – Primarily, the imposition of "plastic recovery system fee" seeks to change consumer behavior rather than generate fund. It is a move towards shifting habits from mindless consumption to a lifestyle that is anchored on the 3 R's of Waste Management, namely, reduce, reuse and recycle.

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The "Plastic Recovery System Fee" also seeks to regulate the generation of waste from plastic bags by creating an economic option for consumers to use reusable carry bags and/or redeem used plastic bags for new plastic bags.

The imposition of "Plastic Recovery System Fee" will remind consumers that bringing their own carryout bags and/or redeeming used plastic bags will not only save money but will also save precious resources by recovering and recycling plastic bags.

Further, this "Plastic Recovery System Fee" shall be earmarked for a "green fund" that shall be maintained by the stores to fund other initiatives that would benefit the environment.

SECTION 6. "Reusable Bags" as carryout bags – All stores may provide the following reusable bags as carryout bags to be purchased by the consumer for a minimum fee. It will be made available in the respective checkout counters of the stores, purposely for multiple reuse and to reduce the use of plastic bags as carryout bag. Appropriate sizes and design may be provided for the 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. The market management may assign an area within the market where this bag can be purchased.

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(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 Bags" and/or the Redemption of Used Plastic Bags" - To mainstream the use of reusable bags as well as encourage the redemption of used plastic 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 may be given to those who are using "reusable shopping bag" and/or redeeming "used plastic bags".

(b) "Green Lane" – All stores shall provide special counters or express lanes to be called as "green lane" to cater to customers using reusable bags and/or those redeeming used plastic bags to encourage greater number of stakeholders in the observance of this Ordinance. This will also serve as an information and advocacy measure in caring for the environment.

SECTION 8. Plastic Bag Recovery & Recycling Mechanism-

a) Relevant Recyclers – The Department shall provide a list of relevant recyclers to all stores that will buy used plastic bags. All plastics bags accumulated by stores shall be directly sold to the recyclers of their choice.

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b) *Waste Markets – The stores may also bring their accumulated used plastic bags to the waste markets provided by the Department. The schedule of the Waste Markets are as follows:*

SM Supermalls: *SM North EDSA, SM Fairview, SM Sta. Mesa, SM Novaliches, Every 1st Friday and Saturday of the month*

Trinoma Mall: *Every 4th Friday of the month*

All stores and shopping malls are likewise directed to implement their own Waste Markets in their respective areas to ensure that there will be enough venues where used plastic bags as well as other recyclable materials may be redeemed. The Department may also designate additional venue for the waste market or may alter existing schedules for advancement purposes.

SECTION 9. Implementation - Upon effectivity of this ordinance and after public hearing, the Environmental Protection and Waste Management Department (EPWMD), Business Permits and Licensing Office (BPLO), Market Development and Administration Department (MDAD), Barangay Operation Center (BOC) and the Liga ng mga Barangay, are hereby directed to draft and implement the Implementing Rules and Regulations (IRR) of this Ordinance. It may also adopt and amend guidelines, rules and regulations and forms to implement this Ordinance.

To ensure that the provisions of this Ordinance is strictly monitored and implemented, a Task Force composed of agencies abovementioned with EPWMD as the lead agency, shall also be created. Funding for the operation of the Task Force shall be taken from the General Fund of the City Government.

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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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SECTION 14. Effectivity – There shall be a grace period of three (3) months from the date of enactment of this Ordinance for the conduct of massive information campaign and another three (3) months for a warning violation with no penalties and other charges. Thereafter, this Ordinance shall take effect after publication in a newspaper of general circulation.

ENACTED: February 20, 2012.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't Asst. Dept Head III

APPROVED: 24 APR 2012

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on February 20, 2012 and was PASSED on Third/Final Reading on February 27, 2012.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't Asst. Dept Head III

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