



Republic of the Philippines
Department of Environment and Natural Resources
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03 February 2021

MEMORANDUM

FOR/TO : **HON. BENNY D. ANTIPORDA**
Undersecretary for Solid Waste Management, Local Government
Units Concerns and Supervising Undersecretary for Strategic
Communication and Initiatives Service

The Directors
Environmental Management Bureau
Legal Affairs Service
Policy and Planning Service

The Executive Director
National Solid Waste Management Commission

The Regional Director
National Ecology Center – EMB-NCR

FROM : **The Assistant Secretary**
Field Operations-Mindanao and Legislative Affairs

SUBJECT : **INVITATION FROM THE COMMITTEE ON ECOLOGY**

This pertains to the letter dated 3 February 2021, from **REP. GLONA G. LABADLABAD**, Chairperson, Committee on Ecology, inviting the DENR to its 3rd TWG meeting on **Single-Use Plastics on 11 February 2021 (Thursday), 2:00PM via Zoom Video conferencing with Meeting ID: 836 9573 4239 Password: 068938**, and share views and comments on the draft Substitute Bill on the matter. Copy attached

Kindly inform this Office of your attendance before the scheduled date of the meeting and submit presentation, comments and/or position paper in hard and soft copy at the Legislative Liaison Office at telephone number 8920-1761 and e-mail address denrlegislative@yahoo.com for consolidation.


JOAN A. LAGUNDA, D.M., D.P.A.

Encls: As Stated
/juo009

MEMO NO. 2021-90

Invitation/3rd TWG Meeting on 11 February 2021 via Zoom at 2PM re Single-Use Plastics

From: legis lative (denrlegislative@yahoo.com)

To: usecswmlguc@gmail.com; od@emb.gov.ph; oad.emb@gmail.com; fatima_millan@emb.gov.ph; las.denr@gmail.com; odpps@yahoo.com; delia_valdez@emb.gov.ph; ncrsupport@emb.gov.ph

Date: Wednesday, February 3, 2021, 03:24 PM GMT+8

Dear Sir/Mam,

Good day!

Please see attached letter from the Committee on Ecology for your perusal. Kindly acknowledge receipt of the email. Thank you.

Department of Environment and Natural Resources

Legislative Liaison Office

Visayas Avenue, Diliman, 1100 Quezon City, Philippines

denr.gov.ph

Tel: 9201761



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February 3, 2021

HON. ROY A. CIMATU

Secretary
Department of Environment and Natural Resources

Dear **Sec. Cimat**:

We are pleased to inform you that the Committee on Ecology will hold its 3rd **Technical Working Group Meeting on Single-Use Plastics**. The subject House Bills and Resolutions, accessible at www.congress.gov.ph, are listed in the attached agenda. Also attached is the latest **draft Substitute Bill** on the matter.

In this connection, may we invite you, or your competent representative, to the aforesaid meeting to share your views and recommendations on the draft bill. We would also appreciate receiving your position paper at least two (2) days prior to the meeting.

The meeting will be conducted via Zoom videoconference, with details as follows:

<i>Date & Time</i>	11 February 2021 (Thursday), 2:00 PM meeting room will open 30 minutes before the schedule
<i>Zoom Link</i>	https://us02web.zoom.us/j/83695734239?pwd=NEN0UkxKTktCdHdPS09iYk5jZiBaQT09
<i>Meeting ID</i>	836 9573 4239
<i>Passcode</i>	068938

To avoid screen-overcrowding, we would be grateful if not more than two (2) persons, yourself included, can represent your organization. To facilitate admission to the conference, may we request submission of the following information, 24 hours prior to the meeting:

- a. Participant's name and position in your organization, and
- b. Participant's Zoom name, email address and mobile number

Confirmation of attendance or any query may be coursed through hrep.ecology@gmail.com or to **Ms. Marlyn Panganiban** at 09153998806.

Thank you very much.

Very truly yours,

HON. GLONA G. LABADLABAD
Chairperson

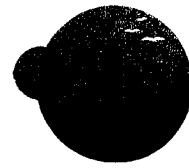
For the Chairperson:

ATTY. DILBERT N. QUETULIO
Committee Secretary



Republic of the Philippines
House of Representatives
COMMITTEE ON ECOLOGY

18TH Congress
2ND Regular Session



**3RD TECHNICAL WORKING GROUP MEETING
ON SINGLE-USE PLASTICS**

11 February 2021 (Thursday) 2:00 P.M.
Zoom Meeting I.D. 836 9573 4239 | Password: 068938

AGENDA

I. CALL TO ORDER

II. ACKNOWLEDGMENT OF RESOURCE PERSONS AND GUESTS

III. DISCUSSION OF THE DRAFT SUBSTITUTE BILL ON SINGLE-USE PLASTICS, WHICH CONSOLIDATES THE FOLLOWING MEASURES:

A. Ban/Regulation of Plastic Products

- | | |
|---|---|
| 1. H.B. 103 - Rep. Lawrence "Law" H. Fortun | 18. H.B. 4435 - Rep. Jose "Bong" J. Teves Jr. |
| 2. H.B. 139 - Rep. Geraldine B. Roman | 19. H.B. 4644 - Rep. Ria Christian G. Fariñas
and Rep. Rudys Caesar G. Fariñas I |
| 3. H.B. 499 - Rep. Robert Ace S. Barbers | 20. H.B. 4724 - Rep. Kristine Alexie B. Tutor |
| 4. H.B. 546 - Rep. Rozzano Rufino B. Biazon | 21. H.B. 5383 - Rep. Florencio G. Noel |
| 5. H.B. 574 - Rep. Greg G. Gasataya | 22. H.B. 5489 - Rep. Rodrigo A. Abellanos |
| 6. H.B. 635 - Rep. Loren B. Legarda | 23. H.B. 5623 - Rep. Eric G. Yap
and Rep. Paolo Z. Duterte |
| 7. H.B. 1754 - Rep. Luis Raymund "LRAY"
F. Villafuerte, Jr. | 24. H.B. 5772 - Rep. Josefina B. Tallado |
| 8. H.B. 2396 - Rep. Lord Allan Jay Q. Velasco | 25. H.B. 5773 - Rep. Bienvenido M. Abante, Jr. |
| 9. H.B. 2484 - Rep. Estrellita B. Suansing
and Rep. Horacio P. Suansing, Jr. | 26. H.B. 6076 - Rep. Ramon "Mon-Mon" V. Guico III |
| 10. H.B. 2811 - Rep. Rufus B. Rodriguez | 27. H.B. 6085 - Rep. "Kuya" Jose Antonio R.
Sy-Alvarado |
| 11. H.B. 2969 - Rep. Lorenz R. Defensor | 28. H.B. 6640 - Rep. Manuel D. Cabochan III |
| 12. H.B. 3140 - Rep. Jumel Anthony I. Espino | 29. H. Res. 213 - Rep. Angelo Marcos Barba |
| 13. H.B. 3338 - Rep. Bernadette Herrera-Dy | 30. H. Res. 261 - Rep. Alberto D. Pacquiao |
| 14. H.B. 3536 - Rep. Precious Hipolito Castelo | 31. H. Res. 553 - Rep. Francisco Jose "Bingo"
F. Matugas, II |
| 15. H.B. 3537 - Rep. Precious Hipolito Castelo | |
| 16. H.B. 3725 - Rep. Joy Myra S. Tambunting | |
| 17. H.B. 4339 - Rep. Angelo Marcos Barba | |

B. Packaging Requirements / Alternatives

- | | |
|--|---|
| 32. H.B. 1837 - Rep. Rufus B. Rodriguez | 34. H.B. 6744 - Rep. Manuel D. Cabochan III |
| 33. H.B. 4827 - Rep. John Marvin
"Yul Servo" C. Nieto | 35. H. Res. 1024 - Rep. Aleta C. Suarez and
Rep. Anna Marie Villaraza-Suarez |

C. Plastic Packaging Waste Recovery Systems

- | | |
|---|---|
| 36. H.B. 3723 - Rep. Joy Myra S. Tambunting | 39. H.B. 5411 - Rep. Rozzano Rufino B. Biazon |
| 37. H.B. 5048 - Rep. Frederick W. Siao | 40. H.B. 6180 - Rep. Mark O. Go |
| 38. H.B. 5312 - Rep. Frederick W. Siao | 41. H.B. 6279 - Rep. Rufus B. Rodriguez |

IV. ADJOURNMENT

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines**

**Eighteenth Congress
First Regular Session**

HOUSE BILL NO. _____

INTRODUCED BY _____

**AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION, USE,
RECOVERY, COLLECTION, RECYCLING AND DISPOSAL OF SINGLE-USE PLASTIC
PRODUCTS**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Single-Use Plastic
2 Products Regulation Act”.

3 **SECTION 2. Definition of Terms.**– For the purpose of this Act:

4 a) *Compostable Plastic Product* refers to a plastic product that degrades into
5 elements found in nature without any visible or toxic residue within one
6 year after it is disposed to sanitary landfill and other controlled facilities,
7 or leaked to land or marine environment.

8 b) *Commercial establishment* refers to an establishment or cluster of
9 establishments engaged in commerce or sales of goods or services
10 including, but not limited to, market stores, shopping mall outlets,
11 supermarkets, department stores, groceries, convenience stores, food
12 chains, restaurants, cafes, bars, sari-sari stores, ambulant vendors, with
13 or without stalls, and the like.

14 c) *Operator* refers to a person or group of persons in control of, or having
15 daily responsibility for, the operation of a commercial establishment which
16 may include, but not limited to, the owner of the store;

17 d) *Plastic products* refer to bags, containers, food service necessities or any
18 packaging material using polymers of any percentage, that are designed
19 to be utilized to carry, or protect goods for transportation, distribution and
20 sale; and

- 1 e) *Single-use plastic products* refer to plastic products designed to be
2 disposed, destroyed, composted, or recycled once used.

3 **SECTION 3. *Phase Out Of Single-Use Plastic Products*** – The following non-
4 compostable single-use plastic products shall be gradually phased out within a
5 period of three (3) years from the effectivity of this Act:

- 6 a) Plates and saucers;
7 b) Cups, bowls and lids;
8 c) Cutlery like spoons, forks, knives, chopsticks;
9 d) Drinking straws;
10 e) Stirrers;
11 f) Food and beverage containers made of expanded polystyrene;
12 g) Sticks for candy, balloon, and cotton bud;
13 h) Oxo-degradable plastics;
14 i) Film wrap, packaging or bags of less than 50 microns;
15 j) Buntings;
16 k) Confetti and,
17 l) Sachets, packaging, or products that are multilayered with other
18 materials.

19 Thereafter, production, importation, sale, distribution, provision or use of said
20 plastic products shall be prohibited.

21 **Section 4. *Phase-out Plan for Single-Use Plastic Products.*** – A Phase-Out
22 Plan, hereinafter referred to as the Plan, shall, within six months upon the effectivity
23 of this Act, be formulated and/or consolidated by the Department of Environment
24 and Natural Resources (DENR), in coordination with the National Solid Waste
25 Management Commission (NSWMC), and in consultation with relevant departments
26 or agencies of the government and stakeholders. The Plan shall include the following
27 components:

- 28
29 a) ***Consumption Reduction Program.*** – The Department of Trade and
30 Industry (DTI), in cooperation with the DENR, and the Department of
31 Science and Technology (DOST), in consultation with stakeholders, shall
32 formulate a Consumption Reduction Program to achieve a significant
33 reduction in the consumption of single-use plastic products within three
34 (3) years, prior to their total phase-out as provided in this Act. Such
35 measures shall include, but not be limited to, national consumption
36 reduction targets, measures ensuring that reusable alternatives to these
37 products are made available at the point-of-sale to the final consumer,
38 and economic instruments such as ensuring that single-use plastic

1 products are not free of charge, in accordance with law at the point-of -
2 sale to the final consumer;

- 3
4 b) *Producer Responsibility Schemes.* – Producer responsibility schemes shall
5 be formulated to carry-out the objectives of Section 7 of this Act, and as
6 part of interim measures, to cushion the impact of single-use plastic
7 products on the environment within the phase-out period;
8
9 c) *Compostable Alternatives for Single-Use Plastic Products.* – Appropriate
10 strategies to implement the requirements provided under Sections 6 and
11 14 of this Act shall be formulated to assist local manufacturers in
12 developing or acquiring the appropriate technology for the production
13 compostable alternative for single-use plastic products;
14
15 d) *Fiscal and Non-Fiscal Rewards and Incentives.* – The Department of
16 Finance (DOF), the Department of Interior Local Government (DILG) and
17 the DTI shall establish mechanisms that would provide fiscal and/or non-
18 fiscal rewards and incentives that shall encourage manufacturers,
19 importers, sellers and end-users to participate in programs that will
20 achieve the objectives of the Plan; and
21
22 e) *Awareness-Raising Measures.* – As part the Information and Education
23 Campaign under Section 11 of this Act, the DENR shall formulate an
24 information dissemination plan to inform consumers of the (i) impact of
25 the use, and improper disposal of single-use plastic products on the
26 environment, (ii) waste reduction, reuse, recycling and recovery systems,
27 and (iii) other best practices in waste management.
28

29 **SECTION 5. *Phase-out of Other Single-Use Plastic Products.*** – One (1) year
30 after effectivity of this Act, the NSWMC may determine other single-use plastic
31 products not listed under Section 3 of this Act, whether or not mixed with other
32 materials, which are deemed either high in replaceability, low in recyclability, or low
33 in retrievability. These products shall be phased out within a period of three (3)
34 years after their identification pursuant to this paragraph.

35 Single-use plastic products, though low in replaceability or high in recyclability,
36 but found to be low in retrievability two years following effectivity of this Act, shall
37 be banned for a minimum of two years. Products are low in recyclability or
38 retrievability when, after use, only ninety percent (90%) of these are recovered and
39 properly recycled or disposed of.

40 **SECTION 6. *Compostable Plastic.*** – Producers, importers, and commercial
41 establishments may provide compostable plastic products to their consumers. The
42 compostable plastic product should have a visible logo identifying that it is a
43 compostable plastic product. The manufacturing date and name of manufacturer,
44 importer and distributor should be labelled as well.

1 The DTI, in coordination with the DENR, DOST, leagues of Local Government
 2 Units (LGUs), NSWMC, and other government and private agencies and
 3 organizations concerned shall, within six (6) months from the effectivity of this Act,
 4 promulgate the appropriate Philippine National Standard (PNS) for compostable
 5 plastic products.

6 **SECTION 7. Producers' Responsibility.** – Within one (1) year following the effectivity
 7 of this Act, producers and importers of single-use plastic products, whether
 8 compostable or not, shall establish and phase-in extended producers' responsibility
 9 programs aimed at effectively preventing plastic wastes from polluting the
 10 environment. To achieve the purposes of this section, they shall incorporate
 11 themselves in accordance with Republic Act 11232, otherwise known as the Act
 12 Providing for the Revised Corporation Code of the Philippines.

13
 14 For this purpose, these producers and importers shall allocate ten percent
 15 (10%) of the cost of the single-use product materials used in their goods to a
 16 producers' responsibility fund that they shall administer. The fund shall finance the
 17 following:

- 18 a) Effective plastic wastes buy-back or recovery schemes;
- 19 b) Transportation of recovered plastic wastes to the appropriate composting,
 20 recycling and other disposal sites in the country;
- 21 c) Clean-up of plastic wastes leaked to coastal areas, public roads and other
 22 sites; and
- 23 d) Recycling, composting, thermal treatment and other wastes disposal
 24 facilities, when investment therefor is viable.

25 The amount contributed to the fund shall be deductible from income tax of
 26 participating entities.

27 Ten percent (10%) of the cost disbursed for recovery and recycling schemes
 28 voluntarily implemented apart from the activities ensued pursuant to Section 6,
 29 without additional cost to the consumers, shall likewise be deducted from the
 30 income tax of the producers and importers.

31 **SECTION 8. Responsibility of Commercial Establishments.** – Within sixty (60)
 32 days after the effectivity of this Act, commercial establishments shall undertake the
 33 following activities:

- 34 a) promote the use of highly reusable, recyclable and retrievable products in
 35 their establishments and/or make available for sale locally-made *bayong*,
 36 *buli* and other reusable containers and bags that are made of *abaca*,
 37 water lily and other organic or compostable materials;
- 38 b) charge their customers a minimum fee of PHP 5.00 for every plastic bag,
 39 or whatever material that the former provides the latter, or provide it for
 40 free to customers who surrender three (3) pieces of used plastic bags,

1 each equivalent or practically equal to the new bag. The fee shall be
2 reflected in the receipts, and accrue to a special environmental trust fund
3 established under Section 16 of this Act. Plastic bags used to pack or
4 contain items to be distributed in relief operations in times of calamities,
5 pandemic, and other similar emergencies or events, shall be excluded
6 from the fees under this paragraph;

- 7
- 8 c) establish an effective in-store recovery program that will facilitate and
9 encourage customer return of their used plastic products to the
10 commercial establishment, and implement the buy-back or recovery
11 scheme established under Section 6 of this Act

12 **SECTION 9. *Lead Agency.*** – The DENR, in coordination with NSWMC, unless
13 otherwise provided herein, shall be the primary government agency responsible for
14 the implementation and enforcement of this Act.

15 **SECTION 10. *Monitoring and Market Inspections.*** – The DENR and DTI, in
16 coordination with the LGUs and local law enforcement agencies, shall cause the
17 regular and routine inspection and monitoring of the point-of-sale stores and the
18 facilities of plastic manufacturers and importers to determine compliance with this
19 Act. Inspection and monitoring shall include the following:

- 20 a) Entry or access to the premises of operation and business, including
21 storage rooms and stockrooms;
- 22 b) Inspection of off-site storage facilities, distribution centers, and trans-
23 shipment points; and
- 24 c) Inspection of disposal facilities to determine if only residual plastic
25 products are being disposed of.

26 **SECTION 11. *Access to Information.*** – The public shall have access to
27 records, reports, or information concerning the implementation and mandates of this
28 Act.

29 Such documents shall be made available for inspection or reproduction during
30 normal business hours: *Provided,* That the DENR, DTI or concerned LGU may
31 consider a record, report, or information or particular portions thereof confidential
32 and may not be made public when such would divulge trade secrets, production or
33 sales figures or methods, production or processes unique to such manufacturer,
34 seller, or distributor, or would otherwise tend to affect adversely the competitive
35 position of such manufacturer.

36 **SECTION 12. *Information and Education Campaign.*** – The DENR, in
37 coordination with the LGUs, DILG, Commission on Higher Education, and Philippine
38 Information Agency, shall conduct a continuing information and education campaign

1 on the proper implementation of this Act, including the necessity to regulate plastic
2 products in the country in relation to our environment.

3 Such campaign shall be incorporated in and shall be in addition to the public
4 information and education campaign under Section 55 of Republic Act No. 9003
5 otherwise known as the "Ecological Solid Waste Management Act of 2000".

6 **SECTION 13. *Linkage Mechanism.*** – The DENR and the NSWMC, in
7 coordination with the DTI, may consult, and enter into an agreement with other
8 government agencies or LGUs, or with concerned non-governmental organizations
9 (NGOs) or people's organizations (POs), or private enterprises in the furtherance of
10 the objectives of this Act.

11 **SECTION 14. *Shift to Alternatives.*** – The DOST shall develop and implement a
12 program that will assist local manufacturers in developing or acquiring the
13 appropriate technology for the production of highly reusable, recyclable,
14 compostable materials or alternative plastic products.

15 **SECTION 15. *Role of the National Solid Waste Management Commission.*** –
16 The NSWMC, created pursuant to Section 4 of Republic Act No. 9003 shall, in
17 addition to its functions under the said law, aid and assist in the implementation and
18 enforcement of this Act.

19 The NSWMC shall conduct studies to ensure the harmonious implementation of
20 this Act with Republic Act No. 9003.

21 The DENR shall provide the necessary financial and manpower resources to
22 enable the NSWMC to perform its additional functions under this Act.

23 **SECTION 16. *Special Environmental Trust Fund for Plastic Product Regulation.***
24 – There is hereby created a Special Environmental Trust Fund for Plastic Product
25 Regulation, hereinafter referred to as the Fund, composed of levies, fees, and fines
26 collected pursuant to the implementation and enforcement of this Act, to be
27 managed by the NSWMC.

28 The Fund shall be exclusively used for the following:

- 29 a) Improvement in the capacity of LGUs, and local law enforcement agencies
30 for the implementation of this Act;
- 31 b) Conduct of information and education campaigns on plastics product
32 regulation and related environmental awareness measures;
- 33 c) Provision of assistance and incentives for manufactures and community-
34 based initiatives for the production of native reusable bags, as well as for
35 non-government and civil society organizations promoting proper solid
36 waste management; and

1 d) Additional provisions for the Solid Waste Management Fund under
2 Republic Act No. 9003.

3 Forty percent (40%) of the fines collected under Section 15 of this Act shall be
4 allocated to or retained by the Barangay where the fined prohibited acts are
5 committed in order to finance the solid waste management of said unit.

6 **SECTION 17. *Role of Local Government Units.*** – The LGUs shall be primarily
7 responsible for the implementation and monitoring of the compliance with wastes
8 segregation, collection, recovery, transport, recycling and disposal of plastic
9 products. The LGUs may enjoy the participation of other concerned government
10 agencies, private entities and industries for this purpose.

11 The DOST, in coordination with the NSWMC, shall provide the LGUs with
12 technical assistance, trainings and continuing capability-building programs to attain
13 the objectives of this Act.

14 **SECTION 18. *Fines and Penalties.*** – Violations of Sections 3, 5, 7, and 8 of
15 this Act, and the deliberate misrepresentation of the vendor, distributor or
16 manufacturer shall be penalized in the following manner:

- 17 a) A fine of not less than Two Hundred Fifty Thousand Pesos (PHP
18 250,000.00) but not exceeding Five Hundred Thousand Pesos (PHP
19 500,000.00) for the first offense;
20 b) A fine of not less than Five Hundred Thousand Pesos (PHP 500,000.00)
21 but not exceeding Seven Hundred Fifty Thousand Pesos (PHP 750,000.00)
22 for the second offense; and
23 c) A fine of not less than Seven Hundred Fifty Thousand Pesos (PHP
24 750,000.00) but not exceeding One Million Pesos (PHP 1,000,000.00) and
25 automatic revocation of its business permit for the third offense.

26 For purposes of the imposition of appropriate fines hereof, the DTI shall
27 establish the classification of commercial establishments based on their
28 capitalization.

29 **SECTION 19. *Administrative Action.*** – Without prejudice to the right of any
30 person to file an administrative action, the DENR shall, on its own instance or upon
31 verified complaint by any person, institute administrative proceedings in the proper
32 forum against any natural or juridical person who violates any of the provisions of
33 this Act with respect to:

- 34 a) Standards and limitations provided by this Act; or
35 b) Such order, rule or regulation issued by the DENR in relation to paragraph
36 (a) of this Section.

1 **SECTION 20. *Independence of Action.*** – The filing of an administrative suit
2 against such person or entity does not preclude the right of any other person to file
3 any criminal or civil action.

4 **SECTION 21. *Joint Congressional Oversight Committee.*** – The Joint
5 Congressional Oversight Committee created under Section 60 of Republic Act No.
6 9003, shall likewise monitor the implementation of this Act and review the
7 implementing rules and regulations promulgated by the DENR. The Joint Committee
8 shall be co-chaired by the Chairpersons of the House Committee on Ecology and
9 Senate Committee on Environment.

10 **SECTION 22. *Implementing Rules and Regulations.*** – The DENR, in
11 coordination with the NSWMC, the DTI, and other relevant government agencies and
12 organizations shall, within six (6) months from the effectivity of this Act, promulgate
13 the implementing rules and regulations governing this Act.

14 **SECTION 22. *Separability Clause.*** – If, for any reason, any provision of this
15 Act or part thereof is declared unconstitutional or invalid by a court of competent
16 jurisdiction, the other provisions or parts hereof not affected shall remain in full force
17 and effect.

18 **SECTION 24. *Repealing Clause.*** – All laws, decrees, orders, issuances,
19 ordinances, rules and regulations or parts thereof inconsistent with the provisions of
20 this Act are hereby repealed or modified accordingly.

21 **SECTION 25. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
22 after its publication in the *Official Gazette* or in two (2) newspapers of general
23 circulation.

Approved,