

➤ **ORDINANCE NO. 0503 s. 2013**◀
(PROPOSED ORDINANCE NO. 1445)

AN ORDINANCE REGULATING THE USE OF PLASTIC AND POLYSTYRENE, PROVIDING MECHANISM FOR ITS RECOVERY AND RECYCLING, ENCOURAGING THE USE OF SUSTAINABLE BIODEGRADABLE MATERIALS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Sponsored by:

HON. CARMELO F. AFRICA III, HON. SUSANA D.G. PUNZALAN, M.D.

Co-Sponsored by:

HON. LUIS CHITO S. ABEL, HON. DEAN ASISTIO, HON. ALLEN ALEXANDER ARUELO,
HON. TOLENTINO J. BAGUS, HON. CAROLYN C. CUNANAN,
HON. AURORA A. HENSON, JR., HON. MA. MILAGROS S. MERCADO,
HON. MARYLOU Z. NUBLA, HON. ROBERTO R. SAMSON,
HON. ANNA KARINA TEH

WHEREAS, non-biodegradable plastic bags and polystyrene products are rampantly used to carry, transport or package goods purchased within retail and business establishments;

WHEREAS, these non-biodegradable products, when improperly disposed of, pose a nuisance to the environment, pollute our rivers and creeks, and every so often clog our sewerage systems and waterways, thereby causing floods and damage to property;

WHEREAS, to safeguard and conserve our environment, there is a need to discontinue the use of non-biodegradable plastic bags and polystyrene products, and consequently shift to sustainable biodegradable materials, including but not limited to woven bags (bayong), cloth bags (katsa), oxo-biodegradable plastic bags/biodegradable polystyrene, and other similar reusable, biodegradable and recyclable materials;

NOW THEREFORE BE IT ENACTED, as it is hereby enacted by the Sangguniang Panlungsod, by virtue of the powers vested in it by law, in session duly assembled, that:

Section 1. Title:

This Ordinance shall be known as the **“CALOOCAN CITY PLASTIC AND POLYSTYRENE REGULATION ORDINANCE OF 2013.”**

Section 2. Purpose:

The purpose of this Ordinance is in line with the shared mandate and responsibility of the local government of Caloocan together with the State in the

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management and maintenance of the ecological balance, preservation and protection of our environment.

Section 3. Definition of Terms:

- a. Affected retail/business establishments - means any juridical person, retail and/or business establishments located within the geographical limits of Caloocan City. Such establishment may include, but not limited to malls, supermarkets, eateries (*carinderias*), grocery stores, wet market and public markets;
- b. Non-biodegradable plastic bags – refers to plastic bags that do not degrade or decompose given a period of time, among which are such bags that are provided or utilized at the point of sale for carrying, transporting or packaging goods and are often called sando bags or shopping bags;
- c. Polystyrene – refers to petroleum based plastic made from styrene monomer and a lightweight material / foam polystyrene used in food packaging applications such as cups and food boxes / trays, more commonly known as styrofoam / styrophor;
- d. Oxo-biodegradable Plastic bags – refers to plastics that biodegrade through a two stage process. In the first stage, additives in the plastic help to catalyze and accelerate oxidation. This aids in the breakdown of polymer chains in the plastics to smaller and wettable fragments. In the second stage, microorganisms access the carbon and hydrogen making the remaining fragments biodegrade into carbon dioxide, water, and biomass, leaving no plastic or harmful residues behind;
- e. Dry Goods – refers to any product that do not require refrigeration or freezing to maintain freshness;
- f. Dry Market – generally refers to any establishment that sells products that do not require refrigeration or freezing to maintain freshness;
- g. Wet Goods – refers to any product that require refrigeration or freezing to maintain freshness such as fish, meat, fruits and vegetables, and cooked food in restaurants, eateries or *carinderias*;
- h. Wet Market – generally refers to any establishment that sells products which requires refrigeration or freezing to maintain freshness. Such examples include the wet section of the public markets, supermarkets, groceries, restaurants, eateries or *carinderias*;
- i. Reusable bags – refers to any form of reusable packaging, which may include cloth bags (*katsa*), woven bags (*bayong*) and the like;
- j. Primary Packaging – refers to first level packaging that contains the item sold;
- k. Secondary Packaging – refers to packaging that is used to support primary packaging, usually used and intended for the convenience of the consumer;
- l. ESS – the Environmental and Sanitation Services of Caloocan City;

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- m. 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;

Section 4. Coverage:

This Ordinance covers all affected retail/business establishments within the jurisdiction of Caloocan City. Such establishments are prohibited from selling, providing, and using non-biodegradable materials such as polystyrene and plastic bags as secondary packaging on dry and wet goods, subject only to the exceptions herein below;

Section 5. Degradable Plastic Bag and Polystyrene Identification Requirements:

- a. It must be labelled “oxo-biodegradable”, “degradable” or “biodegradable” using a clear legible font;
- b. The name of the bag manufacturer must be printed on the bag, or embossed in the case of polystyrene products;
- c. Degradable plastic bag must be printed with the International logo of the Plastic Coding System for its proper reuse, sorting, and recovery for recycling;
- d. The Environmental Technology Verification (ETV) Registration No. issued by the Department of Science and Technology to the plastic manufacturer must be printed in the bag, or embossed in the case of polystyrene products;
- e. Only ETV Registration No. With Tier 1 & 2 will be allowed

Section 6. Exceptions:

This ordinance shall not cover the primary packaging of products and such other packaging which forms part of the actual product per se since acceptable alternative packaging is not yet commercially available. Such products include, but not limited to, snack foods, frozen foods, hardware items, bottled water or soda, juice drinks, cooking oil, plastic sachet products containing soap, shampoo and conditioner, cosmetics, and the like.

Plastic used for packing fresh wet goods directly purchased in wet markets are considered secondary packaging and therefore must be biodegradable or oxo-biodegradable.

Section 7. Plastic Recovery System:

To encourage the use of reusable bags, consumers may bring their old, used plastic bags to exchange with new oxo-biodegradable, degradable or biodegradable plastic bags.

Affected retail / business establishments may institute a rewards, discount or freebies system to further encourage consumers to reuse plastic and cloth or woven bags.

Section 8. Plastic Bag Recovery and Recycling Mechanism:

In an effort to instill awareness and promote the 3Rs (Reuse, Retrieve, and Recycle) among our citizens, all affected retail/business establishments, including fastfood chains and restaurants, except eateries or *carinderias*, are required to place a clearly marked “Plastic Recovery Bin” at entrances and exits that are visible and

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accessible, for the purpose of collecting, recycling and proper disposal of plastic bags and polystyrene products. All Barangay Halls are likewise required to have the same clearly marked recovery bins that will serve as drop-off points to collect plastic bags and polystyrene products from barangay residents.

All plastic bags and polystyrene products accumulated by affected retail/business establishments shall be sold directly to relevant recyclers, as defined in Section 3 hereof. The ESS shall provide a list of relevant recyclers to all establishments who will in turn sell the accumulated plastic bags to the retailer of their choice.

Section 9. Information Campaign:

Upon approval of this Ordinance, the City shall conduct a massive information campaign in order to educate its residents about the benefits of using biodegradable and reusable materials such as cloth bags (katsa) and oxo-biodegradable plastic bags as well as the proper use and disposal of plastic bags.

Section 10. Moratorium

All Stores are hereby given six (6) months from the effectivity of this Ordinance to dispose of all their remaining non-biodegradable plastic bags, polystyrene products and other similar non-biodegradable products used to carry or package products purchased in affected establishments;

Section 11. Monitoring and Enforcement:

The Environmental and Sanitation Services, its successor, or its designee shall monitor and enforce the effective and strict implementation of this Ordinance;

Section 12. Implementing Rules and Regulations (IRRs):

Within thirty (30) days from the approval of this Ordinance, the Mayor may issue the necessary IRRs for its proper and effective implementation;

Section 13. Penalties:

All establishments caught in violation of this Ordinance shall be issued an Ordinance Violation Receipt (OVR) and shall be penalized as follows:

- a. 1st offense: A fine of One Thousand Pesos (P1,000)
- b. 2nd offense: A fine of Three Thousand Pesos (P3,000)
- c. 3rd Offense: A fine of Five Thousand pesos (P5,000) and cancellation of Business Permit/License for at least one (1) year;

Section 14. Repealing Clause:

All ordinances, issuances, rules and regulations, or parts thereof which are inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

Section 15. Separability Clause:

If for any reason, any section or provision of this Ordinance is declared illegal or unconstitutional, the other sections or provisions hereof which are not affected shall continue to be in full force or effect.

Section 16. Effectivity Clause:

This Ordinance shall take effect fifteen (15) days after its approval and complete publication in a newspaper of local or general circulation. The full text of this Ordinance shall likewise be posted in at least two (2) conspicuous places in the City Hall of Caloocan City in compliance with the posting requirement mandated by the Local Government Code.

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ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF CALOOCAN AND ITS REGULAR SESSION HELD ON THE 17TH DAY OF SEPTEMBER 2013.

**HON. LUIS CHITO S. ABEL
CITY COUNCILOR**

**HON. CARMELO F. AFRICA III
CITY COUNCILOR**

**HON. ALLEN ALEXANDER ARUELO
CITY COUNCILOR**

**HON. DEAN ASISTIO
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**HON. ROBERTO R. SAMSON
CITY COUNCILOR**

**HON. ANNA KARINA TEH
CITY COUNCILOR**

APPROVED BY HIS HONOR, THE CITY MAYOR ON _____, 2013.

APPROVED BY:

CERTIFIED BY:

**HON. OSCAR G. MALAPITAN
*City Mayor***

**HON. MACARIO E. ASISTIO III
*Vice Mayor & Presiding Officer***

ATTESTED BY:

**LILIBETH M. LUAKIAN
*Secretary to the Mayor***

**LORENZO O. SUNGA, JR.
*Secretary
Sangguniang Panlungsod***