

Guidelines Prohibiting the Use of Plastic Bags and Styrofoam by Retail Establishments in the Subic Bay Freeport Zone and Prescribing Penalties Thereof

Section 1. Rationale

Plastic bags and styrofoam are rampantly used as packaging materials in the Subic Bay Freeport Zone (SBFZ). However, these materials, being non-biodegradable, clog canals, creeks, rivers and other waterways. According to studies, plastic bags usually take 1,000 years in land and 450 years in water to breakdown, thus posing serious threat to the environment.

Plastic bags are a significant source of marine debris and are hazardous to marine animals and birds which often confuse plastic bags for a source of food. The ingestion of these bags can result in reduced nutrient absorption and death to birds and marine animals.

Manufacturing plastic bags requires too much energy and approximately millions of gallons of petroleum, because plastic itself is made from petroleum. Plastic bags require significant environmental resources to manufacture, transport, and recycle and/or dispose of.

Thus, the Subic Bay Metropolitan Authority (SBMA), in its desire to reduce if not totally eliminate the use of plastic film bags as packaging materials, encourages the utilization of alternative packaging materials such as woven bags (*bayong*), cloth bags (*katsa*), and other similar materials and at the same time enjoined to promote the “Bring Your Own Bag” (BYOB) Program.

It is anticipated that by prohibiting plastic bags in retail establishments, the proposed policy would reduce the amount of plastic within the SBFZ, promote a shift to the use of reusable bags, and reduce the environmental impacts related to plastic bags such as litter and pollution in the marine environment.

In Subic Bay Freeport Zone, plastic bags comprise almost 15% percent of 35 tons of garbage generated everyday or approximately 6.5 tons of plastics. This huge amount of garbage is dumped in landfill, contributing to more environmental and health hazards.

Section 2. Basic Policy

As mandated to conserve and protect the environment of the Freeport and the adjacent communities, the SBMA hereby declares it as a policy to prohibit the use of plastic bags and styrofoam in the Freeport to subsequently reduce the waste generated and to promote environmentally kind packaging materials and products.

In line with this, SBMA shall ensure that whenever possible it shall conserve resources, reduce the amount of green house gas emissions, waste, beach litter and marine pollution and protect the public health and welfare including local wildlife, all of which increase the quality of life for its residents and visitors.

Thus, from an overall environmental and economic perspective, the best thing for SBMA to do is require retail establishments to refrain from using plastic bags and Styrofoam and to shift to durable and reusable non-plastic carry out bags, among other efforts.

Section 3. Objectives

These guidelines are promulgated in accordance with the following objectives:

- a) To ban disposable plastic bags and styrofoam from SBFZ retail establishments by 2012
- b) To reduce the solid wastes generated by the SBFZ
- c) To promote sound solid waste management practices among stakeholders
- d) To encourage the use of environmentally benign materials and products

Section 4. Definition of Terms

For the purpose of these guidelines, the following terms shall mean as follows:

“Carryout Bag” means any bag, regardless of material that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment.

“Dry Goods” refers to any product that does not require refrigeration or freezing to maintain such as textiles and clothing.

“Plastic Bag” also known as *sando* bags, pouch, plastic shopping bags and plastic film bags. It is a type of flexible packaging material made of thin, plastic film that is used for containing and transporting goods and other products (commercial or industrial). It shall also refer to thin-gauge packaging medium that is used as bags or wraps.

“Plastic Wastes” refers to any plastic packaging material thrown as waste

“Primary Packaging Material” refers to the material that first envelops the product and holds it. This is the package which is in direct contact with the contents.

“*Retail Establishment*” means any business in the Subic Bay Freeport that sells or provides merchandise, goods or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a customer; Retail Establishment includes, without limitation, all stores, eating places, food vendors and retail food vendors, any grocery store, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, and any other retail store or vendor.

“*Reusable bag*” means a bag that is specifically designed and manufactured for multiple reuse and is either:

1. made of machine washable material, e.g. *katsa*; or
2. made of other durable material specifically designed for and provided to consumers with the intention of multiple, long-term use.

“*Secondary Packaging Material*” is outside the primary packaging which provide support to any primary packaging and is intended for convenience of the handler, as well.

“*Styrofoam*” is a light, expanded polystyrene plastic and refers to a kind of packaging material used as food containers, disposable cups, plates, etc.

“*Wet Goods*” refers to any product that requires refrigeration or freezing to maintain such as fish, meat, fresh poultry products, fruits, vegetables, beverages and cooked foods in carenderias/eateries.

“*Woven Bags*” (aka as *Bayong*) refers to biodegradable packaging material made of woven *pandan* or *buri* leaves and other similar materials.

Section 5. Exemption.

Original packaging of goods delivered to different establishments is exempted from this regulation. But when a new plastic or plastic bag is to be used in repacking the goods purchased by a consumer, that is when this regulation shall apply.

Section 6. Prohibition on the Use of Plastic Bags on Dry Goods.

No Retail Establishment in the Subic Bay Freeport shall provide to any customer at the point of sale plastic bags as packaging material on dry goods. Instead, a reusable bag or the brown paper bag shall be provided or sold to the consumers.

Section 7. Prohibition on the Use of Plastic Bags on Wet Goods.

Retail Establishments dealing on wet goods shall use alternative primary packaging materials, e.g. old newspapers, scrap papers, banana leaves, etc.

Section 8. Prohibition on the Use of Styrofoam.

No Retail Establishment shall use Styrofoam and other similar materials as containers for food, produce and other products.

Section 9. Moratorium.

All business establishments and/or individuals are hereby given six (6) months to comply with this regulation from the date of its passage.

Section 10. Monitoring of these Guidelines.

The Ecology Center shall monitor the effective implementation of these Guidelines and shall prepare a semi-annual report on the progress of its implementation.

Section 11. Information Education and Communication (IEC) Campaign.

Upon approval of these Guidelines, the SBMA Corporate Communication shall conduct massive IEC campaigns using quad media (print, radio, television and internet) and shall also include the promotion of alternative biodegradable packaging materials.

Section 12. Prohibited Acts.

Retail establishments and/or individuals are prohibited from:

- a) Providing plastic bags to customers as secondary packaging materials on wet goods;
- b) Providing plastic bags to customers as packaging materials on dry goods;
- c) Selling and providing styrofoam as containers.

Section 13. Penalties.

- a) All retail establishments who violate any of the prohibited acts stated above shall be penalized through the imposition of the following fees:
 - First Offense Php 5,000.00 fine
 - Second Offense Php 10,000.00 fine
 - Third Offense Php 25,000.00 fine and suspension of operation until such time as there shall be compliance with the requirements of this Policy

- b) A citation ticket shall be issued to any person who violates these Guidelines and the corresponding penalty shall be paid to the SBMA Treasury within three (3) working days upon receipt of the citation ticket.

Section 15. Separability Clause

Should any of the provisions of these Guidelines be subsequently or otherwise revised, modified or repealed accordingly, the same shall not affect the validity or legality of the other provisions so far as they could stand independently of the provisions so revised, modified or repealed.

Section 16. Effectivity Clause

These guidelines shall take effect after approval by the SBMA Board of Directors and shall be implemented effective June 30, 2012.

Section 17. Board Approval

Approved by the SBMA Board on November 14, 2011 in its Two Hundred First (201st) meeting.