

ORDINANCE NO. 14-53

AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE CITY OF SAN CARLOS AND PRESCRIBING PENALTIES THEREOF

Introduced by Hons. DEBULGADO, ANTONIO and MASCUÑANA

WHEREAS, Article II, Section 16 of the Philippine Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Section 3 (i) of R.A. 7160 provides that Local Government Units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction;

WHEREAS, Section 458 (vi) of R.A. 7160 empowers the Sangguniang Panlungsod to protect the environment and impose appropriate penalties for acts which endanger the environment including such activities which results in pollution acceleration or eutrophication of rivers and lakes or of ecological imbalance;

WHEREAS, plastic cellophane and sando bags and expandable polystyrene (EPS) Foams being non-biodegradable materials clog our canals, creeks, rivers and other water ways causing floods during rainy season and causing harm to these waterways and the surrounding communities;

WHEREAS, plastic cellophane and sando bags and expandable polystyrene (EPS) Foams are widely used for packaging of foods and beverages, however, the use of plastics and polystyrene in food storage can carry health risks, especially when hormone disrupting chemicals from some of these packaging materials leach into food and beverages;

WHEREAS, a certain specific study reveals that polystyrene can disrupt normal hormone functions of women, possibly contributing thyroid problems, menstrual irregularities, breast cancer and likewise prostate cancer for men, and according to the US Environmental Protection Agency that styrene is a suspected carcinogen and is also known as toxin that can affect kidney, gastro-intestinal and respiratory systems, among others;

WHEREAS, plastic and polystyrene manufacturing and incineration creates air and water pollution and exposes workers to toxic chemicals;

WHEREAS, plastic cellophane, sando bags and polystyrene are rampantly used as packaging material in the City of San Carlos and elsewhere;

WHEREAS, despite serious efforts of the City to segregate biodegradable, recyclable and reusable waste materials, plastics, polystyrene and other similar materials remain in the municipal waste stream and eventually remain as the common residual waste fraction;

WHEREAS, the City of San Carlos in its desire to regulate the “single use” of plastic cellophane and sando bags and eventual prohibition of the use, sale and provision of polystyrene as food and beverage containers, encourages the utilization of alternative packaging materials such as woven bags (bayong), cloth/paper bags and other similar organic packaging materials (e.g. banana leaves, taro leaves, etc.) and likewise advocates the “No plastic Day” and “Bring Your Own Bag-(BYOB)” programs of the City Government;

WHEREAS, it is in the best interest of the health, safety and welfare of the people of San Carlos City to minimize the use of plastic cellophane and sando bags and the eventual prohibition of the use, sale and provision of polystyrene as packaging materials for food and beverages.

NOW, THEREFORE,

Be it ordained by the Sangguniang Panlungsod of the City of San Carlos, Negros Occidental, in regular session assembled that:

Section 1. Title. This Ordinance shall be known as an “**AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE CITY OF SAN CARLOS AND PRESCRIBING PENALTIES THEREOF.**”

Section 2. Definition of Terms. For purposes of this Ordinance, the following terms are defined as follows;

- a. Alternative packaging materials- refers to recyclable, reusable and/or biodegradable packaging materials that are used in containing, carrying, holding and /or transporting goods or products, as an alternative to plastic bag;
- b. Bring Your Own Bag (BYOB) Program- refers to the program adopted by supermarkets, convenient stores, department stores and other business establishments, whereby customers are enjoined to bring a reusable bag, paper bag, cloth bag or any other alternative packaging material for purposes of containing, carrying, holding and transporting goods or products bought
- c. Cloth bag- refers to reusable packaging material made of cloth used in the packaging of flour, wheat and other similar goods
- d. Container/s- refers to a type of material utilized for purposes of holding, enclosing, packaging and/or restraining edible food and beverage for human consumption
- e. Expanded polystyrene (EPS) foam- is thermoplastic petrochemical material which utilizes a styrene monomer and is processed by fusion of polymer spheres. It is a type of polystyrene product commonly used as containers for food and beverages
- f. Packaging – shall refer to the packaging, packing and wrapping of products for purpose of carrying the same in a convenient manner

- g. Plastic bag – refers to a type of bag made of thin, flexible, plastics film that is designed to be provided or utilized at the point of sale for containing, carrying, holding and transporting goods
- h. Plastic wastes- refers to any plastic packaging material thrown as wastes
- i. Plastic cellophane- is transparent, thin film plastic sheet made of regenerated cellulose having low permeability to air, oil, greases, bacteria and water makes it useful for food packaging
- j. Reusable bag- refers to a washable canvass bag or native bag “bayong” or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials that can be used for several times
- k. Sando bags – refers to a type of plastic packaging with handles for the purpose of carrying, holding and/or transporting goods and other produce. This term shall likewise be defined as one similar to the term plastic bag
- l. Single-use- disposable or used for only one time
- m. Styrofoam – is a trademark of a product made up of light resilient foam of polystyrene. For purposes of this Ordinance the term “Styrofoam” shall refer to the Expanded Polystyrene (EPS) Foam used as containers for food and beverages
- n. Woven bags- refers to biodegradable packaging material made of woven native materials e.g. pandan or buri leaves and other similar materials.

Section 3. Regulation on the Use, Sale or Provision of Plastic Bags. The following regulations shall be imposed as follows:

- a. Business establishments, fastfood outlets, market vendors, food kiosks, sari-sari stores, ambulant vendors, and the like are prohibited from using plastic cellophanes and sando bags as packaging materials for customers.
- b. Stores and other retail establishments are mandated to use any alternative legally compliant packaging material for customers, such as but not limited to the materials mentioned in Section 4 hereof, in lieu of single-use plastic cellophanes and sando bags.

Section 4. Alternative Packaging Materials. The use of recyclable, reusable and/or biodegradable alternative packaging materials should be encouraged and promoted, such as reusable woven bags (bayong), cloth bags, rattan baskets, shopping bags made from recycled waste paper and other bags made out of biodegradable materials (e.g. banana leaves, taro leaves, water lily, corn stalk, etc.) shall be utilized as alternative packaging materials. All business establishments are encouraged to adopt the “Bring Your Own Bag” Program

Section 5. Incentives for using Reusable bags. To promote the use of reusable bags, stores are hereby encouraged to implement the BYOB program and to formulate appropriate incentives to consumers, which may include:

Green Lane - Stores may provide special counters or express lanes to be called as Green Lane to cater customers who bring their own bags or use of reusable bags.

Section 6. Prohibition on the Use, Sale or Provision of Styrofoam. Business establishments, restaurants, fastfood outlets, food kiosks, catering services and the like shall not utilize, sell or provide styrofoams or expanded polystyrene foam as containers for food and beverages.

Section 7. Alternative Containers for Food and Beverage. The use of reusable and/or paper-based containers for food and/or beverage and other alternative containers are encouraged and promoted.

Section 8. Technical Working Group. For the purpose of this ordinance, a Technical Working Group shall be established with the following composition:

Chairman	City Mayor
Co-Chairman	City Vice Mayor
Vice Chairman	SP Committee Chairman on Environment
Members	City Environment Management Office (CEMO)
	Public Information Office
	Public Market & Slaughterhouse Department
	SP Committee Chairman on Market & Slaughterhouse
	SP Committee Chairman on Trade & Commerce

Section 9. Functions of the Technical Working Group. The Technical Working Group shall have the following functions:

- a. The formulation of the Implementing Rules & Regulations as well as the Guidelines in the proper implementation of this Ordinance.
- b. Identify the activities and programs to be conducted during the moratorium period
 - a. Identify the environmental advocacies, programs and projects to be funded by the city government
 - c. Recommend measures for the proper implementation of this Ordinance.

Section 10. Monitoring of Ordinance. The City Environment Management Office (CEMO) in coordination with Law Enforcement Team (LET) shall monitor the effective implementation of this ordinance and shall likewise prepare a periodic report on the progress of the implementation of this Ordinance and shall furnish the Sangguniang Panlungsod a copy of the same.

Section 11. Information, Education and Communication Campaign. Upon approval of this Ordinance, the City through the Public Information Office together with the City Environment Management Office IEC Team, Public Market & Slaughterhouse Department in coordination with the Technical Working Group, shall conduct massive information, education and communication campaigns using quad media (print, radio, television and internet) and shall include the promotion of alternative biodegradable packaging materials. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this Ordinance.

Section 12. *Implementing Rules and Regulations.* Within thirty (30) days from the approval of this Ordinance, the necessary rules and regulations shall be issued by the Technical Working Group for the proper and effective implementation of this Ordinance.

Section 13. *Fines.* Business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like who violate Section 3 and Section 6 shall be fined as follows:

First Offense :	=P= 500.00
Second Offense:	=P= 1,000.00
Third Offense :	=P= 3,000.00 and cancellation of license to operate in the case of business establishments

Section 14. *Moratorium and Implementation.* All business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like engaged in the use and/or selling of plastic bags and styrofoam as packaging materials for food and beverages shall be given six (6) months from the date of effectivity of this Ordinance to dispose of their remaining inventory and for consumers to adjust and conform.

Section 15. *Separability Clause.* If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

Section 16. *Repealing Clause.* All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

Section 17. *Effectivity.* This Ordinance shall take effect fifteen days (15) after its publication in a local newspaper of general circulation and posting for three (3) consecutive weeks in all conspicuous places in the City Hall or in the local bulletin board. Implementation of this ordinance shall be in accordance with Section 14.

ENACTED: October 23, 2014, by the affirmative votes of Hons. DEBULGADO, CARMONA, CABILI, ANTONIO, YU, APUHIN, MASCUÑANA, UY and GEOPANO.
Negative: none.