

REGULATING SINGLE-USE PLASTICS IN THE PHILIPPINES

OPPORTUNITIES TO MOVE FORWARD



Against the backdrop of a global plastic pollution crisis, a growing number of cities and municipalities in the Philippines have passed ordinances that ban shopping bags and other single-use plastics (SUPs). These initiatives remain woefully inadequate, however, in solving the problem of plastic waste. The country lacks a national plastics policy that will harmonize initiatives and steer it towards a more sustainable, circular economy.

Exciting evidence from a nationwide survey showing that majority of Filipinos are aware of the problem

concerning plastics — and in fact support the idea of regulating SUPs — strongly suggests a window of opportunity to pass key legislation on plastics. This policy brief provides three policy recommendations to enable legislators and decision-makers to move the country away from its dependence on SUPs. First, it advocates for a national law prohibiting the production, sale, distribution, and use of SUPs. Second, it demands the phaseout of sachets and their subsequent replacement by alternative delivery systems. Finally, it calls for policies that ensure corporations take responsibility for their products even after they have been sold, used, and disposed of.

INTRODUCTION

The plastic pollution crisis is global in scale. It is estimated that only 9% of the plastics that have ever been produced is recycled, while 79% simply accumulates in landfills, or worse, in the natural environment.¹ The continued rise in plastic production, expected to reach the 25-billion-metric-ton mark by 2050,² is unsustainable. For this reason, the United Nations Environment Assembly (UNEA) – the world’s highest-level decision-making body on the environment – adopted a resolution encouraging member states to reduce the discharge of plastic waste into the environment.³

The Philippines plays an important role in the global plastic crisis. Its markets are awash with consumer products, most of which are packaged in single-use disposable plastics, ranging from sachets to shopping bags. Filipinos use nearly 60 billion sachets, 17.5 billion shopping bags, and 16.5 billion labo bags per year.⁴ These plastic residuals – wastes that can neither be composted nor recycled – accumulate in dumpsites (illegal in the country) or escape into water bodies, clogging waterways and exacerbating

flooding and marine pollution. Therefore, it comes as no surprise that the country is tagged as one of the major sources of land-based plastic pollution leaking into the ocean.⁵

It cannot be emphasized enough that the consequences of plastic waste on the oceans, wildlife, and human health are dire. Managing plastic waste, however, is an expensive business. The costs eat up a considerable chunk of public spending, comprising one-fifth of annual municipal budgets – on average – in low-income countries.⁶

To date, more than 127 countries have passed some form of plastic regulation. Many of these have focused on outright plastic bans, particularly on shopping bags. Other regulatory approaches include market-based instruments, such as user levies on bags, taxes, and financial incentives.⁷ Extended producer responsibility (EPR), which requires companies to assume responsibility for their products in every stage of their product’s lifecycle, is another policy approach that is gaining currency.

Figure 1. Different Types of Plastics



COUNTRIES AND COMMUNITIES FIGHTING SUPS: **A LOOK AT INITIATIVES ACROSS THE GLOBE**

As awareness of the menace of plastic pollution grows, more than 127 countries have passed regulations to stem the production, distribution, use, and disposal of plastics. These include bans on certain types of plastics – most frequently, plastic bags – as well as taxes and user fees.¹

- The European Union adopted a Single Use Plastics Directive, having voted in 2018 to ban certain SUPs (plates, cutlery, polystyrene food containers, beverage cups) in all member states by 2021. The directive will likewise require manufacturers to pay for the cost of waste management and clean-up of SUPs. This signifies a watershed, since the European Union is one of the world's largest producers of plastic waste.
- Thailand opened the year 2020 with a ban on plastic bags in department stores and convenience stores. Majority of Thais strongly support the ban, which will be extended to all shops by 2021.²
- Italy has committed to earmark EUR 20 million as incentives for businesses planning to open

packaging-free spaces. It also provides for the right of consumers to purchase using their own reusable containers, while giving establishments the right to refuse supply should the container be dirty, thereby addressing legal and safety concerns.³

Similarly, local governments are taking charge and implementing their own ordinances.

- Jakarta's new gubernatorial regulation not only banning plastic bags in retail establishments, but also promoting eco-friendly bags, which it defines as being made from leaf, paper, cloth, polyester, and recycled materials, will come into effect in June 2020.⁴
- Berkeley, California, a progressive city that banned polystyrene as early as three decades ago, recently passed an ordinance requiring food establishments to serve diners using reusable plates and cutlery, while food for takeaway customers must be placed in compostable foodware. Vendors are likewise required to charge customers \$0.25 per disposable beverage cup.⁵



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PROGRESS IN ADDRESSING THE PLASTICS CRISIS



In the absence of a national law that specifically regulates plastic waste,⁸ more than 300 local government units (LGUs) — from *barangays* to provinces — have taken the lead and crafted ordinances.⁹ Some LGUs, such as Quezon City and the City of San Fernando, Pampanga, have used a combination of policy instruments.

In 2012, Quezon City, Metro Manila’s top generator of waste,¹⁰ imposed a Php2 levy per plastic shopping bag used in retail establishments. To set an example, the city also banned other SUPs within the city hall complex and selected public hospitals.¹¹ It later updated its ordinance with a total ban on plastic shopping bags, effective January 2020. It also introduced another ordinance, effective February 2020, which prevents restaurants and hotels from using disposable products such as cutlery.

The City of San Fernando, cited as a model city for Zero Waste, passed its plastic bag ordinance in 2014, giving citizens a year to prepare for a full ban. During the transition period, the city launched a public awareness

campaign and implemented “Plastic Regulation Day” Fridays. It had also imposed levies of as much as Php4 per plastic bag. The gradual phaseout proved instrumental to the high compliance rate of 85% among residents.

There is evidence that plastic bans — coupled with proper enforcement of course — are effective. In San Fernando, where the bag ban has been in place for several years, household use of bags is down to 1.83 bags a week, whereas in Quezon City, whose bag ban has only begun this 2020, usage is 12 times greater.¹²

On the side of the private sector, local businesses are beginning to implement voluntary policies on SUPs.¹³ For example, a number of food establishments, including chain restaurants, have stopped distributing SUPs such as cutlery, cups, and drinking straws for dine-in customers. Some businesses have also taken steps in the right direction by testing refilling systems and offering packaging-free products. Other corporations, meanwhile, have launched community collection schemes — often in exchange for money,

rice, or sachet products — in a bid to improve recovery rates at the community level.

Such initiatives, although worthwhile, are woefully inadequate. They do not address the root of the problem — the continued production of SUP packaging. To illustrate, plastic shopping bags only make up about 15% of the plastic residual waste stream. Meanwhile, plastic *labo* comprises almost 24% and sachets — single-layer and multi-

layer — almost 52%. Leaving these out implies that practically three-fourths (76%) of residual wastes are neglected — a significant missed opportunity to reduce mismanaged waste. As waste assessments and brand audits (WABAs) in the country have revealed, 55% of plastic residuals are branded. The results raise concerns about the role of corporations in the plastic crisis, and more importantly, concerns about how they should be held accountable for the packaging they produce.

FILIPINOS' OPINIONS ON SINGLE-USE PLASTICS

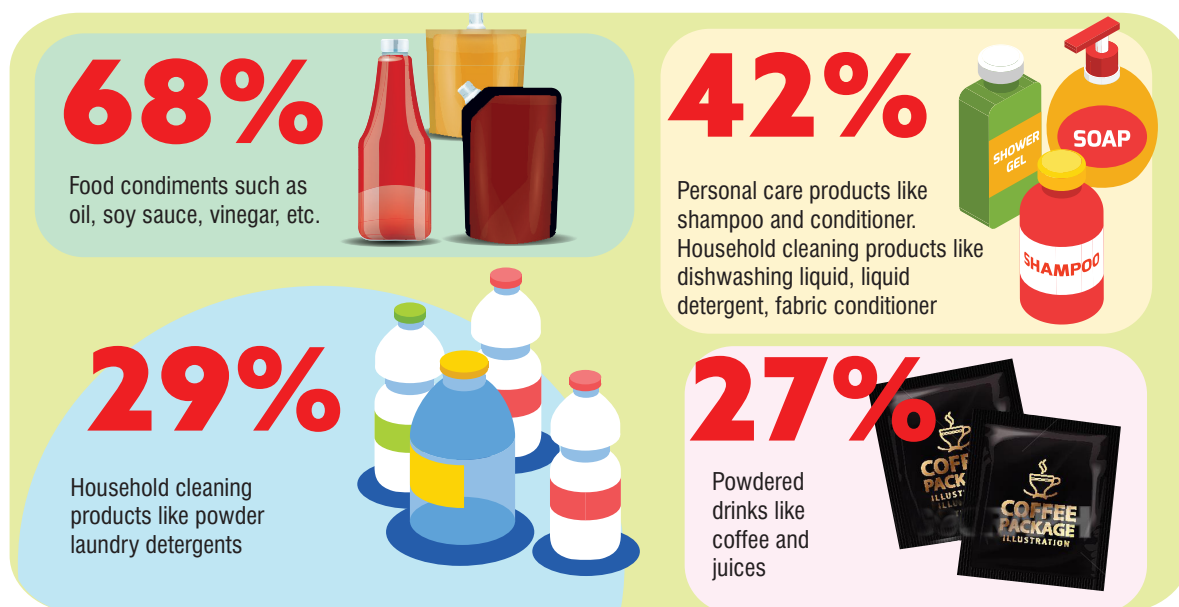
In 2019, the Global Alliance for Incinerator Alternatives (GAIA-Philippines) commissioned a Social Weather Stations (SWS) nationwide survey gathering Filipinos' opinions on plastics. Filipinos showed willingness to buy products in recyclable or refillable containers rather than sachets (Figure 2). Seven of 10 Filipinos would consider more sustainable packaging for food condiments (e.g. oil, soy sauce, vinegar), while 4 of 10 would do so for personal care items (e.g., shampoo, conditioner) and household cleaning products (e.g., powder, laundry detergent).

Moreover, majority believe that the SUPs in need of regulation or reduction are, ranked by incidence: plastic

sando bags (71%), polystyrene food containers (56%), labo bags (54%), straws and stirrers (52%), while half feel the same regarding sachets (Figure 4). Notably, Classes D and E, comprising 95% of the respondents, expressed stronger support for regulation on plastic shopping bags, compared to A, B, and C.¹⁴

When respondents were asked to choose the best way to solve the problem of SUPs among three options (ban the use of plastic at all times, ask the user of plastic to pay a premium, and do nothing) — pluralities to majorities opted for bans, for example 71% for sando bags; 65% for labo bags; 60% for sachets; and 41% for plastic water bottles (Figure 3).

Figure 2. Percentage of Filipinos Willing to Buy Recyclable or Refillable Container



Source: Social Weather Stations survey, 2019

Original Title of Table: Products that One Would Be Willing to Buy in Recyclable or Refillable Container

These results are promising. They show that the majority of the Filipino public is actually open to regulation of certain plastics. Plastic bags should clearly be a priority, since 7 of 10 Filipinos are convinced that they should be regulated or used less. Polystyrene (styrofoam) food containers and *labo* bags should likewise be regulated.

Responses strongly suggest that regulation is the preferred option, whereas shifting the cost burden to consumers through levies — a market-based instrument — is the least preferred. In various degrees, Filipinos have even expressed willingness to change their behavior and use recyclables and refillables in lieu of SUP packaging.

Figure 3. Percentage of Filipinos Who Believe These Specific Single Use Plastics should be Regulated

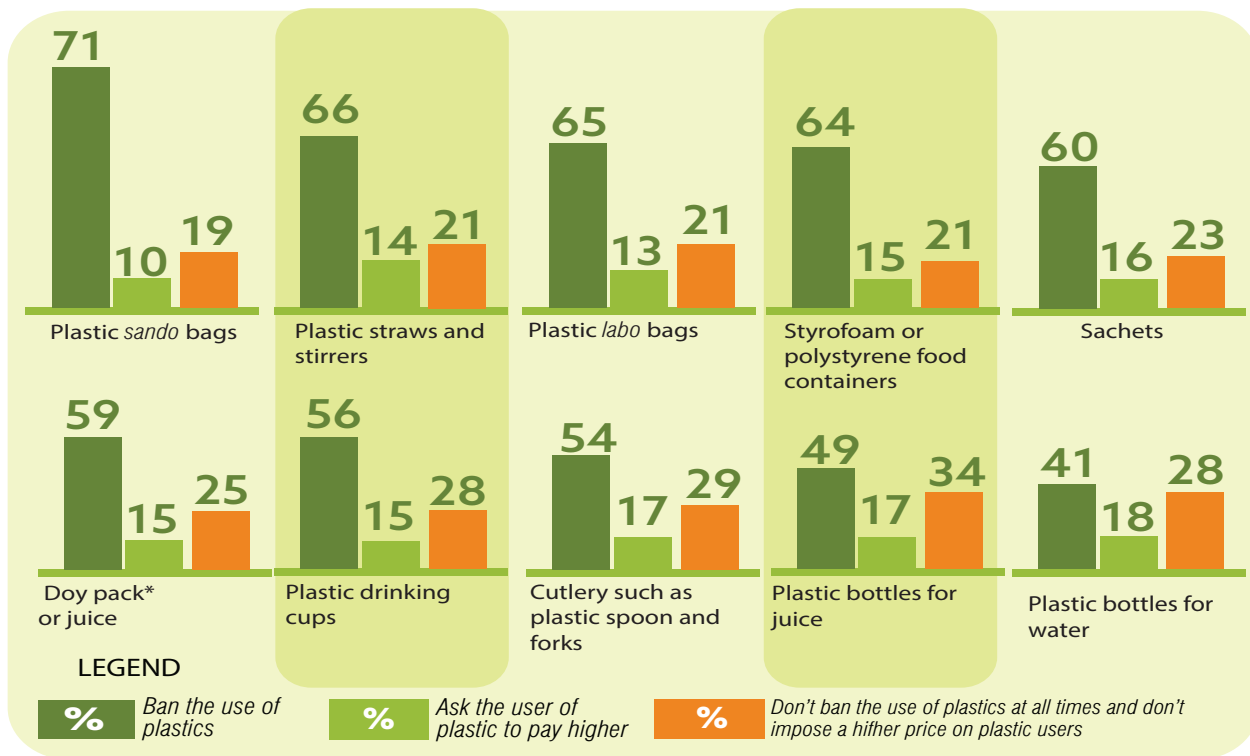


Source: Social Weather Stations survey, 2019

Original Title of Table: Materials that Should Be Regulated or Be Used Less Nationally, Philippines, September 2019

*And other beverage packaging like milk cartons

Figure 4. Best Thing to Do with Single-use Plastics (SUPs)



*And other beverage packaging like milk cartons Source: Social Weather Stations survey, 2019

Figure 5 shows preferred solutions on how corporations should address plastic waste in the country. For every 10 Filipinos:

- 4 thought that companies could find or use substitute materials;
- 2 believe that companies could focus on recycling and recovery (buying or collecting plastics)
- 1 identified banning and no longer producing and selling plastics;
- 1 cited reducing usage, production, and sale of plastics.

Moreover, there is significant scope for regulation of companies whose products use SUPs. A plurality (41%) believes that companies should use alternatives to plastics, while a quarter supports either a ban or a reduction in plastic production, sale, and use. The government would do well to strike while the iron is hot, applying pressure on companies to take responsibility for the plastic waste they produce by requiring more effective action than recycling and recovery initiatives – activities that have hitherto had little impact on solving the plastic crisis.

Figure 5. Opinion on How the Companies that are Responsible for Single-use Plastics (SUPs) Could Help Lessen Plastic Waste in the Philippines



Source: Social Weather Stations survey, 2019

CONCLUSION AND RECOMMENDATIONS

The national government must be responsible in moving the country away from dependence on SUPs, in full recognition of the harm that these materials inflict on its environment and its people. While solutions do not lie with government alone, but on all stakeholders, including citizens and the private sector, only government can exercise authority in impelling stakeholders through policy instruments and enforcement mechanisms to undertake concrete measures towards plastic reduction.

POLICY RECOMMENDATIONS

1. Pass a national ban on the production, sale, distribution, and use of *sando* and *labo* bags and other single-use plastics with phaseout schedule.

The Philippines needs a comprehensive national law that will bring together various regulations on plastics, and provide guidance, with clear timelines, objectives, and expected outcomes with regard to the reduction and eventual phaseout of SUPs. GAIA, together with other members of the

Figure 6. Some Types of Low Value Single-use Plastics

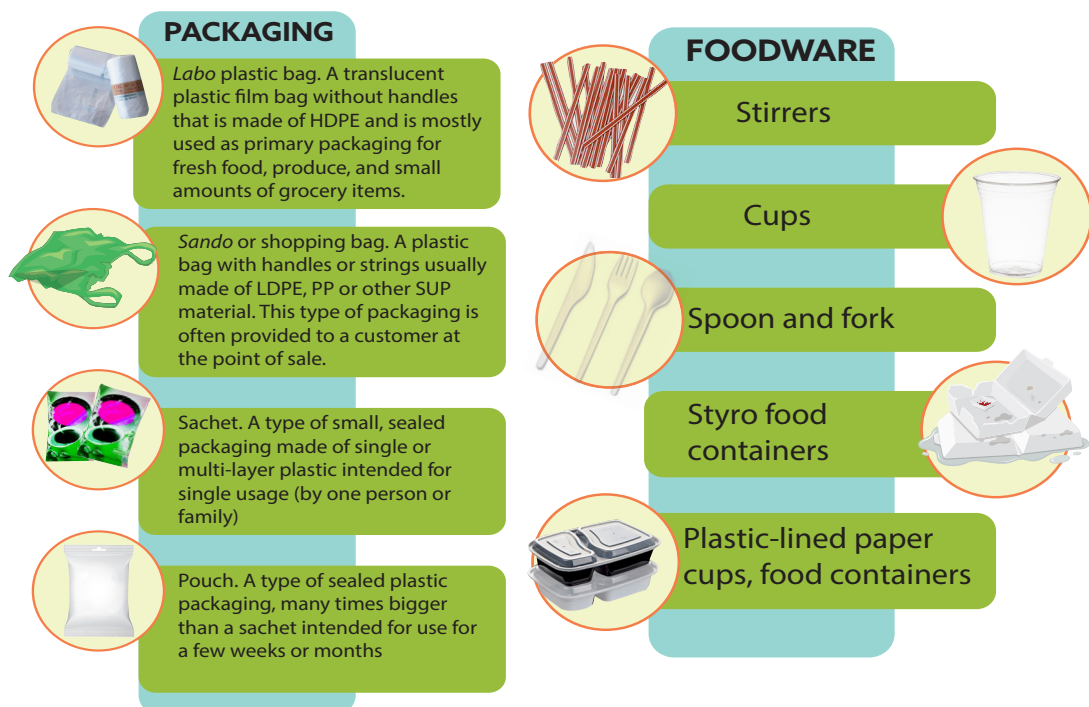


Figure 7. Sachet Use in the Philippines

9 sachets per person per week

164M sachets used in the Philippines per day

59.8B sachets used in the Philippines per year, enough to cover the whole country in sachets, or drown Metro Manila in one-foot sachets

Source: 2019. Global Alliance for Incinerator Alternatives. *Plastics Exposed: How Waste Assessments and Brand Audits are Helping Philippine Cities Fight Plastic Pollution.*



Break Free From Plastic movement, recommends a total phaseout of SUPs and disposable materials by business establishments and government offices. The national ban should:

- a. Be comprehensive, close potential loopholes, and cover phaseout plan for SUPs. For example, the regulation of one type of plastic (*sando* shopping bag) can be circumvented when another type of plastic (*labo*) is allowed.¹⁵
 - ii. Within 12 months: *Sando* bags, *labo* bags, straws, stirrers, food containers, drinking cups, and cutlery
 - iii. Within 36 months: Sachets, plastic bottles, plastic-lined beverage containers, and other SUPs
- b. Issue guidelines on recycling and safe disposal (to prevent pollutants from leaking into the environment) for SUPs that are already in the market at the time the law comes into effect.
- c. Require local governments to disaggregate data on plastics, and include brand data not only on plastics that are disposed of, but also plastics that are manufactured, imported, and sold.
- d. Determine non-environmentally acceptable products (NEAP) to be prohibited, as mandated under RA 9003, which should include sachets and other single-use packaging.¹⁶
- e. Reinforce the ban on incineration and other thermal waste treatment facilities as a treatment and disposal method for plastic waste.

Figure 8. Plastic Use in the Philippines



2. Phase out sachets in favor of reuse and refill systems for product distribution within three years.

A sound policy is needed to tackle sachets, which have a low resource value and are practically impossible to recycle.

- a. Review and amend regulations that discourage refilling initiatives. A Food and Drug Administration administrative order, for example, groups refilling activities with the manufacturing activity “filling,” making it difficult for packaging-free businesses to secure permits.¹⁷
- b. Provide incentives for private sector refill systems. Incentives can come in the form of tax breaks, waived payment for business permits, or cash rewards.
- c. Invest in trade and research facilities that provide technical support to businesses transitioning to reuse and refill systems.
- d. Require LGUs to allocate funds for a massive public education campaign on the purpose and mechanics of the reuse/refill system.

3. Establish a program that demands greater responsibility from companies manufacturing and using plastic, by determining their obligations and targets, as well as offering incentives to reduce plastic.

The government should establish an extended producer responsibility (EPR) program. The goals of the program should include obliging companies to cover the cost of waste management and cleanup, recovering their products after they have been safely disposed of ("takeback"), and setting recycling targets, as well as redesign products and delivery systems. Moreover, it should set up an incentive/disincentive scheme to motivate companies to reduce their plastic footprint. These schemes could cover:

- a. Excise taxes on SUPs released from point of production or sale;
- b. Business tax breaks for adopting or innovating packaging according to eco-design principles that minimize environmental impact, as well as plastic-free delivery systems;
- c. R&D investments for environment-friendly alternative materials and closed-loop systems;
- d. Environmental fund to support community-level recovery programs.

NOTES

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Global Alliance for Incinerator Alternatives (GAIA) is a global network of more than 800 grassroots groups, NGOs, and individuals. We envision a just, Zero Waste world built on respect for ecological limits and community rights, where people are free from the burden of toxic pollution, and resources are sustainably conserved, not burned or dumped. We work to catalyze a global shift towards ecological and environmental justice by strengthening grassroots social movements that advance solutions to waste and pollution.

This report has been made possible in part through funding support from the Plastics Solutions Fund (PSF). The views expressed in this publication do not necessarily reflect that of PSF and its funders.

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