I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 268-34 (COR)
As corrected by the Prime Sponsor; amended by the Committee on Environment, Land, Agriculture, and Procurement Reform; and further amended on the Floor.

Speaker Antonio R. Unpingco Legislative Session Hall
May 23, 2018

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. **ADA**	✓					
Senator FRANK B. **AGUON, JR.**	✓					
Senator William M. **CASTRO**	✓					
Speaker Benjamin J.F. **CRUZ**	✓					
Senator James V. **ESPALDON**	✓					
Senator Fernando Barcinas **ESTEVES**	✓					
Senator Régine Biscoe **LEE**	✓					
Senator Tommy **MORRISON**	✓					
Senator Louise B. **MUÑA**	✓					
Senator Telena Cruz **NELSON**					✓	✓
Senator Dennis G. **RODRIGUEZ, JR.**	✓					
Senator Joe S. **SAN AGUSTIN**	✓					
Senator Michael F.Q. **SAN NICOLAS**	✓					
Vice Speaker Therese M. **TERLAJE**	✓					
Senator Mary Camacho **TORRES**	✓					
TOTAL:	**14**				**1**	**1**
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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Introduced by: Régine Biscoe Lee

AN ACT TO *ADD* A NEW CHAPTER 54B TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO BANNING SINGLE-USE CARRYOUT BAGS PROVIDED TO CONSUMERS BY RETAIL ESTABLISHMENTS ON GUAM; AND TO CITE THIS ACT AS THE "CHOOSE TO REUSE: *MUNGNGA MA AYEK I PLASTEK* ACT OF 2018."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the government of Guam has a duty to protect and support the natural environment, the economy, and health of its citizens.

Since 1964, plastic production has increased twenty (20)-fold, reaching three hundred eleven million (311,000,000) metric tons in 2014 – the equivalent of more than nine hundred (900) Empire State Buildings, according to a January 2016 report by the World Economic Forum (WEF) discussing the *New Plastic Economy*. The United Nations (UN) Environment Programme estimates the annual damage of plastics to marine ecosystems to be at least Thirteen Billion Dollars ($13,000,000,000) per year, and accounting for the cost includes lost revenue from fisheries, tourism, and the cost of clean-up efforts. Likewise, the Asia-Pacific

Economic Cooperation (APEC) estimates that the cost of ocean plastics to the tourism, fishing, and shipping industries in the Asia-Pacific region is One Billion Two Hundred Sixty Million Dollars ($1,260,000,000) annually.

Currently, there are more than one hundred fifty million (150,000,000) metric tons of plastics in the ocean. During the 2016 International Coastal Cleanup, eight thousand one hundred twelve (8,112) plastic grocery bags and other plastic bags were collected on Guam's coasts according to the Ocean Conservancy's International Coastal Cleanup 2017 Report. Without significant action to reduce the flow, the ocean is expected to contain one (1) metric ton of plastic for every three (3) metric tons of fish by 2025. By 2050, there is expected to be more plastic by weight in the oceans of the world than fish, and consequently this will impact ecosystems and food supplies. In a report detailing the threat of plastic on seabirds published in the Proceedings of the National Academy of Science in 2015, ninety-nine percent (99%) of all seabird species will have ingested plastic by the year 2050. Effective waste management policies must be considered in order to curb the detrimental impacts on marine wildlife from plastic litter entering the ocean.

Governments around the world are being asked by the UN Environment Programme, through its Clean Seas campaign launched in February 2017, to engage in the fight against marine plastic litter by passing local laws to reduce plastic pollution. Many of Guam's neighboring Pacific islands, as well as fellow U.S. territories, have already enacted legislation to reduce the usage of plastic bags. This includes the U.S. territories of Puerto Rico, American Samoa, and the U.S. Virgin Islands; the state of Hawaii; the Republic of the Marshall Islands; Yap in the Federated States of Micronesia; and most recently, Palau and Fiji. The Commonwealth of the Northern Mariana Islands is also in the process of passing a plastic bag ban. In October 2017, the youth of Guam took a stance against the use of

plastic bags by passing a bill in the Guam Youth Congress to end the use of plastic bags on Guam.

It is, therefore, the intent of *I Liheslaturan Guåhan* to listen to the voice of our youth and join those nations who are working towards reducing land-based plastics from entering the ocean by incentivizing the use of reusable carryout bags at retail establishments.

Section 2. A new Chapter 54B is *added* to Title 10, Guam Code Annotated, to read:

"**CHAPTER 54B**

CHOOSE TO REUSE: *MUNGNGA MA AYEK I PLASTEK* ACT OF 2018

§ 54B001. Short Title.
§ 54B002. Definitions.
§ 54B003. Requirements for Disposable Carryout Bags at Retail or Wholesale Establishments.
§ 54B004. Enforcement and Penalties.
§ 54B005. Prohibition on the Distribution and Use of Disposable Plastic Bags.

§ 54B001. Short Title.

This Chapter *shall* be known as the "Choose to Reuse: *Mungnga Ma Ayek I Plastek* Act of 2018."

§ 54B002. Definitions.

For the purposes of this Chapter:

(a) *Agency* means the Guam Environmental Protection Agency;

(b) *disposable carryout bag* means any bag that is provided to a consumer by a retail or wholesale establishment at the point of sale to carry purchases. A disposable carryout bag *shall not* include any of the following:

(1) a bag provided to the consumer for use in a retail or wholesale establishment to package bulk items, such as fruits, vegetables, nuts, grains, candy, meats, poultry, or fish;

(2) a bag provided to the consumer for use in a retail or wholesale establishment to package small hardware items;

(3) a bag to contain or wrap flowers, potted plants, or other items where dampness may be a problem;

(4) a bag to contain non-prepackaged food items or bakery goods;

(5) a bag provided by a pharmacy to carry prescription drugs;

(6) a bag used for newspapers;

(7) a bag used for laundry dry-cleaning;

(8) bags sold in packages containing multiple bags intended for garbage, pet waste, or yard waste;

(9) a bag used to package and secure fragile merchandise;

(10) a bag used to help insulate frozen items; or

(11) a reusable carryout bag as defined by this Chapter;

(c) *reusable carryout bag* means a bag specifically designed and manufactured for multiple reuse, and is made of cloth, fiber, or other machine washable fabric;

(d) *retail establishment* means any entity that engages in the business of selling tangible property to others for consumption or use by the purchaser, and not for resale;

(e) *wholesale establishment* means any entity that engages in the business of selling tangible property for the purpose of resale.

§ 54B003. Requirements for Disposable Carryout Bags at Retail or Wholesale Establishments.

Retail or wholesale establishments may offer for sale or distribute reusable carryout bags to consumers. Retail or wholesale establishments *shall not* offer for sale or distribute disposable carryout bags unless such bags meet the following criteria:

(a) Disposable carryout bags made of paper.

(b) Disposable carryout bags made of plastic, including plastics made from bio-based polymers, *shall* be biodegradable or compostable; and if otherwise not biodegradable or compostable, be made of high-density polyethylene (HDPE) film marked with the SPI resin identification code 2.

§ 54B004. Enforcement and Penalties.

The Agency *shall* be responsible for the enforcement of the provisions of this Chapter. Any entity violating the provisions of this Chapter *shall* be subject to a civil penalty not to exceed Five Hundred Dollars ($500) for the first offense; an amount not to exceed One Thousand Dollars ($1,000) for the second offense; and an amount not to exceed Ten Thousand Dollars ($10,000) for any offense thereafter during a one (1)-year period. No more than one (1) penalty shall be imposed upon any entity within a seven (7)-day period. Any entity who was provided with a notice of violation and imposed a civil penalty under this Chapter may appeal this decision and request a hearing from the Agency pursuant to the Agency's procedures. Fees collected under this Section *shall* be deposited into the Recycling Revolving Fund to be used for the enforcement of this Chapter. The Administrator of the Agency, in coordination with the Chief Technology Officer of the Office of Technology, *shall* establish and promote an email address or other tool for digital reporting that consumers and businesses may utilize to report violations, or to ask questions regarding the implementation of this Chapter, with a prompt response from the Agency.

§ 54B005. Prohibition on the Distribution and Use of Disposable Plastic Bags.

Beginning on January 1, 2021, no retail establishment, wholesale establishment, or any other entity licensed under Chapter 70 of Title 11, Guam Code Annotated, to do business shall purchase or sell or distribute to consumers any disposable carryout plastic bag, except disposable carryout bags listed in § 54B002(b)(1) through (11) of this Chapter, within Guam. Any entity found in violation of this Section *shall* be subject to a civil penalty pursuant to §54B004 of this Chapter. All fees collected pursuant to this Chapter *shall* be deposited in the Recycling Revolving Fund."

Section 3. Effective Date. This Act *shall* become effective on January 1, 2019.