

Guam Environmental Protection Agency

Air & Land Division: Solid Waste Management Program (SWMP)

Plastic Bag Ban Exemptions

**Presented by:
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ALL LIVING THINGS OF THE EARTH ARE ONE

Overview



TODO Y NILALA Y TANO MAN UNO
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Solid Waste Management Program Brief



Solid waste has been regulated in Guam since 1974. The program continues today and is responsible for permitting solid waste facilities and enforces solid waste laws, rules and regulations and promotes the Zero Waste Initiatives.



MISSION:



Manage our island's solid waste and recyclables in a sustainable, responsible, and environmentally sound manner. Through outreach and education, partnerships with the community, program development, and enforcement.



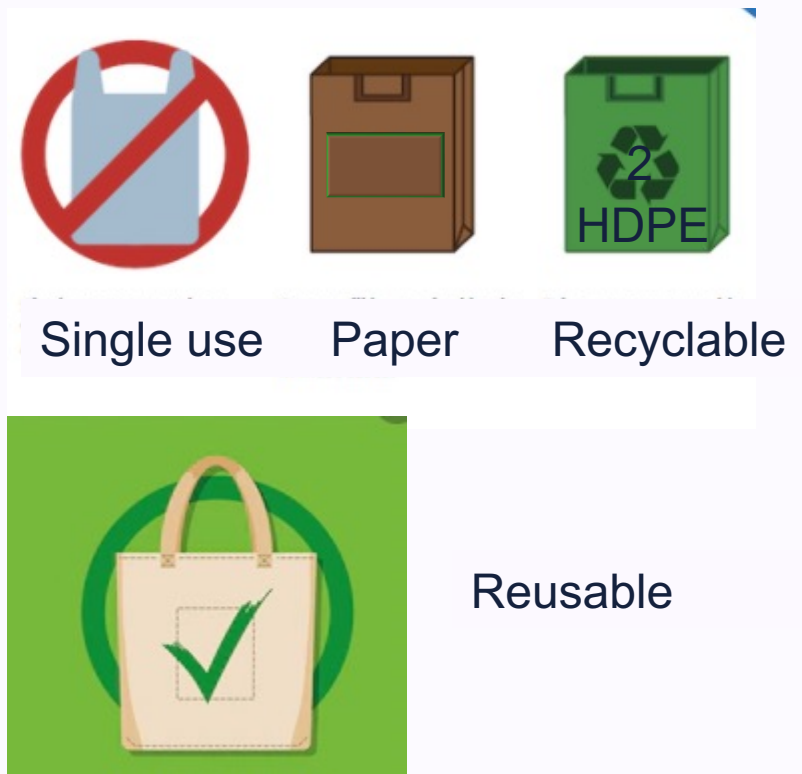


P.L. 34-110

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AKA 10GCA CH54B “Choose to Reuse: Mungnga Ma Ayek I Plastek Act of 2018.” Ban of Single use plastic bags at Retail and Wholesale Establishments.

- January 1, 2019: Effective date
- January 1, 2021:
 - Ban on single use plastic bags
 - § 54B103. Use of 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.





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P.L. 35-130

Amends § 54B103

- Dec.31, 2021:
 - Ban on HDPE 2 Biodegradable and Compostable bags
- July 1, 2022
 - Ban on Disposable Carryout Bags Made of Paper (b)...exception of eating and drinking establishments, as defined in 26 GARR § 4404(f)





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P.L. 36-98

Amends 10 GCA CH 54B § 103(b)

■ July 1, 2022

- Ban on Disposable Carryout Bags Made of Paper (b)...exception of eating and drinking establishments, as defined in 26 GARR § 4404(f)



■ July 1, 2025

- Extends the effective date of the paper bag ban for retail and wholesale establishments to July 1, 2025





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What are the exemptions?

§ 54B102

- (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:





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What are the exemptions?

§ 54B102

- (b)(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;





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Exemptions continued...

§ 54B102

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





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Exemptions continued...

§ 54B102

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





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Exemptions continued...

§ 54B102

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





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Exemptions continued...

§ 54B102

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





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Exemptions continued...

§ 54B102

- (b)(6) a bag used for newspapers;





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Exemptions continued...

§ 54B102

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





Exemptions continued...

§ 54B102

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





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Exemptions continued...

§ 54B102

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





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Exemptions continued...

§ 54B102

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





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Exemptions continued...

§ 54B102

- (b)(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;



Guam EPA's Role



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P.L. 35-110 Choose to Reuse: Mungnga Ma Ayek I Plastek Act of 2018.”

- § 54B104.
- (a) The Agency shall be responsible for the enforcement of the provisions of this Chapter.
- (b-e) Penalties
- (f) 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.

is of Chapter 51;

§ 54B104. Enforcement and Penalties



■ Civil penalties

- (1) not to exceed Five Hundred Dollars (\$500) for the first offense;
- (2) an amount not to exceed One Thousand Dollars (\$1,000) for the second offense; and
- (3) 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.



P.L. 35-110 (a) Action plan: Enforcement

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Outreach begins ahead of plastic bag ba...




Guam EPA checks shops for plastic bag
guampdn.com



- Outreach
- Compliance Evaluation Inspection (CEI)
- Call-ins
- Partnerships

UPDATED AS OF MAY 13, 2022
in accordance with **Guam Public Law 36-98**



UPDATED: CHOOSE TO REUSE
MUNGNA MA AYEK I PLASTEK ACT OF 2018

KEY DATES:
Effective **January 1, 2022**, all **plastic** carry out bags are banned for distribution by retailers and wholesalers at the point of sale.



Effective **July 1, 2025**, **paper** carry out bags may be distributed by only eating and drinking establishments permitted by the Department of Public Health and Social Services, as defined in 26 GARR §4404(f).

PENALTIES
Violating this Act may result in a civil penalty not to exceed **\$500** for the **first offense**; **\$1,000** for the **second offense**; and **\$10,000** for **any offense thereafter** during a one year period.

EXCEPTIONS
Plastic bags may be distributed to package bulk items like produce, non-packaged prepared foods, small hardware, plants, flowers, prescription drugs, newspapers, fragile merchandise, or items requiring insulation or moisture control.

REPORT A VIOLATION:
To report a violation of the Act, please contact Guam EPA's Solid Waste Management Program by phone at 671-300-4751/2, or via e-mail at glenn.sanicolas@epa.guam.gov.

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Questions?

For more information:



Please contact 300-4751 or email:

Mr. Glenn SanNicolas
Solid Waste Program Manager
glenn.Sannicolas@epa.guam.gov

Thank You...