

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

20 FEB 11 P3:39

SENATE

S. No. 1331

RECEIVED BY: _____

Introduced by SENATOR CYNTHIA A. VILLAR

AN ACT

**INSTITUTIONALIZING THE PRACTICE OF EXTENDED PRODUCERS
RESPONSIBILITY IN WASTE MANAGEMENT, AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS THE
"ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF 2000"**

EXPLANATORY NOTE

Republic Act No. 9003 or the "Ecological Solid Waste Management Act of 2002" was enacted almost twenty (20) years ago as an intended solution to the escalating solid waste problem in the country then. Considered a landmark legislation, Republic Act No. 9003 provided a systematic, comprehensive and ecological solid waste management program that promotes the protection of public health and the environment through the utilization of environmentally-sound resources conservation and waste minimization methods, which include composting, recycling, re-use and recovery, and the adoption of the appropriate processes of waste segregation, collection, transport, storage, treatment and disposal of solid waste.

Despite the presence of such law, solving the waste management problem appears to be elusive for the Philippine government. The absence or incorrect way of waste segregation, inefficient collection of wastes, improper waste disposal, the inadequacy of disposal facilities and the lack of funding to put up efficient sanitary

landfills are some of the challenges that persist. The local government units, largely tasked with the responsibilities of waste management, continuously struggle in implementing the provisions of RA No. 9003.

The extent of the country's problem in waste management, particularly in disposing its plastic wastes, was even highlighted in the 2015 study entitled "*Plastic waste inputs from land into the ocean*"¹ led by Jenna R. Jamback of the College of Engineering, University of Georgia, which revealed that the Philippines has emerged as the world's third largest source of plastic waste leaking into the ocean.

While the Philippines' ranking as the 3rd largest plastic litter contributor is distressing, it comes as no surprise as the nation generates an immense amount of plastic wastes daily given the Filipinos' inclination of consuming everyday products (such as detergent, shampoo, coffee, powdered milk, or beverages) in sachets, "throw-away" or "single-use" plastic packaging. In fact, a report entitled "*Plastics Exposed: How Waste Assessments and Brand Audits are Helping Philippine Cities Fight Plastic Pollution*"², prepared by the Global Alliance for Incinerator Alternatives (GAIA), revealed that "*Almost 164 million pieces of sachets are used in the Philippines daily, equating to around 59.7 billion pieces of sachets yearly.*" Expounding on the said report, GAIA- Asia Pacific Executive Director Froilan Grate stated that "*The problem is the huge amount of single-use plastics being produced— not just the way waste is managed, . . . Companies create the waste in the form of plastic sachets, and profit from these, in the millions. They must be made accountable for the pollution.*"³

The attached bill seeks to institutionalize the practice of Extended Producers Responsibility (EPR), especially in industries that generate plastic waste, as an additional mechanism towards achieving an efficient solid waste management, amending for this purpose Republic Act No. 9003.

¹ Plastic waste inputs from land into the ocean by Jenna R. Jamback, et. al; Science 347, 768 (2015); DOI10.1126/science. 1260352

² <https://www.no-burn.org/wp-content/uploads/PlasticsExposed-3.pdf>

³ <https://www.breakfreefromplastic.org/2019/03/07/gaia-waba-report-2019/>

Swedish Professor Thomas Lindhqvist, the author of the EPR concept and in his report to the Swedish Ministry of the Environment, defined EPR as "an environmental protection strategy to reach an environmental objective of a decreased total environmental impact from a product, by making the manufacturer of the product responsible for the entire life-cycle of the product and especially for the take-back, recycling and final disposal of the product."⁴ The Organization for Economic Cooperation and Development (*OECD*) defines EPR "as an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle."⁵

Based on information gathered, EPR systems are now being observed in some of the European Union Member-Countries (Austria, Belgium, Czech Republic, France, Germany, Italy, Sweden, Spain, to name a few). In the Philippines, there are indications that the industry would welcome the EPR approach too. In fact, in a signed Declaration dated 26 January 2020, the members of the Philippine Alliance for Recycling and Materials Sustainability (PARMS), which is a multi-stakeholder coalition of corporations mostly from the fast-moving consumer goods (FMCG) sector, retailers, and industry groups, have already committed to engage in activities that are very much in harmony with the EPR approach. The PARMS members have committed, among others: (a) to reduce waste generation through packaging redesign and the voluntary withdrawal of non-recyclable products and packaging materials; (b) to recover waste by embarking on waste collection across communities; and (c) to recycle wastes by increasing application for recycled materials and strengthening investments in the recycling industry. Moreover, the leading beverage manufacturer in the country is already in the middle of its preparatory works for the establishment of a PET or plastic bottle recycling factory in the country, which is envisioned to start the culture of efficient retrieval and collection of used PET bottles, with the active participation of communities, and its recycling into PET bottles again or conversion into other plastic products.

⁴ <https://www.mmsk.ca/residents/history-epr/>

⁵ <http://www.oecd.org/environment/waste/extended-producer-responsibility.htm>

The EPR initiatives to be undertaken by manufacturers, distributors and retailers of good in the proposed bill include the following, among others: program for the redesign or adoption of packaging to improve recyclability or reusability of plastic containers and other packaging materials of their products; program for withdrawal or phase out of non-recyclable products and packaging materials and to replace them with existing alternatives that are environmentally sound and economically viable; program for the adoption of alternative delivery systems that will allow customers to purchase their products with the use of refillable containers or multi-use packs; program in collaboration with their distributors and retailers involving the efficient retrieval of recyclable or reusable plastic containers and packaging materials of their products and the designation or establishment of collection and/or recycling facilities; a campaign to encourage consumers to avoid using single-use plastics and to volunteer in bringing used plastic containers and packaging materials to identified collection and recycling facilities, or materials recovery facilities; and proper labeling or inclusion of information in the packaging of products regarding proper disposal of the containers and packaging materials.

In light of the foregoing, I earnestly seek the approval of this bill.



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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Title.* - This Act shall be known as the "*Extended Producers*
2 *Responsibility Act of 2020*".

3 Sec. 2. A new subsection (n) under Section 3 of Republic Act 9003 is
4 hereby inserted after subsection (m) to read as follows:

5 SECTION 3. *Definition of Terms.* - For the purposes of this
6 Act:

7 - x x x -

8 (N) *EXTENDED PRODUCER RESPONSIBILITY (EPR)* SHALL
9 REFER TO EITHER THE ENVIRONMENTAL POLICY OR PRACTICE IN
10 WHICH PRODUCERS, IN COORDINATION WITH DISTRIBUTORS
11 AND RETAILERS, HAVE THE RESPONSIBILITY FOR THE PROPER

1 AND EFFECTIVE DISPOSAL OF THEIR PRODUCTS AFTER THEY
2 HAVE BEEN SOLD TO AND USED BY CONSUMERS WITH THE
3 OBJECTIVES OF REDUCING WASTE GENERATION AND OF
4 IMPROVING RECYCLABILITY OR REUSABILITY OF WASTES, WHICH
5 INCLUDE PLASTIC CONTAINERS OR PACKAGING MATERIALS.

6 Thereafter, the succeeding subsections after this new subsection (m) shall
7 be accordingly rearranged in sequence.

8 Sec. 3. A new Section 14 is hereby inserted after Section 13, under
9 Chapter II, of Republic Act No. 9003, to read as follows:

10 SEC. 14. *EXTENDED PRODUCERS RESPONSIBILITY.* - ALL
11 PRODUCERS, IN COORDINATION WITH DISTRIBUTORS AND
12 RETAILERS, SHALL ADOPT MECHANISMS AND STRATEGIES FOR
13 THE EFFECTIVE AND PROPER MANAGEMENT OF THE WASTES,
14 SUCH AS DISCARDED CONTAINERS AND PACKAGING
15 MATERIALS, GENERATED FROM THE USE OR CONSUMPTION OF
16 THE PRODUCTS THEY PRODUCED, DISTRIBUTED, RETAILED OR
17 SOLD, AS THE CASE MAY BE. PRODUCERS, DISTRIBUTORS
18 AND RETAILERS PERFORMING THEIR RESPECTIVE EPR, AS
19 DETERMINED BY THE DEPARTMENT, SHALL BE ELIGIBLE TO
20 INCENTIVES; PROVIDED THAT THEIR MECHANISMS AND
21 STRATEGIES ARE SUBMITTED TO THE NATIONAL SOLID WASTE
22 MANAGEMENT COMMISSION, AS WELL AS THE CONCERNED
23 PROVINCIAL SOLID WASTE MANAGEMENT BOARD AND/OR CITY

1 OR MUNICIPAL SOLID WASTE MANAGEMENT BOARD, WHICH
2 SHALL INCLUDE EPR INCENTIVES IN THEIR RESPECTIVE SOLID
3 WASTE MANAGEMENT PLANS IN A MANNER CONSISTENT WITH
4 THE PROVISIONS OF THIS ACT.

5 DEPENDING ON THE RELEVANCE AND APPLICABILITY TO
6 THE BUSINESS THEY ARE ENGAGED IN, PRODUCERS, IN
7 COORDINATION WITH DISTRIBUTORS AND RETAILERS, SHALL
8 INCLUDE THE FOLLOWING ACTIVITIES AND UNDERTAKINGS IN
9 THEIR MECHANISMS AND STRATEGIES, AMONG OTHERS:

10 (1) PROGRAMS FOR THE REDESIGN OR ADOPTION OF
11 PACKAGING TO IMPROVE RECYCLABILITY OR
12 REUSABILITY OF PLASTIC CONTAINERS AND OTHER
13 PACKAGING MATERIALS OF THEIR PRODUCTS;

14 (2) PROGRAMS FOR THE WITHDRAWAL OR PHASE OUT OF
15 NON-RECYCLABLE PRODUCTS AND PACKAGING
16 MATERIALS AND TO REPLACE THEM WITH EXISTING
17 ALTERNATIVES THAT ARE ENVIRONMENTALLY SOUND
18 AND ECONOMICALLY VIABLE;

19 (3) PROGRAMS FOR THE ADOPTION OF ALTERNATIVE
20 DELIVERY SYSTEMS THAT WILL ALLOW CUSTOMERS
21 TO PURCHASE THEIR PRODUCTS WITH THE USE OF
22 REFILLABLE CONTAINERS OR MULTI-USE PACKS;

- 1 (4) PROGRAMS INVOLVING THE EFFICIENT RETRIEVAL OF
2 RECYCLABLE OR REUSABLE PLASTIC CONTAINERS
3 AND PACKAGING MATERIALS OF THEIR PRODUCTS
4 AND THE DESIGNATION OR ESTABLISHMENT OF
5 COLLECTION AND/OR RECYCLING FACILITIES;
- 6 (5) PROGRAMS, IN COLLABORATION WITH LGUS,
7 COMMUNITIES AND THE INFORMAL SECTORS IN
8 WASTE MANAGEMENT (SUCH AS WASTE PICKERS),
9 INVOLVING THE PROPER AND EFFECTIVE SOLID
10 WASTE MANAGEMENT, INCLUDING THE PROPER
11 SEGREGATION, RETRIEVAL, BUY BACK AND DISPOSAL
12 OF PLASTIC CONTAINERS AND PACKAGING
13 MATERIALS;
- 14 (6) CAMPAIGNS TO ENCOURAGE CONSUMERS TO AVOID
15 USING SINGLE-USE PLASTICS AND TO VOLUNTEER IN
16 BRINGING USED PLASTIC CONTAINERS AND
17 PACKAGING MATERIALS TO IDENTIFIED COLLECTION
18 AND RECYCLING FACILITIES OR MATERIALS
19 RECOVERY FACILITIES; AND
- 20 (7) PROPER LABELING OR INCLUSION OF INFORMATION
21 IN THE PACKAGING OF PRODUCTS REGARDING
22 PROPER DISPOSAL OF THE CONTAINERS AND
23 PACKAGING MATERIALS AND IDENTIFICATION OF

1 COLLECTION AND RECYCLING FACILITIES, OR
2 MATERIALS RECOVERY FACILITIES.

3 MANUFACTURERS, IN COORDINATION WITH
4 DISTRIBUTORS AND RETAILERS, MAY ORGANIZE
5 THEMSELVES OR FORM ASSOCIATIONS AND/OR ALLIANCES
6 IN ORDER TO STREAMLINE THE OPERATION OF THE
7 FOREGOING EPR MECHANISMS AND STRATEGIES.
8 FURTHER, MANUFACTURERS, DISTRIBUTORS AND
9 RETAILERS ARE LIKEWISE ENCOURAGED TO DEVELOP EPR
10 SYSTEMS THAT WILL INTEGRATE AND PROVIDE TRAINING
11 TO THE INFORMAL SECTORS IN WASTE MANAGEMENT
12 (SUCH AS THE WASTE PICKERS).

13 Sec. 4. The succeeding sections after the newly inserted Section 14 are
14 hereby renumbered accordingly.

15 Sec. 5. *Appropriation.* – The sum necessary for the effective
16 implementation of this Act shall be charged against the appropriations for the
17 Department of Environment and Natural Resources under the General
18 Appropriations Act. Thereafter, such amount as may be necessary for the
19 continued operation of the centers shall be included in the annual General
20 Appropriations Act.

21 Sec. 6. *Implementing Rules and Regulations.* – The Department of
22 Environment and Natural Resources (DENR), in consultation with relevant

1 government agencies and other stakeholders, shall formulate the rules and
2 regulations necessary to implement the provisions of this Act within six (6)
3 months from its effectivity.

4 Sec. 7. *Separability Clause.* – If any portion or provision of this Act is
5 declared unconstitutional or invalid, the remainder of this Act or any provisions
6 hereof not affected thereby shall continue to be in force and effect.

7 Sec. 8. *Repealing Clause.* – Any law, presidential decree or issuance,
8 executive order, letter of instruction, rule or regulation inconsistent or contrary
9 to the provisions of this Act is hereby repealed or modified accordingly.

10 Sec. 9. *Effectivity.* – This Act shall take effect after fifteen (15) days
11 following its complete publication in the Official Gazette or a newspaper of
12 general circulation.

Approved,