

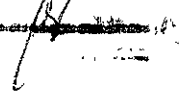
FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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SENATE

S. NO. 2088

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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#### EXPLANATORY NOTE

As the Philippine battery industry continues to grow, risk of disposing rechargeable batteries in the solid waste stream also becomes more threatening. Disposing rechargeable batteries which commonly contain health-hazardous heavy metals such as cadmium, lead and mercury are of particular concern since these are considered as toxic waste materials. Such product, if carelessly disposed, could expose the environment and water to lead and acid, pollute the lakes and streams and may cause burns or danger to eyes and skin.

The use of rechargeable batteries can reduce the number of batteries and at the same time increase the amount of heavy metals entering the waste stream. To reduce toxic waste in the environment, the most effective and appropriate method to promote the reduction of toxic metals from rechargeable battery disposal is to require the battery industry to accept financial responsibility for the environmentally sound collection, transportation and recycling or proper disposal of discarded rechargeable batteries.

It is in the public interest of the Filipino people to maximize the removal of used rechargeable batteries from the solid waste stream by banning its disposal of used rechargeable batteries from the solid waste stream and requiring manufacturers to take back and recycle the used rechargeable batteries that are sold or disposed of in any part of the country.

Approval of this bill is earnestly sought.

  
ANTONIO "SONNY" F. TRILLANES IV  
Senator



1 shall be deemed to be the battery manufacturer; or (ii) imports rechargeable batteries that are  
2 sold or distributed in the Philippines.

3 b. Consumer - any person who purchases one or more rechargeable batteries, or products  
4 containing such batteries at the time of sale.

5 c. Place of business - the location, at which a retailer sells or offers for sale to consumers,  
6 rechargeable batteries, or products containing such batteries at the time of sale.

7 d. Rechargeable battery - any rechargeable nickel-cadmium, sealed lead, lithium ion,  
8 nickel metal hydride battery, or any other such dry cell battery capable of being recharged  
9 weighing less than twenty-five pounds, or battery packs containing such batteries, but shall not  
10 include a battery used as the principal electric power source for a vehicle, such as, but not limited  
11 to, an automobile, boat, truck, tractor, golf cart or wheelchair, for storage of electricity generated  
12 by an alternative power source, such as solar or wind-driven generators, or for memory backup  
13 in an electronic device.

14 e. Retailer - a person, firm or corporation that engages in the sale of rechargeable  
15 batteries, or products containing such batteries, to a consumer in the Philippines including, but  
16 not limited to, transactions conducted through sales outlets, catalogs, by mail, telephone or the  
17 internet. For purposes of this section retailer shall not include a food store.

18

19 **SEC. 4. Rechargeable battery disposal ban.** No person shall knowingly dispose of  
20 rechargeable batteries as solid waste at any time anywhere in the Philippines.

21

22 **SEC. 5. Rechargeable battery recycling program.**

23 1. Consumers shall return rechargeable batteries to a retailer that sells such batteries that  
24 are similar in shape, size and function to those to be disposed of. Rechargeable batteries  
25 contained in electronic products must be removed prior to disposal of such product.

1           2. Retailers shall be responsible for the following:

2           a. Retailers having a place of business in any place in the Philippines shall accept from  
3 consumers at any time during normal business hours rechargeable batteries of a similar size and  
4 shape as the retailer offers for sale. Retailers shall take up to ten such batteries per day from any  
5 person regardless of whether such person purchases replacement batteries, and retailers shall also  
6 accept as many such batteries as a consumer purchases from the retailer. Retailers shall  
7 conspicuously post and maintain, at or near the point of entry to the place of business, a legible  
8 sign, not less than 8 ½ inches by 11 inches in size, stating that used rechargeable batteries of the  
9 size and shape sold or offered for sale by the retailer may not enter the solid waste stream, and  
10 that the retail establishment is a collection site for recycling such batteries. Such sign shall state  
11 the following in letters at least one-inch in height:

12           “It is illegal to dispose of rechargeable batteries in the Philippines as solid waste. We  
13 accept used rechargeable batteries for return to the manufacturer.”

14           b. Retailers that sell rechargeable batteries to consumers in the Philippines through non-  
15 retail outlets such as through catalogs, or by mail, telephone or the internet shall provide at the  
16 time of purchase or delivery to the consumer notice of an opportunity to return used rechargeable  
17 batteries at no cost to the consumer for reuse or recycling.

18           c. Retailers in the Philippines shall conspicuously maintain, at a location within the retail  
19 establishment convenient for use by consumers, collection boxes or other suitable receptacles,  
20 supplied by the manufacturer, into which consumers may deposit used rechargeable batteries.

21           3. Every battery manufacturer, or any combination of battery manufacturers working  
22 together, shall:

23           a. At the battery manufacturer’s own expense, arrange for the return of, and recycle all  
24 used rechargeable batteries collected by retailers.

25           b. Within six months of the passage of this law, submit a plan to the head commissioner  
26 of National Solid Waste Management Commission (NSWMC), or any other person responsible

1 for the Philippines' recycling programs, that identifies the methods by which battery  
2 manufacturers will collect, transport, and recycle rechargeable batteries collected by retailers at  
3 the expense of the battery manufacturer.

4 c. Submit annual reports concerning the amount of rechargeable batteries received and  
5 recycled within the Philippines, either by number or by weight; the costs of such efforts; and any  
6 other relevant information to the head commissioner of NSWMC or any other person responsible  
7 for the Philippines' recycling programs.

8 d. Undertake efforts to educate the citizens of the Philippines regarding the appropriate  
9 ways to recycle rechargeable batteries.

10 4. The head commissioner of NSWMC, or any other person responsible for the  
11 Philippines recycling programs, shall approve or reject any battery manufacturer's collection,  
12 transportation, and recycling plans described in section (5)(3)(b) within thirty days of submission  
13 and, if rejected, inform the battery manufacturer in writing as to any deficiencies in the plan.  
14 Battery manufacturers shall amend and resubmit any rejected plans for reconsideration within  
15 sixty days of notification of the rejection of said plan. The head commissioner of NSWMC or  
16 any other person responsible for the Philippines' recycling programs shall approve or reject said  
17 plan within thirty days of resubmission.

18 5. The head commissioner of NSWMC, or any other person responsible for the  
19 Philippines' recycling programs, shall analyze the information provided by battery  
20 manufacturers pursuant to Section (5)(2)(c) and publish its report in at least two (2) general  
21 newspapers of national circulation every two years.

22 6. The commissioner of NSWMC, or any other person responsible for the Philippines'  
23 recycling programs, shall promulgate any rules needed to implement this law.

1           **SEC. 6. Penalties.**

2           1. Any person who violates section 4 of this law shall be liable for a civil penalty  
3 recoverable in a proceeding before the NSWMC in the amount of two thousand pesos (Php  
4 2,000) for the first violation, four thousand pesos (Php 4,000) for a second violation committed  
5 within twelve months of a prior violation and eight thousand pesos (Php 8,000) for a third or  
6 subsequent violation committed within twelve months of any prior violation.

7           2. Any retailer who violates section 5 of this law shall be liable for a civil penalty in a  
8 proceeding before the environmental control board in the amount of eight thousand pesos (Php  
9 8,000) for the first violation, sixteen thousand pesos (Php 16,000) for a second violation  
10 committed within twelve months of a prior violation, and twenty thousand pesos (Php 20,000)  
11 for a third or subsequent violation committed within twelve months of any prior violation.

12           3. Any battery manufacturer who violates section 5 of this law shall be liable for a civil  
13 penalty recoverable in a proceeding before the NSWMC in the amount of eighty thousand pesos  
14 (Php 80,000) for the first violation, one hundred sixty thousand pesos (Php 160,000) for a second  
15 violation committed within twelve months of a prior violation, and two hundred thousand pesos  
16 (Php 200,000) for a third or subsequent violation committed within twelve months of any prior  
17 violation.

18  
19           **SEC. 7. Appropriations.** – The amount necessary to carry out the provisions of this  
20 Act shall be provided out of the savings from the appropriations of the NSWMC for the current  
21 year. Thereafter, the sum necessary for the implementation of this Act shall be appropriated in  
22 the annual appropriations of the NSWMC.

23  
24           **SEC. 8. Repealing Clause.** All laws, decrees, orders, rules and regulations or  
25 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

1           **SEC. 9. *Effectivity.*** This Act shall take effect fifteen (15) days upon its  
2 publication in at least two (2) general newspapers of national circulation.

Approved,