

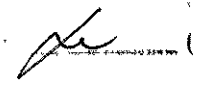
FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

8 OCT -8 11:30

SENATE

S. No. 2668

RECEIVED BY



Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

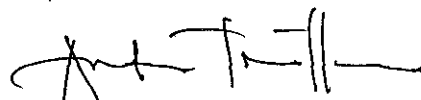
The earth's natural resources are being devoured today at a rate that highlights the idea that future generations will be paying for serious consequences it would bring. For this reason, the importance of recycling has been continuously becoming an essential matter which concerns the general public and the economy.'

The ban on disposing electronic waste (e-waste) through the normal solid waste stream has resulted in illegal dumping in many countries. At present, many companies and individuals are improving their recycling habits by coming up with ways to reduce what they use. This concept of recycling is not only favorable for our surroundings but also for businesses as they secure better relations with the consumers over the matter of saving the environment.¹

In this light, a comprehensive legislation that will provide the people a method on how to recycle much of what was being used, instead of turning it into unusable waste, is highly called for.

This bill aims to help recycle the people's electronic devices for free by taking a "manufacturers' responsibility" approach to recycle e-waste. Applicable only to devices sold to households, this bill requires companies that produce consumer electronics to collect and recycle the products they have sold.

In view of the foregoing, the immediate approval of this bill is earnestly recommended.



ANTONIO "SONNY" F. TRILLANES IV
Senator


¹ The Importance of Recycling. Data retrieved on 02 July 2008 at <http://printerinkcartridges.printcountry.com/inkjet-recycling-and-buyback-recycled-empty-cartridges-related-articles/the-importance-of-recycling-and-how-we-can-help-environment>

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

8 OCT -8 AM

SENATE

S. No. 2668

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

**AN ACT
PROVIDING FOR THE COLLECTION, TRANSPORTATION AND RECYCLING OF
ELECTRONIC WASTE AND CELLULAR PHONES**

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

ARTICLE I

TITLE

SECTION 1. Short Title. This Act may be cited as the "*E-waste and Cellular Phones Recycling Act of 2008*".

SEC.2. Definition of Terms. -- For the purpose of this Act, the following are defined as follows:

a. "Bureau" means the Bureau of Internal Revenue;

b. "Cathode-ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image;

c. "Collection" means the aggregation of covered electronic devices from households and includes all the activities up to the time the covered electronic devices are delivered to a recycler;

d. "Collector" means a public or private entity that receives covered electronic devices from households and arranges for the delivery of the devices to a recycler;

e. "Commissioner" means the Commissioner of the Bureau of Internal Revenue;

1 f. "Computer" means an electronic, magnetic, optical, electrochemical, or other high-
2 speed data processing device performing logical, arithmetic, or storage functions, but does not
3 include an automated typewriter or typesetter, a portable hand-held calculator or device, or other
4 similar device;

5 g. "Computer monitor" means:

6 (1) an electronic device that is a cathode-ray tube or flat panel display primarily
7 intended to display information from a central processing unit or the Internet;

8 (2) includes a laptop computer;

9 h. "Covered electronic device" means computers, peripherals, facsimile machines, DVD
10 players, video cassette recorders, and video display devices that are sold to a household by
11 means of retail, wholesale, or electronic commerce;

12 i. "Department" means the Department of Environment and Natural Resources

13 j. "Dwelling unit" means a single unit providing complete, independent, living
14 facilities for one or more persons, including permanent provisions for living, sleeping,
15 eating, cooking, and sanitation;

16 k. "Household" means an occupant of a single detached dwelling unit or a single unit of
17 a multiple dwelling unit who has used video display device at a dwelling unit primarily for
18 personal use;

19 l. "Manufacturer" means a person who:

20 (1) manufactures video display devices to be sold under its own brand as
21 identified by its own brand label; or

22 (2) sells video display devices manufactured by others under its own brand as
23 identified by its own brand label.

24 m. "Peripheral" means a keyboard, printer, or any other device sold exclusively for
25 external use with a computer that provides input or output into or from a computer;

- 1 n. "Program year" means the period from July 1 through June 30 of the following year;
- 2 o. "Recycler" means a public or private individual or entity who accepts covered
3 electronic devices from households and collectors for the purpose of recycling. A manufacturer
4 who takes products for refurbishment or repair is not a recycler;
- 5 p. "Recycling" means the process of collecting and preparing video display devices or
6 covered electronic devices for use in manufacturing processes or for recovery of useable
7 materials followed by delivery of such materials for use. Recycling does not include the
8 destruction by incineration or other process or land disposal of recyclable materials nor reuse,
9 repair, or any other process through which video display devices or covered electronic devices
10 are returned to use for households in their original form;
- 11 q. "Recycling credits" means the number of pounds of covered electronic devices
12 recycled by a manufacturer from households during a program year, less the product of the
13 number of pounds of video display devices sold to households during the same program year,
14 multiplied by the proportion of sales a manufacturer is required to recycle;
- 15 r. "Retailer" means a person who sells, rents, or leases, through sales outlets, catalogs,
16 or the Internet, a video display device to a household and not for resale in any form;
- 17 s. "Secretary" means the Secretary of the Department of Environment and Natural
18 Resources;
- 19 t. "Sell" or "sale" means any transfer for consideration of title or of the right to use, by
20 lease or sales contract, including, but not limited to, transactions conducted through sales outlets,
21 catalogs, or the Internet, or any other similar electronic means, by a person who conducts the
22 transaction and controls the delivery of a video display device to a consumer, but does not
23 include a manufacturer's or distributor's wholesale transaction with a distributor or a retailer;
- 24 u. "Television" means an electronic device that is a cathode-ray tube or flat panel display
25 primarily intended to receive video programming via broadcast, cable, or satellite transmission or

1 video from surveillance or other similar cameras;

2 v. "Video display device" means a television or computer monitor, including a laptop
3 computer, that contains a cathode-ray tube or a flat panel screen with a screen size that is greater
4 than nine inches measured diagonally and that is marketed by manufacturers for use by
5 households. Video display device does not include any of the following:

6 (1) a video display device that is part of a motor vehicle or any component part of
7 a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer,
8 including replacement parts for use in a motor vehicle;

9 (2) a video display device, including a touch-screen display, that is functionally or
10 physically part of a larger piece of equipment or is designed and intended for use in an
11 industrial; commercial, including retail; library checkout; traffic control; kiosk; security,
12 other than household security; border control; or medical setting, including diagnostic,
13 monitoring, or control equipment;

14 (3) a video display device that is contained within a clothes washer, clothes dryer,
15 refrigerator, refrigerator and freezer, microwave oven, conventional oven or range,
16 dishwasher, room air conditioner, dehumidifier, or air purifier; or

17 (4) a telephone of any type unless it contains a video display area greater than
18 nine inches measured diagonally.

19 w. "Cellular telephone" means a mobile wireless telephone device that is designed to
20 send or receive transmissions through a cellular radiotelephone service and does not include a
21 wireless telephone device that is integrated into the electrical architecture of a motor vehicle;

22 x. "Cellular telephone service provider" means a provider of wireless voice or data retail
23 service;

24 y. "Retailer" means a person, firm or corporation that sells or offers to sell a cellular
25 telephone to a consumer at retail.

1 **ARTICLE II**

2 **REGISTRATION PROGRAM**

3 **SEC. 3. *Requirements for Sale.* –**

4 (a) A manufacturer must not sell or offer for sale or deliver to retailers for subsequent
5 sale a new video display device unless:

6 (1) the video display device is labeled with the manufacturer's brand, which label
7 is permanently affixed and readily visible; and

8 (2) the manufacturer has filed a registration with the Department.

9 (b) A retailer who sells or offers for sale a new video display device to a household must,
10 before the initial offer for sale, review the Department Web site specified in Section 4 (g) to
11 determine that all new video display devices that the retailer is offering for sale are labeled with
12 the manufacturer's brands that are registered with the Department;

13 (c) A retailer is not responsible for an unlawful sale if the manufacturer's registration
14 expired or was revoked and the retailer took possession of the video display device prior to the
15 expiration or revocation of the manufacturer's registration and the unlawful sale occurred within
16 six months after the expiration or revocation.

17
18 **SEC. 4. *Manufacturer's Registration.* –**

19 (a) A manufacturer of video display devices sold or offered for sale to households must
20 submit a registration to the Department that includes:

21 (1) a list of the manufacturer's brands of video display devices offered for sale in
22 the country;

23 (2) the name, address, and contact information of a person responsible for
24 ensuring compliance with this Act; and

25 (3) a certification that the manufacturer has complied and will continue to comply

1 with the requirements of the Sections under Article II of this Act.

2 b) Each year, a manufacturer of video display devices sold or offered for sale to a
3 household must include in the registration submitted under paragraph (a) of this Section, a
4 statement disclosing whether:

5 (1) any video display devices sold to households exceed the maximum
6 concentration values established for lead, mercury, cadmium, hexavalent chromium,
7 polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEs); or

8 (2) the manufacturer has received an exemption from one or more of those
9 approved maximum concentration values.

10 (c) A manufacturer who begins to sell or offer for sale video display devices to
11 households, and has not filed a registration under this Section must submit a registration to the
12 Department within ten (10) days of beginning to sell or offer for sale video display devices to
13 households;

14 (d) A registration must be updated within ten (10) days after a change in the
15 manufacturer's brands of video display devices sold or offered for sale to households;

16 (e) A registration is effective upon receipt by the Department and is valid until August 1
17 of each year;

18 (f) The Department must review each registration and notify the manufacturer of any
19 information required by this Section that is omitted from the registration. Within thirty (30) days
20 of receipt of a notification from the Department, the manufacturer must submit a revised
21 registration providing the information noted by the Department;

22 (g) The Department must maintain on its Web site the names of manufacturers and the
23 manufacturers' brands listed in registrations filed with the Department. The Department must
24 update the Web site information promptly upon receipt of a new or updated registration. The
25 Web site must contain prominent language stating, in effect, that all Sections in this Act are

1 directed at household equipment and the manufacturers' brands list is, therefore, not a list of
2 manufacturers qualified to sell to industrial, commercial, or other markets identified as exempt
3 from the requirements of this Act.
4

5 **SEC. 5. *Collector's Registration.*** - No person may operate as a collector of
6 covered electronic devices from households unless that person has submitted a registration with
7 the Department on a form prescribed by the Secretary. Registration information must include the
8 name, address, telephone number, and location of the business and a certification that the
9 collector has complied and will continue to comply with the requirements of Sections under
10 Article II of this Act. A registration is effective upon receipt by the Department and is valid until
11 July 1 of each year.
12

13 **SEC. 6. *Recycler's Registration.*** - No person may recycle video display devices
14 generated by households unless that person has submitted a registration with the Department on a
15 form prescribed by the Secretary. Registration information must include the name, address,
16 telephone number, and location of all recycling facilities under the direct control of the recycler
17 that may receive video display devices from households and a certification that the recycler has
18 complied and will continue to comply with the requirements of Sections under Article II of this
19 Act. A registered recycler may conduct recycling activities that are consistent with this Act. A
20 registration is effective upon receipt by the Department and is valid until July 1 of each year.
21

22 **SEC. 7. *Manufacturer's Registration Fee.*** - Each manufacturer who registers under
23 Article II of this Act must, each year, pay to the Commissioner of the Bureau an annual
24 registration fee. The Commissioner of the Bureau must deposit the fee in the account established
25 in Section 4 of this Act.

1 **SEC. 12. *Recycler's Responsibilities.*** –

2 (a) As part of the report submitted under this Act, a recycler must certify, except as
3 provided in paragraph (b) of this Section, that facilities which recycle video display devices,
4 including all downstream recycling operations:

5 (1) comply with all applicable health, environmental, safety, and financial
6 responsibility regulations;

7 (2) are licensed by all applicable governmental authorities;

8 (3) use no prison labor to recycle video display devices; and

9 (4) possess liability insurance for environmental releases, accidents, and other
10 emergencies.

11 (b) A nonprofit corporation that contracts with a correctional institution to refurbish and
12 reuse donated computers in schools is exempt from paragraph (a) (3) and (4);

13 (c) Except to the extent otherwise required by law, a recycler has no responsibility for
14 any data that may be contained in a covered electronic device if an information storage device is
15 included in the covered electronic device;

16
17 **SEC. 13. *Retailer's Responsibilities.*** –

18 (a) By July 1 of each year, a retailer must report to a manufacturer the number of video
19 display devices, by video display device model, labeled with the manufacturer's brand sold to
20 households during the previous program year;

21 (b) A retailer who sells new video display devices shall provide information to
22 households describing where and how they may recycle video display devices and advising them
23 of opportunities and locations for the convenient collection of video display devices for the
24 purpose of recycling. This requirement may be met by providing to households the Department's
25 toll-free number and Web site address. Retailers selling through catalogs or the Internet may

1 meet this requirement by including the information in a prominent location on the retailer's Web
2 site.

4 ARTICLE V

5 DEPARTMENT AND BUREAU DUTIES

6 SEC. 14. *Duties of the Department.* –

7 (a) The Department shall administer all Sections in this Act;

8 (b) The Department shall establish procedures for:

9 (1) receipt and maintenance of the registration statements and certifications filed
10 with the Department under Article II; and

11 (2) making the statements and certifications easily available to manufacturers,
12 retailers, and members of the public.

13 (c) The Department shall annually review the value of the following variables which will
14 be a part of the formula to be used to calculate a manufacturer's annual registration fee:

15 (1) the proportion of sales of video display devices sold to households that
16 manufacturers are required to recycle;

17 (2) the estimated per-pound price of recycling covered electronic devices sold to
18 households;

19 (3) the base registration fee; and

20 (4) the multiplier established for the weight of covered electronic devices
21 collected.

22 If the Department determines that any of these values must be changed in order to
23 improve the efficiency of the activities regulated under this Act, it shall present those
24 recommendations and the reasons for them to Committees of the Congress with
25 jurisdiction over solid waste policy.

1 (d) By January 15 each year, the Department shall calculate estimated sales of video
2 display devices sold to households by each manufacturer during the preceding program year,
3 based on national sales data, and forward the estimates to the Bureau;

4 (e) On or before December 1 each year, the Department shall provide a report to the
5 legislature on the implementation of this Act. For each program year, the report must discuss the
6 total weight of covered electronic devices recycled and a summary of information in the reports
7 submitted by manufacturers and recyclers under Article III. The report must also discuss the
8 various collection programs used by manufacturers to collect covered electronic devices;
9 information regarding covered electronic devices that are being collected by persons other than
10 registered manufacturers, collectors, and recyclers; and information about covered electronic
11 devices, if any, being disposed of in landfills in the country. The report must include a
12 description of enforcement actions under this Act. The Department may include in its report
13 other information received by the Department regarding the implementation of this Act;

14 (f) The Department shall promote public participation in the activities regulated under
15 this Act through public education and outreach efforts;

16 (g) The Department shall enforce this Act accordingly, except for those provisions
17 enforced by the Bureau. The Department may revoke a registration of a collector or recycler
18 found to have violated this Act;

19 (h) The Department shall facilitate communication as regards the collection and recycling
20 centers, and manufacturers to ensure that manufacturers are aware of video display devices
21 available for recycling;

22 (i) The Department shall develop a form retailers must use to report information to
23 manufacturers under Article IV and post it on the Department's Web site;

24 (j) The Department shall post on its Web site the contact information provided by each
25 manufacturer under Section 11, paragraph (e) of this Act.

1 and containing the following language: "We accept used cellular telephones at no charge."

2
3 **SEC. 17. *Disposal Ban.*** – A person may not dispose off a cellular telephone in solid
4 waste for disposal in a solid waste disposal facility.

5
6 **SEC. 18. *Reports.*** – Every year, a cellular telephone service provider shall report to the
7 Bureau the number of cellular telephones collected pursuant to this Section and how the
8 collected cellular telephones were disposed of, reused or recycled. The Bureau shall report on the
9 collection system to the joint standing committee of the Legislature having jurisdiction over
10 natural resources matters.

11
12 **SEC. 19. *Separability Clause.*** - If any part or provision of this Act is held
13 unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall
14 continue to be in full force and effect.

15
16 **SEC. 20. *Effectivity.*** - This Act shall take effect after fifteen (15) days following its
17 complete publication in at least two (2) national newspapers of general circulation.

Approved,