

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

OFFICE OF THE SECRETARY

10 JUL 21 AM 58

SENATE  
S. No. 1715

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II provides that:

Section 14. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Section 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The management of solid waste can pose a wide range of hazards to public health and safety and to the environment. Packaging comprises a significant percentage of the overall solid waste stream. The presence of heavy metals in packaging is a part of the total concern in light of their likely presence in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled.

Lead, mercury, cadmium, and hexavalent chromium, on basis of available scientific and medical evidence, are of particular concern. It is desirable as a first step in reducing the toxicity of packaging waste to eliminate the addition of these heavy metals to packaging.

This bill seeks to achieve this reduction in toxicity without impeding or discouraging the expanded use of post-consumer materials in the production of packaging and its components.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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AN ACT  
TO PROVIDE FOR THE REDUCTION OF METALS IN PACKAGING

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

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SECTION 1. *Short Title.* – This Act shall be known as the “Reduction of Metals in Packaging Act.”

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SECTION 2. *Definitions.* –As used in this Act, the term:

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(A) “Package” means a container providing a means of marketing, protecting, or handling a product and includes a unit package, an intermediate package, and a shipping container as defined in ASTM D996, and unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs;

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(B) “Distributor” means any person, firm, or corporation who takes title to goods purchased for resale;

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(C) “Packaging component” means any individual assembled part of package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closures, inks, and labels;

1 (D) "Department" means the Department of Trade and Industry; and

2 (E) "Secretary" means the Secretary of the Department of Trade and Industry.

3 SECTION 3. *Prohibition/Schedule for Removal of Incident Amounts.* – (A) The  
4 Secretary of the Department of Trade and Industry shall issue such regulations as may be  
5 necessary to require, not later than two (2) years after the date of the enactment of this Act, that  
6 no package or packaging component, inks, dyes, pigments, adhesives, stabilizers, or any other  
7 additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally  
8 introduced as an element during manufacturing or distribution as opposed to the incidental  
9 presence of any of these elements.

10 (B) For purposes of such regulations, the sum of the concentration levels of lead,  
11 cadmium, mercury, hexavalent chromium present in any package or packaging component shall  
12 not exceed the following:

13 (1) 600 parts per million by weight (0.06%) effective two (2) years after the date  
14 of the enactment of this Act;

15 (2) Two Hundred Fifty (250) parts per million by weight (0.025%) effective three  
16 (3) years after the date of the enactment of this Act; and

17 (3) One Hundred (100) per million by weight (0.01%) effective four (4) years  
18 after the date of the enactment of this Act.

19 SECTION 4. *Exemptions.* – (A) Such regulations shall be applicable to all packages and  
20 packaging components except the following:

21 (1) Those packages or package components with a code indicating date of  
22 manufacture that were manufactured prior to the effective date of this statute;

1 (2) Those packages or package components to which lead, cadmium, mercury or  
2 hexavalent chromium have been added in the manufacturing, forming,  
3 printing, or distribution process in order to comply with health or safety  
4 requirements of Philippine law or for which there is no feasible alternative,  
5 except that the manufacturer of a package or packaging component must  
6 petition the Department for any exemption from the provisions of this  
7 subsection for a particular package or packaging component based upon either  
8 criterion.

9 The Secretary may grant a two (2) year exemption if warranted by the  
10 circumstances. Such an exemption may, upon meeting either criterion of this  
11 subsection, be renewed for two (2) years.

12 For purposes of this paragraph, a use for which there is no feasible  
13 alternative is one in which the regulated substance is essential to the  
14 protection, safe handling, or function of the package's contents; or

15 (3) Packages and packaging components that would not exceed the maximum  
16 contaminant levels set forth in paragraph (C) of Section 3 of this Act but for  
17 the addition of post-consumer materials.

18 (B) The provision of paragraph (A) shall be of no effect on and after the expiration of the  
19 72-month period following the date of enactment of this Act.

20 SECTION 5. *Certificate of Compliance.* – (A) Such regulation shall require, not later  
21 than two (2) years after the date of the enactment of this Act, a Certificate of Compliance stating  
22 that a package or packaging component is in compliance with the requirements of this Act shall  
23 be furnished by the manufacturer or supplier of such package or component to its purchaser.

1 Where compliance is achieved under the exemptions provided in paragraph (B) or (C) of Section  
2 4, the Certificate shall state the specific basis upon which the exemption is claimed. The  
3 Certificate of Compliance shall be signed by an authorized official of the manufacturing or  
4 supplying company. The purchaser shall retain the Certificate of Compliance for as long as the  
5 package or packaging component is in use. A copy of the Certificate of Compliance shall be  
6 kept on the file by the manufacturer or supplier of the package or packaging component.  
7 Certificates of compliance, or copies thereof, shall be furnished to the Department upon its  
8 request and to members of the public in accordance with Section 8.

9 (B) If the manufacturer or supplier of the package of packaging component reformulates  
10 or creates a new package or packaging component, the manufacturer or supplier shall provide an  
11 amend or new Certificate of Compliance for the reformulated or new package of packaging  
12 component.

13 SECTION 6. *Penalty.* – Whenever on the basis of any information the Secretary  
14 determines that any person has violated or is in violation of this Act, the Secretary may issue an  
15 order assessing a civil penalty in an amount not to exceed Two Hundred Fifty Thousand Pesos  
16 (P250,000.00).

17 SECTION 7. *Review by Department.* – The Secretary shall review the effectiveness of  
18 this Act no later than forty-two (42) months after the date of its enactment and shall report to the  
19 Congress the results of such review. The report may contain recommendations to add other toxic  
20 substances contained in packaging to the list set forth of this Act in order to further reduce the  
21 toxicity of packaging waste, and shall contain a recommendation whether to continue the  
22 recycling exemption as it is provided for in paragraph (C) of Section 4 of this Act, and a

1 description of the nature of paragraph (C) of Section of this Act, and a description of the nature  
2 of the substitutes used in lieu of lead, mercury, cadmium and hexavalent chromium.

3 SECTION 8. *Public Access.* – Any request from a member of the public for a copy of any  
4 Certificate of Compliance from the manufacturer or supplier of a package or packaging  
5 component shall be:

6 (A) Made in writing with a copy provided to the Secretary of the Department of Trade  
7 and Industry;

8 (B) Made specific as to package or packaging component information requested; and

9 (C) Responded to by the manufacturer or supplier within sixty (60) days.

10 SECTION 9. *Non-Preemption.* – Nothing in this Act shall be construed so as to prohibit  
11 the Department from enacting and enforcing a standard or requirement with respect to toxic  
12 metals in packaging that is more stringent than a standard or requirement relating to toxic metals  
13 in packaging established or promulgated under this Act.

14 SECTION 10. *Separability Clause.* - If any provision or part hereof, is held invalid or  
15 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain  
16 valid and subsisting.

17 SECTION 11. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
18 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
19 with the provisions of this Act is hereby repealed, modified or amended accordingly.

1           SECTION 12. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
2 publication in at least two (2) newspapers of general circulation.

Approved,