

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

SENATE
OFFICE OF THE SECRETARY

10 JUL 21 P4 53

SENATE
S. No. 1797

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 16 provides:

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.

A series of articles in the Seattle Times in July, 1997, highlighted the practice of adding hazardous materials to fertilizers. Industries have found a way to get rid of their toxic wastes, including industrial wastes and pesticides – by putting them in fertilizers. Some tests done on fertilizers show the presence of numerous heavy metals and other contaminants.

These toxic fertilizers have been shown to have caused the contamination and loss of agricultural lands, death of livestock, contamination of groundwater/drinking water and potentially allowed toxic substances to end up in our food supply. Some of the toxins which have been found in commercial fertilizers include lead (causes seizures, mental retardation and behavioral disorders); cadmium (known to cause cancer, kidney disease, neurological dysfunction, immune system changes and birth defects); and arsenic (a known carcinogen).

The purpose of this bill is to stop the practice of adding toxic and hazardous materials to fertilizers immediately.*


MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the third regular session of the 14th Congress.

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1 AN ACT
2 TO REGULATE FERTILIZER INGREDIENTS

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “Fertilizer Content Act.”

4 SECTION 2. *Definition.* – As used in this Act, the term “Hazardous Waste or
5 Substances” shall mean anything that poses substantial or potential threats to public health or the
6 environment and generally exhibits one or more of these characteristics: carcinogenic, ignitable
7 (i.e., flammable), oxidant, corrosive, toxic, radioactive or explosive.

8 SECTION 3. *Tests.* – The Department of Trade and Industry (DTI) shall analyze
9 samples of all commercial fertilizers for the presence of hazardous wastes or hazardous
10 substances. The Department of Health shall assist the DTI in conducting these tests. The
11 Secretary of Trade and Industry shall publish a list of fertilizer products containing hazardous
12 wastes or substances and shall annually report the results of the sampling and analysis to the
13 Legislature.

14 SECTION 4. *Prohibition.* – A commercial fertilizer that has been adulterated with any
15 substance defined as hazardous shall not be stored, transported, or sold.

1 SECTION 5. *Penalty.* – Any person, corporation, or association who violates this Act
2 by selling any adulterated fertilizer shall be liable for payment of a fine worth Two Hundred and
3 Fifty Pesos for the first offense. A subsequent violation shall be penalized with a penalty of Five
4 Hundred Thousand Pesos and closure of the business establishment.

5 Any person, corporation, or association who violates this Act by storing or transporting
6 commercial fertilizer shall be subject to a penalty of fine worth Fifty Thousand Pesos. Each day
7 during which the prohibited activity occurs shall be deemed a separate violation.

8 SECTION 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts
9 thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified
10 accordingly.

11 SECTION 7. *Separability Clause.* – If, for any reason, any provision of this Act is
12 declared to be unconstitutional or invalid, the other sections or provisions hereof which are not
13 affected thereby shall continue to be in full force and effect.

14 SECTION 8. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
15 following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,