

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )



'15 AUG 26 P5:16

SENATE  
S. No. 2917

RECEIVED BY: J.

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
TO REGULATE FERTILIZER INGREDIENTS

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, and 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).

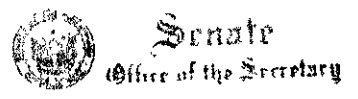
The purpose of this bill is to stop the practice of adding toxic and hazardous materials to fertilizers immediately.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed in the Fourteenth Congress, Third Regular Session and refiled in the Fifteenth Congress, First Regular Session.

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

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

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

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

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

1           SECTION 5. *Penalty.* – Any person, corporation, or association who violates  
2 this Act by selling any adulterated fertilizer shall be liable for payment of a fine worth  
3 ₱250,000.00 for the first offense. A subsequent violation shall be penalized with a  
4 penalty of ₱500,000.00 and closure of the business establishment.

5           Any person, corporation, or association who violates this Act by storing or  
6 transporting commercial fertilizer shall be subject to a penalty of fine worth ₱50,000.00.  
7 Each day during which the prohibited activity occurs shall be deemed a separate  
8 violation.

9           SECTION 6. *Separability Clause.* – If any provision of this Act is held invalid or  
10 unconstitutional, the same shall not affect the validity and effectivity of the other  
11 provisions hereof.

12           SECTION 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
13 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
14 repealed, amended or modified accordingly.

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

Approved,

/tmdp20Aug2015