

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

7 JUL -5 1975

SENATE
S. B. No. 1206

RECEIVED BY: [Signature]

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.*

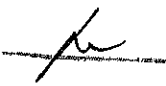
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 TO PROVIDE FOR THE REDUCTION OF METALS IN PACKAGING

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

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

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

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

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

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

18 (D) “Department” means the Department of Trade and Industry; and

19 (E) “Secretary” means the Secretary of the Department of Trade and Industry.

20 SECTION 3. *Prohibition/Schedule for Removal of Incident Amounts.* – (A) The
21 Secretary of the Department of Trade and Industry shall issue such regulations as may be
22 necessary to require, not later than two (2) years after the date of the enactment of this Act, that

1 no package or packaging component, inks, dyes, pigments, adhesives, stabilizers, or any other
2 additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally
3 introduced as an element during manufacturing or distribution as opposed to the incidental
4 presence of any of these elements.

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

- 8 (1) 600 parts per million by weight (0.06%) effective two (2) years after the date
9 of the enactment of this Act;
- 10 (2) Two Hundred Fifty (250) parts per million by weight (0.025%) effective three
11 (3) years after the date of the enactment of this Act; and
- 12 (3) One Hundred (100) per million by weight (0.01%) effective four (4) years
13 after the date of the enactment of this Act.

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

- 16 (1) Those packages or package components with a code indicating date of
17 manufacture that were manufactured prior to the effective date of this statute;
- 18 (2) Those packages or package components to which lead, cadmium, mercury or
19 hexavalent chromium have been added in the manufacturing, forming,
20 printing, or distribution process in order to comply with health or safety
21 requirements of Philippine law or for which there is no feasible alternative,
22 except that the manufacturer of a package or packaging component must
23 petition the Department for any exemption from the provisions of this
24 subsection for a particular package or packaging component based upon either
25 criterion.

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

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

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

7 (B) The provision of paragraph (A) shall be of no effect on and after the expiration of the
8 72-month period following the date of enactment of this Act.

9 SECTION 5. *Certificate of Compliance.* – (A) Such regulation shall require, not later
10 than two (2) years after the date of the enactment of this Act, a Certificate of Compliance stating
11 that a package or packaging component is in compliance with the requirements of this Act shall
12 be furnished by the manufacturer or supplier of such package or component to its purchaser.
13 Where compliance is achieved under the exemptions provided in paragraph (B) or (C) of Section
14 4, the Certificate shall state the specific basis upon which the exemption is claimed. The
15 Certificate of Compliance shall be signed by an authorized official of the manufacturing or
16 supplying company. The purchaser shall retain the Certificate of Compliance for as long as the
17 package or packaging component is in use. A copy of the Certificate of Compliance shall be
18 kept on the file by the manufacturer or supplier of the package or packaging component.
19 Certificates of compliance, or copies thereof, shall be furnished to the Department upon its
20 request and to members of the public in accordance with Section 8.

21 (B) If the manufacturer or supplier of the package or packaging component reformulates
22 or creates a new package or packaging component, the manufacturer or supplier shall provide an
23 amend or new Certificate of Compliance for the reformulated or new package of packaging
24 component.

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

1 SECTION 7. *Review by Department.* – The Secretary shall review the effectiveness of
2 this Act no later than forty-two (42) months after the date of its enactment and shall report to the
3 Congress the results of such review. The report may contain recommendations to add other toxic
4 substances contained in packaging to the list set forth of this Act in order to further reduce the
5 toxicity of packaging waste, and shall contain a recommendation whether to continue the
6 recycling exemption as it is provided for in paragraph (C) of Section 4 of this Act, and a
7 description of the nature of paragraph (C) of Section of this Act, and a description of the nature
8 of the substitutes used in lieu of lead, mercury, cadmium and hexavalent chromium.

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

- 12 (A) Made in writing with a copy provided to the Secretary of the Department of Trade
13 and Industry;
- 14 (B) Made specific as to package or packaging component information requested; and
- 15 (C) Responded to by the manufacturer or supplier within sixty (60) days.

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

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

23 SECTION 11. *Repealing Clause.* - Any law, presidential decree or issuance, executive
24 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
25 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.

3 Approved,