


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

8 MAY -7 1977

SENATE
S. No. **2257**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 15 provides:

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

Consumer goods packaging makes up a significant portion of waste going to the solid waste landfills of our country. Packaging containing toxic substances, especially heavy metals, lead, cadmium, mercury and hexavalent chromium, can release those poisonous or dangerous substances, contaminating the soil and groundwater surrounding the landfill.

Current scientific evidence indicates that lead, cadmium, mercury and hexavalent chromium can present serious health risks. Lead is a carcinogen that can harm the kidneys, cardiovascular, gastrointestinal and reproductive systems. In children, lead can affect intelligence, short term memory, reading abilities, and motor skills. Cadmium can lead to kidney disease, lung damage, fragile bones, and stomach irritations. Cadmium is also known to cause *cancer and reproductive harm*. Mercury poisoning can damage the central nervous system, kidneys and liver, as well as contribute to birth defects. Hexavalent chromium, a human carcinogen, can cause kidney and liver damage; nasal, skin and stomach irritations; and convulsions. Exposure to high levels of both cadmium and hexavalent chromium can even lead to death. While exposure to these metals may be a health risk, these metals are often found in inks, labels, dyes, pigments, adhesives, stabilizers, and other packaging additives.


This bill seeks to reduce the toxicity in packaging without discouraging the use of recycled materials in packaging production to further protect human health and the environment.


MIRIAM DEFENSOR SANTIAGO

FOURTEENTH CONGRESS OF THE REPUBLIC)
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8 MAY -7 P3:07

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AN ACT
PREVENTING THE MANUFACTURE OR IMPORTATION OF
PRODUCTS WITH TOXIC AND HAZARDOUS PACKAGING

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

SECTION 1. *Short Title.* – This Act shall be known as the “Toxic Packaging Prevention Act of 2008.”

SECTION 2. *Definition of terms.* – As used in this Act, the term–

(A) “Package” refers to any container used for marketing, protecting, or handling a product. This also includes unsealed containers, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags and tubs;

(B) “Packaging component” is any assembled part of a package, not necessarily limited to any interior or exterior additives. The package component is one produced either domestically or internationally;

(C) “Packaging” includes packages and packaging components;

(D) “Intentional introduction” is the deliberate use of the metals as ingredients in the manufacturing or distributing process;

(E) “Incidental presence” is when one or more of the regulated metals is an unintended or undesired ingredient of the packaging.

SECTION 3. *Prohibited Metals.* – The following metals are prohibited from being used in any kind of packaging unless their combined presence is incidental to the manufacturing or distribution and is not more than 100 parts per million (ppm) by weight:

(A) Lead;

(B) Cadmium;

(C) Mercury;

(D) Hexavalent Chromium.

SECTION 4. *Compliance Requirements.* – Within six (6) months from the effectivity of this Act, manufacturers and suppliers of packaging are required to self-certify in a written statement to the Department of Health that their packaging meets the requirements of this Act.

SECTION 5. *Enforcement.* – The Department of Health is the lead agency in enforcing this Act through inspections, records review and enforcement authority to impose penalties on violators of this Act.

SECTION 6. *Penalties.* – The Department is empowered to establish and assess penalties or fines against a manufacturer or supplier for violations of this Act or regulations adopted under this Act. In no circumstance will any penalties or fines exceed Ten Thousand (P10,000.00) for each day the manufacturer or supplier remains in violation in the case of the incidental presence of the prohibited metals. The intentional introduction of any of the prohibited metals under this Act to the packaging of any product shall suffer the penalty of *arresto mayor* in its maximum period and a fine of Fifty Thousand Pesos (P50,000.00).

SECTION 7. *Separability Clause.* – If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,