

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



Senate
Office of the Secretary

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SENATE
S. No. 2816

RECEIVED BY: Y

Introduced by Senator Miriam Defensor Santiago

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

EXPLANATORY NOTE

The Constitution, Article 2, 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

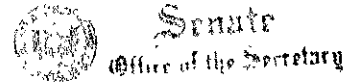
and hexavalent chromium can even lead to death. While exposure to these metals may be a health risk, these metals are often found in inks, labels, dyes, pigments, adhesives, stabilizers, and other packaging additives.

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.¹


MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed in the Fourteenth Congress, First Regular Session, and refiled during 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 “Toxic Packaging
2 Prevention Act.”

3 SECTION 2. *Definition of Terms.* – For purposes of this Act, the term:

4 (A) “Incidental presence” is when one or more of the regulated metals is an
5 unintended or undesired ingredient of the packaging;

6 (B) “Intentional introduction” refers to the deliberate use of the metals as
7 ingredients in the manufacturing or distributing process;

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

11 (D) “Packaging” includes packages and packaging components; and

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

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

4 (A) Lead;

5 (B) Cadmium;

6 (C) Mercury;

7 (D) Hexavalent Chromium.

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

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

15 SECTION 6. *Penalties.* – The Department of Health is empowered to establish
16 and assess penalties or fines against a manufacturer or supplier for violations of this Act
17 or regulations adopted under this Act. In no circumstance will any penalties or fines
18 exceed ₱10,000 for each day the manufacturer or supplier remains in violation in the case
19 of the incidental presence of the prohibited metals. The intentional introduction of any of
20 the prohibited metals under this Act to the packaging of any product shall suffer the
21 penalty of *arresto mayor* in its maximum period and a fine of ₱50,000.

22 SECTION 7. *Separability Clause.* – If any provision of this Act is held invalid or
23 unconstitutional, the same shall not affect the validity and effectivity of the other
24 provisions hereof.

1 SECTION 8. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
2 portions thereof, which are inconsistent with the provisions of this Act, are hereby
3 repealed, amended or modified accordingly.

4 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/tdp4June2015