

**HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

Second Regular Session

House Bill No. 11965



Introduced by: Hon. Ferdinand R. Marcos II

EXPLANATORY NOTE

The 1987 Constitution declares that it is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

However, there is no existing comprehensive government policy towards solid waste management in spite of the fact that in the Philippines, the Department of Environment and Natural Resources reports that 30,000 tons of solid waste are collected daily. Metro Manila alone generates some 3,000 tons of garbage daily most of which is dumped on open landfills.

Solid waste disposal is a social problem. It poses a serious threat to public health and environment. Moreover, solid waste disposal entails considerable expenditure on the part of government. The call for a comprehensive waste management program is most urgently needed. A comprehensive resource recovery and recycling program are the most appropriate waste management options that can be considered. In the long term, however, the reduction of consumption by both industry and consumer and the appropriate application of raw material saving technologies remain the only answer.

This bill promotes a solid waste management policy of resource conservation through waste reduction, recycling and composting. Incineration and sanitary landfills

du importation. The existence of a market for recovered materials is the most important factor for recycling to succeed. This bill addresses this problem by obliging manufacturers to accept returned sales packaging materials and setting progressive quantitative requirements on the content of recycled material on packaging.

Demand for recycled materials is stimulated through a combination of the user pays principle and pollution charges policy. Charges are imposed on products that use virgin materials and those whose packaging cannot be recycled.

Another feature of this bill seeks to encourage government to adopt a policy of requiring all government agencies, offices and government owned and controlled corporations to purchase products with the highest percentage of recycled materials. This policy is also adopted during awarding of contracts in public bidding. The market for recycled materials is promoted by setting up a market and exchange center where data on waste materials are made available.

The private sector is encouraged to invest in the waste processing industry by providing incentives like tax breaks, holidays, duty free importation of equipment, access to credit and such other incentives as may be determined by government agencies involved.

Therefore, the best and most immediate way to address the garbage problem is by promoting a comprehensive solid waste management policy of resource conservation through waste reduction, recycling and composting.

Immediate approval of this bill is earnestly sought.


Hon. Ferdinand R. Marcos II

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**AN ACT
PROTECTING THE PHILIPPINE ENVIRONMENT BY PROMOTING
RECYCLING, RESOURCE CONSERVATION AND SOLID WASTE MANAGEMENT**

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

Sec. 1. Title. This Act shall be known as the “**Recycling, Resource Conservation and Solid Waste Management Act of 1994.**”

Subtitle A - General Provisions

Sec. 2. Declaration of Policy.

It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Towards this end, the state shall adopt a Recycling, Resource Conservation, Comprehensive Solid Waste Management policy of

1. waste reduction;
2. resource recovery through recycling, composting and incineration; and
3. healthful and ecological disposal of solid waste through sanitary landfill of nonrecoverable materials or residue.

The State's policy towards solid waste shall be in this order.

Sec. 3. Objectives.

The objectives of this Act are to promote the protection of health and environment and to conserve valuable material and resources by

1. Providing technical and financial assistance to the local government units, people's organizations, nongovernmental organizations, and private enterprises for the development of solid waste management plans. TI

3. Establishing a cooperative effort among the different agencies of the national government, and local government units, nongovernmental organizations, people's organizations and private enterprises in order to recover valuable materials and energy from solid waste.

Sec. 4. Definition of terms.

Resource Conservation shall refer to reduction of the amounts of solid waste that are generated, reduction of overall resource consumption, and utilization of recovered resources.

Solid Wastes shall refer to any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows or industrial discharges.

Solid Waste Management shall refer to the systematic administration of activities which provide for the source recovery, collection, source separation, recycling, storage, transportation, transfer, processing, treatment of solid wastes.

Solid Wastes Management Facility shall include:

- 1.) any resource recovery system or component thereof;
- 2.) any system, program, or facility for resource conservation, and;
- 3.) any facility for the treatment of solid wastes whether such facility is associated with the facilities generating such wastes.

Resource Recovery shall refer to the recovery of material or energy from solid waste.

Recoverable shall refer to the capability and likelihood of being recovered from solid waste for a commercial or industrial use.

Recovered Resources shall refer to material or energy recovered from solid waste.

Resource Recovery System shall refer to solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes including disposal of nonrecoverable wastes residues.

Resource Recovery Facility shall refer to any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.

Reduction shall refer to the process of lessening the number, size, and amount of materials to be used, as promoting conservation, intelligent and thrift use.

Recycling shall include reclamation, reuse, materials recycling, and byproduct generation.

Reclamation shall refer to the recovery of material and discarded products from waste.

Reuse shall refer to using a reclaimed product again for a similar purpose.

Byproduct Generation shall refer to using reclaimed materials and products for different purpose.

Virgin Material shall refer to raw material, including previously unused copper, aluminum, lead, zinc, iron, or other metal or metal ore, any undeveloped resource that is, or with new technology will become, a source of new material.

packaging materials, shrink wrapping and similar coverings which are component parts of transport packaging.

Sales Packaging shall refer to packaging which are used by the consumer to the transport goods until such time as the goods are consumed. Sales packaging shall include closed or open receptacles; coverings of goods such as cups, bags, blister packaging, cans, tins, drums, bottles, metal containers, cardboard and cartons, c/sacks, trays, carrier bags or similar coverings used by the consumer to the transport goods or until such time as the goods are consumed. Sales packaging shall include throw-away dishes; throw-away cutlery.

Secondary Packaging shall refer to packaging which is intended as additional packaging around sales packaging to:

1. allow goods to be sold on a self-service basis;
2. make more difficult or prevent the possibility of theft, and
3. serve mainly advertising purposes.

Final Consumer shall refer to the purchaser who does not further re-sell the goods in the form delivered to him.

Subtitle B - Regional, Provincial, and Municipal Resource Conservation and Solid Waste Management Plans

Sec. 5. Objectives. The objectives of this subtitle are to promote in developing and encouraging methods for :

1. reduction of waste that are generated,
2. maximize utilization of valuable resources, and
3. disposal of solid waste which are environmentally sound.

Sec. 6. Guidelines for Identification of Plans.

For purposes of encouraging and facilitating the development of regional planning for solid waste management, the DENR, within three months after the date of enactment of this Act and after consultation with appropriate national government agencies, local government units, nongovernment organizations, people's organizations, private enterprises, shall by regulation publish guidelines for the identification of those areas which have common solid waste management problems and are appropriate units for planning regional solid waste management services. Such guidelines shall consider

- 1.) the size and location of areas which shall be included;
- 2.) the volume of waste which shall be included, and
- 3.) the available means of coordinating provincial planning with other related provincial planning and for coordination of such provincial planning into the regional plan.

Sec. 7. Guidelines for Provincial, City, and Municipal Plans.

Not later than six months after the date of enactment of this Act and after notice of hearing, the DENR shall, after consultation with appropriate national agencies, local government units, nongovernment organizations, people's organizations, private enterprises, promulgate regulations containing guidelines to assist in the development and implementation of provincial solid waste management plan. The guidelines shall contain methods for implementing the policies stated in section 2 and achieving the objectives specified in section 5. Such guidelines shall be reviewed from time to time, but not less frequent than every two years and revised as may be appropriate.

1.) the varying regional, geologic, hydrologic, climatic, and other circumstances under which different solid waste practices are required in order to insure the reasonable protection of the quality of the ground and surface waters from leachate contamination, the reasonable protection of the quality of the surface waters from surface runoff contamination, and the reasonable protection of ambient air quality standard;

2.) characteristics and conditions of collection, storage, processing, and disposal operating methods, techniques and practices, and location of facilities where such operating methods, techniques, and practices are conducted, taking into account the nature of the material to be disposed;

3.) methods for closing or upgrading open dumps for purposes of eliminating potential health hazards;

4.) population density, distribution, and projected growth;

5.) geographic, geologic, climatic, and hydrologic characteristics;

6.) the type and location of transportation;

7.) the profile of industries;

8.) the constituents and generation rates of wastes;

9.) the political, economic, organizational, financial and management problems affecting comprehensive solid waste management;

10.) types of resource recovery facilities and resource conservation systems which are appropriate; and

11.) available new and additional markets for recovered material.

Sec. 9. Deadline for Provincial, City, and Municipal plans.

Provincial, city, and municipal government units, after consultation with appropriate agencies of government, local government units, people's organizations, nongovernment organizations, private enterprises shall develop and implement a comprehensive resource conservation and solid waste management plan in accordance with the guidelines promulgated under section 7 not later than twelve months after the date of enactment of this Act.

Subtitle C - Packaging Reduction, Reuse, and Recycling

Sec. 10. Scope of Application.

The provisions of this law shall apply to anyone who:

-) manufactures packaging or products from which packaging is directly manufactured (manufacturer) or
-) brings into circulation packaging, products from which packaging is directly manufactured or packaged products at any commercial level (distributors).

Sec. 11. Obligation to accept returned transport packaging.

The manufacturer and distributor shall be obliged to accept the return of used transport packaging and to reuse or recycle it independently of the public waste disposal system unless the consumer demands the delivery of the goods in the transport packaging; in this case the provisions on the return of sales packaging shall apply accordingly. Packaging which is used as both transport and sales packaging shall be treated as sales packaging.

delivery of the goods to the final consumer or to give the final consumer the opportunity to remove and return the secondary packaging free of charge at the point of sale or in the near vicinity of the point of sale unless the consumer desires the good to be delivered in their secondary packaging; in this case the provisions relating to the return of sales packaging shall apply accordingly.

Sec. 13. Obligation to accept returned sales packaging.

The distributor shall be obliged to accept sales packaging used by the final consumer free of charge and in or in the near vicinity of the point of sale.

Sec. 14. Obligation to charge deposits on container packaging that could be reused.

A charge of an amount not less than the production cost is hereby imposed on every product whose container packaging could be reused.

Sec. 15. Charges on throw away or disposable packaging and packaging that uses virgin materials.

A charge of not less than twice the amount of the production cost, depending on the amount of resource used and the amount of waste to be disposed off into the waste stream, is hereby imposed on every product that uses virgin materials on their packaging and on every product that introduces disposable packaging. The DENR shall administer the imposition and collection of charges on disposable packaging and packaging that uses virgin materials. Such funds shall be used for the implementation of this Act.

Sec. 16. Quantitative requirements on the content of recycled material on packaging.

The DTI and DENR, in consultation with manufacturers and industries that produce and utilize packaging materials, set progressive targets for the recycling of packaging materials such that three years from the enactment of this act, 50% of packaging shall consist of recycled materials and three years thereafter, packaging materials must have been 100% products of recycling.

Sec. 17. Development of market for recovered materials.

The DTI shall within two years after the enactment of this Act take such actions as may be necessary to:

1. identify the geographical location of existing potential markets for recovered materials;
2. identify the economic and technical barriers to the use of recovered materials;
3. encourage the development of the new uses for recovered materials.

Sec. 18. Market and Exchange Center for recycled material.

The DTI shall establish a Market and Exchange Center for reusable and recycled materials. The center should provide information on the availability and use of suitable secondary materials.

Sec. 19. Promotion of proven resource recovery facility.

The DTI shall encourage the greater commercialization of proven resource recovery technology by providing:

1. accurate specifications for recovered materials;
2. promotion of proven technology;
3. stimulation of markets for recovered materials;
4. a forum for the exchange of technical and economic data relating to resource recovery facility.

adopt a labeling system that would identify products that utilize the least amount of materials and use recycled materials in their packaging. The label could be employed only after receiving permission from the DENR. Permission for the use of the label would be based on strict standards.

Sec. 21. Labeling System for Products that Guarantee the Recycling of their Packaging.

The DENR and DTI should likewise adopt a labeling system that would identify products that guarantee the recycling of their packaging materials.

Sec. 22. Mandatory Coding System for the classification of packaging materials.

To facilitate the recovery, segregation, sorting, reuse, and recycling of packaging, the DENR, DOST, and DTI shall adopt a coding system that will classify packaging according to the materials used. All manufacturers who shall introduce packaging in the waste stream shall be mandated to carry the appropriate code in their packaging.

Subtitle D - Responsibilities of National Government

Sec. 23. Promoting the use of recycled materials in government procurement.

Immediately after the enactment of this act, all government offices, government owned and controlled corporations shall purchase items composed of the highest percentage of recovered materials practicable consistent with maintaining a satisfactory level of competition. The decision not to procure such items shall be based on a determination that such procurement items:

1. are not reasonably available within a reasonable period of time;
2. fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring agencies; or
3. are only available at an unreasonable price. Any determination under clause 2 shall be made on the basis of the guidelines of the Bureau of Products Standards in any case in which such material is recovered by such guidelines.

Sec. 24. Promoting the use of recycled materials in government awarded contracts.

Contracting officers of all government agencies and government owned and controlled corporation shall require that contractors use items composed of the highest percentage of recovered materials.

Sec. 25. Incentives for industries engage in resource conservation and solid waste processing.

The Department of Trade and Industry, Department of Environment and Natural Resources, Department of Finance, and Department of Science and Technology, shall provide incentives for registered businesses intending to initiate operations in reduction, recycling, composting, incineration of waste through:

1. abolition of duties and taxes on capital equipment import;
2. access to credit as establish by law;
3. income tax holidays; and
4. such other incentives as may be determined by agencies concerned.

The amount necessary for the enforcement of this Act shall be incorporated in the annual appropriations of the Department of Environment and Natural Resources.

Sec. 27. Separability Clause.

If any provision of this Act, or the application of such provisions to any person or circumstance is declared unconstitutional, the remainder of this Act or the application of such provisions to other persons or circumstances shall not be affected by such declaration.

Sec. 28. Repealing Clause.

All acts, decrees, general orders and circulars, or parts thereof inconsistent with any of the provisions of this act are hereby repealed or modified accordingly.

Sec. 29. Effectivity.

This Act shall take effect after its publication in the Official Gazette or in at least three (3) news papers of general circulation.

Approved,