



Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL No. 8120



**Introduced by REP. RODEL M. BATOCABE, REP. ALFREDO A. GARBIN, Jr., and
REP. CHRISTOPHER S. CO**

AN ACT
**PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION AND USE OF RINSE-
OFF COSMETICS AND CLOTHING CONTAINING MICROPLASTICS**

EXPLANATORY NOTE

This bill seeks to prohibit the manufacture, sale, distribution and use of goods such as rinse-off cosmetics and clothing, that contain microplastics.

Plastic has been the most widespread marine trash that pollutes our oceans. They come in many shapes and sizes. Still, there are those that are less than 5 millimeters in size and are called microplastics.

Microplastics come from different sources, such as larger plastic debris that degrades into smaller pieces. Microbeads, a type of microplastic, are very tiny pieces of manufactured polyethylene plastic that are added to cosmetic products, such as facial cleansers and toothpastes. These tiny particles easily pass through water filtration systems and end up in the ocean, which could pose a threat to aquatic life¹. Microfibers are another type of microplastic that come from synthetic fiber, most commonly polyester².

Microplastics are particularly dangerous because of their ability to attract toxic chemicals. As they are ingested by small fish, which are in turn eaten by bigger fish, these microplastics and toxic chemicals accumulate as they go up the food chain. These microplastics and toxic chemicals can eventually make their way into our own food³.

While Section 15 (n) of RA 9003, or the Ecological Solid Waste Management Act, provides for a waste management framework that seeks the protection of ground water and surface water from leachate and run-off contamination, there has to be a distinct approach to the reduction and eventual removal of microplastics that are discharged to our oceans. This pertains to the prohibition on the distribution of products that generate this kind of waste.

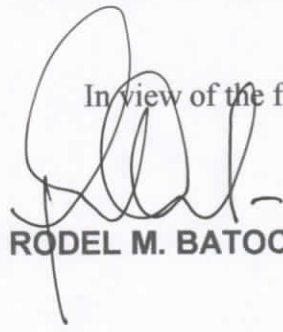
With the enactment of this law, all materials and products that contain microplastics will be prohibited entry into Philippine market.

¹ <https://oceanservice.noaa.gov/facts/microplastics.html>

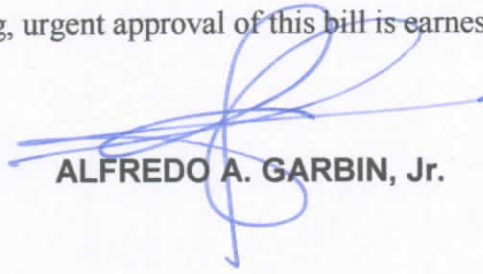
² <https://www.theguardian.com/environment/2016/jun/20/microfibers-plastic-pollution-oceans-patagonia-synthetic-clothes-microbeads>

³ <http://theconversation.com/how-microplastics-make-their-way-up-the-ocean-food-chain-into-fish-69148>

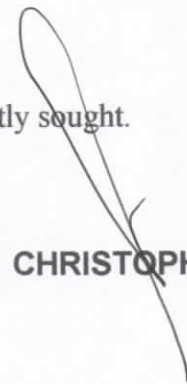
In view of the foregoing, urgent approval of this bill is earnestly sought.



RODEL M. BATOCABE



ALFREDO A. GARBIN, Jr.



CHRISTOPHER S. CO

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AN ACT

**PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION AND USE OF RINSE-
OFF COSMETICS AND CLOTHING CONTAINING MICROPLASTICS**

SECTION 1. Short Title. - This Act shall be known as the “*Microplastic Ban Act of 2018.*”

SECTION 2. Declaration of Policies - It is hereby declared the policy of the State to protect and promote the right of the people to a balanced and healthful ecology. It is also hereby declared the policy of the State to protect the physical, moral, and social well-being of its citizens by ensuring the use of non-toxic and non-hazardous materials in commerce and trade.

Towards this end, the State shall prohibit the introduction into the Philippine market, of products containing microplastics.

SECTION 3. *Definition.* For purposes of this Act, the following terms shall mean:

- a. *Plastic microbead* - a tiny sphere of plastic less than 5mm in size, such as polyethylene or polypropylene, intentionally added to rinse-off cosmetic products such as facial scrubs, body wash, toothpaste, and others.
- b. *Plastic microfiber* - a fine, usually soft polyester fiber having a diameter of less than ten micrometers, used in fabrics for clothes and other garments

SECTION 4. *Prohibition on Microbeads.* - It shall be unlawful for any person to manufacture, sell, import, or distribute anywhere in the Philippines, rinse-off cosmetics such as toothpaste, facial wash, hand wash, and similar products that contain plastic microbeads.

Provided, that all sellers, importers, and distributors who possess in their inventory such rinse-off cosmetics containing microbeads, at the time of effectivity of this Act, shall be allowed to sell or distribute them within one (1) year. Thereafter, all remaining microbeads-containing rinse-off cosmetics shall be confiscated and destroyed.

Provided further, that manufacturers and importers who have in their possession raw materials containing microbeads at the time of effectivity of this Act, shall be allowed to dispose of such raw materials within one (1) year. Thereafter, all raw materials shall be confiscated and destroyed.

1 **SECTION 5. Prohibition on Microfiber.** – It shall be unlawful for any person to
2 manufacture, sell, import, or distribute anywhere in the Philippines, garments, clothing,
3 apparel, or any similar products that contain microfiber.

4 *Provided,* that all sellers, importers, and distributors who possess in their
5 inventory such clothing or similar product containing microfiber at the time of effectivity
6 of this Act, shall be allowed to sell or distribute them within one (1) year. Thereafter, all
7 remaining microfiber-containing clothing, garment or similar product shall be
8 confiscated and destroyed.

9 *Provided further,* that manufacturers and importers who have in their possession
10 raw materials containing microfiber at the time of effectivity of this Act, shall be allowed
11 to dispose of such raw materials within one (1) year. Thereafter, all raw materials shall be
12 confiscated and destroyed.

13
14 **SECTION 6. Penalties.** – Any person, whether natural or juridical, caught
15 manufacturing, selling, importing, or distributing prohibited products as provided in
16 Section 4 and 5 of this Act, shall be penalized as follows:

- First Offense – A fine of Five Hundred Thousand pesos (Php500,000.00)
- Second Offense – A fine of One Million pesos (Php1,000,000.00) and
revocation of their Business Permit
- Third Offense – A fine of One Million Five Hundred Thousand pesos
(Php1,500,000.00), revocation of their Business Permit,
and imprisonment ranging from three (3) years to six (6)
years

17
18 *Provided,* that in case of juridical persons, the penalties herein prescribed shall be
19 imposed:

- 20 a. Upon the owner, manager, administrator, or proprietor for individual
21 proprietorships
- 22 b. Upon all partners for general partnerships and the general partner/s for limited
23 partnerships
- 24 c. Solidarily upon the President, Vice President, Corporate Officers as well as the
25 Chief Operating Officer for incorporated businesses, and
- 26 d. Upon all such persons, not falling within any of the titles/descriptions
27 abovementioned, being in-charge of the offending juridical entity, without
28 prejudice to the right of the person paying the fine to seek reimbursement from the
29 owner of the business.

30
31 **SECTION 7. List of prohibited goods.** – The Department of Trade and Industry shall
32 publish a list, to be evaluated and renewed every three (3) years, of prohibited cosmetic
33 products known to contain microbeads. The DTI shall also publish a similar list, to be
34 evaluated and renewed every three (3) years, of prohibited clothing and garment goods
35 or materials, and similar items, that contain microfibers, such as: 1) Fleece, 2) Spandex,
36 3) Nylon, 4) Polyester, and other similar goods.

37
38 **SECTION 8. Automatic Allocation for Environmental Programs.** – All fines collected in
39 the implementation of this Act shall be automatically allocated for the existing ocean and
40 other water-system rehabilitation program of the Department of Environment and
41 Natural Resources.

1 **SECTION 9.** *Implementing Rules and Regulations* – The Department of Natural
2 Resources, in coordination with the Department of Trade and Industry and the
3 Department of Interior and Local Government, after proper consultations with consumer
4 groups, manufacturers and other affected groups shall promulgate the Implementing
5 Rules and Regulations of this Act within nine (9) months from its approval.
6

7 **SECTION 10.** *Separability Clause* – Should any provision of this Act be declared
8 unconstitutional, the remainder thereof not otherwise affected shall remain in full force
9 and effect.
10

11 **SECTION 11.** *Repealing Clause.* – All other existing laws, presidential decrees, executive
12 orders, proclamations or administrative regulations that are inconsistent with the
13 provisions of this Act are hereby repealed, amended or modified accordingly.
14

15 **SECTION 12.** *Effectivity* – This Act shall take effect fifteen (15) days following the
16 completion of its publication in the Official Gazette or in two (2) newspapers of general
17 circulation.
18

19 *Approved,*