

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

7709
HOUSE BILL NO. _____



Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

Food waste is a global problem with tremendous financial, ethical and environmental costs. When edible items go to waste, so do the resources that were utilized to bring those food to the supermarkets, restaurants and our homes. Fresh produce, meat products and other food items require land, water and energy resources for their production and distribution (irrigation, planting, harvest and transport). These resources are wasted when edible food is discarded.

On top of the environmental costs of food waste, there is also the problem of food insecurity. Food insecurity is defined as the disruption of food intake or eating patterns because of lack of money and other resources. According to the 2020 State of Food Insecurity by the Food and Agriculture Organization of the United Nations (FAO), almost 690 million people went hungry in 2019—381 million of which are from Asia. Should the current trend of increase in chronic hunger continue, it is projected that by 2030, 840 million people will be affected by chronic hunger. It is also reported that 2 billion people globally do not have access to safe, nutritious and sufficient food.

In this regard, this proposed measure seeks contribute towards addressing these problems by ensuring the reduction of both household and commercial food surplus either through redistribution of edible food surplus to food banks or recycling inedible food surplus to raw materials for fertilizers and/or compost.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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AN ACT
REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE
RECYCLING

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

SECTION 1. Short Title. – This Act shall be known as "Food Waste Reduction Act."

Sec. 2. Definition of Terms. – As used in this Act:

- a. Edible Food Surplus refers to excess food or surplus food in the retail and consumption stages, determined to be fit for consumption based on standards set by the National Nutritional Council (NNC) and the Food and Drug Administration (FDA).
- b. Food Insecure, as defined by Food and Agriculture Organization (FAO), exists when people lack secure access to sufficient amounts of safe and nutritious food for normal growth and development and an active and healthy life.
- c. Food Surplus Reduction refers to the decrease of food surplus, ideally through the redistribution of food surplus to the food insecure or the recycling of food as fertilizer or compost.
- d. Food-Related Business refers to activities and establishments involved in the manufacturing and processing of food products, businesses involved in the wholesaling and retailing of food products, businesses involved in serving food products, and institutions offering courses in the art and science of preparation, cooking and presentation of food.
- e. Food Banks refer to non-profit, charitable or other social mission-oriented organizations that distribute food to the food insecure.
- f. Inedible Food Surplus refers to food discarded in the retail and consumption stages, determined to be unfit for consumption based on the standards set by NNC and FDA, including but not limited to prepackaged food products that have gone beyond their declared expiry dates.
- g. Waste management and recycling enterprises refers to organizations that manage inedible food surplus by converting these into fertilizers or compost.

SEC. 3. Covered Establishments. – The establishments covered by this Act are as follows:

- a) Food manufacturers, notwithstanding any restriction imposed by any existing law and regulation on food manufacturers: Provided, that any donation made by such manufacturers under the provisions of this Act shall constitute an exception to the applicability of restrictions under existing laws and regulations;
- b) Food establishments including but not limited to restaurants, cafes, diners, fast food chains or hotels;
- c) Culinary schools and other food service training institutions; and
- d) Markets and other food distribution centers.

SEC. 4. National Food Surplus Campaign. – The NNC, in close coordination with the Department of Social Welfare and Development (DSWD), Department of Interior and Local Government (DILG), Department of Environment and Natural Resources (DENR), Department of Education (DepEd), Department of Trade and Industry (DTI), Department of Health (DOH), Department of Science and Technology (DOST), Department of Agriculture (DA), National Food Authority (NFA), FDA and other concerned agencies and Local Government Units (LGUs), shall undertake a National Food Surplus Campaign to raise awareness on the impact of food surplus and strategies to decrease food waste at the household level. The campaign shall also promote food surplus reduction hierarchy and recommend means of reducing individual food waste.

Sec. 5. Determination of Food Insecure. – The criteria for determination of food insecurity will be made by the DSWD in coordination with the LGUs.

Sec. 6. Edible Food Surplus Distribution Steps. – The following steps shall be followed in edible food surplus distribution

- a) The owners of the covered establishments will segregate their inedible and inedible food surplus;
- b) Before a donation is made, a duly accredited health inspector of the local government unit will check if the edible food surplus is fit for consumption based on the standards set by the NNC and FDA;
- c) Upon certifying that the edible food surplus is fit for consumption, the edible food surplus will be donated by food-related businesses to charities of their choice as monitored by the DSWD or to accredited food banks as determined by the DSWD within the period that said surplus remains edible; and
- d) Food bank in coordination with the DSWD and LGUs will distribute the edible food surplus to the food insecure;
- e) Surplus food not distributed and turned inedible shall be forwarded to waste management and recycling enterprises.

Sec. 7. Food-Related Business Waste Reduction Strategy. – The owners of food-related businesses such as food manufacturers, supermarkets, restaurants, cafeterias, culinary schools and hotels shall:

- a. Submit their respective reports to the DSWD and DENR containing data on the amount (in tons) of its edible and inedible food surplus, organized according to the manner of disposal including donation, composting, or discarding;
- b. Enter into a contract with food banks to redistribute edible food waste to the food insecure subject to Sec. 6 (e) of this Act;

- c. Enter into a contract with waste management and recycling enterprises to recycle inedible food waste;
- d. Ensure that edible food surplus is unadulterated and in good condition upon arrival at the food bank's distribution center.

Sec. 8. National Food Surplus Scheme. – The DSWD, as the coordinating agency between food businesses and food banks, shall:

- a. Provide guidelines and standards for the collection, storage, and distribution of edible food donated to food banks;
- b. Ensure that food businesses have entered into contracts with food banks and issue acceptance certificates to food businesses;
- c. Ensure that food banks have adequate storage for edible food surplus;
- d. Promote linkages between food banks and LGUs to create a community-based food distribution system for the food insecure; and
- e. Create a Self-Sufficiency Program that will provide the food insecure with skills training in managing food banks and livelihood programs to avoid sole dependence on donations.

Sec. 9. Household and Local Government Unit Responsibility in Waste Reduction Strategy. – LGUs are hereby required to:

- a. Submit an initial report that contains data on the amount (in tons) of inedible food surplus that can be recycled as raw materials for fertilizers or compost to the DENR in accordance with the standard set by it;
- b. Submit an annual report that contains data on the amount (in tons) of inedible food waste that can be recycled as raw material for fertilizers or compost to the DENR;
- c. Initial waste segregation awareness, understanding, and efforts per household through local campaigns;
- d. Shoulder the cost of transporting inedible food surplus from collection areas to waste management sites;
- e. Enter into contract with waste management and recycling enterprises to recycle inedible food waste into fertilizer or compost; and
- f. Facilitate the distribution of fertilizer or compost to farms and community gardening associations.

Sec. 10. Accreditation and Training of Health Inspectors. – The DOH, in coordination with FDA, shall conduct seminars and provide adequate training to LGU health inspectors regarding the proper determination, sorting, and collection of edible and inedible food surplus.

Sec. 11. Liability Protection. – To protect the food donors from possible abuses and encourage donations, the liability of owners of the food-related businesses is limited only to the time that they have possession of the food surplus. Once a donation has been made to the accredited food banks and/or to farms, the owners of food-related business shall be exempt from liability and/or injury arising therefrom.

Sec. 12. Tax incentive. – Donations of edible food surplus by food-related businesses shall be exempt from donor's tax and the same shall be considered as allowable deductions from their gross income, in accordance with the provisions of the National Internal Revenue Code of 1997.

Sec. 13. Penal Provisions Penalties. – Any individual, natural or juridical, who makes edible food surplus unfit for consumption, who prevents the redirection of edible food waste to food banks or inedible food surplus to waste management and recycling enterprises, and who resells donated edible and inedible food surplus shall be penalized with a fine amounting from PhP500,000.00 to PhP1,000,000.00.

The fines may be increased on the basis of prevailing economic indicators such as, but not limited to, inflation rate and consumer price index.

Sec. 14. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the NNC, in coordination with DSWD, DILG, DENR, DOST, DepEd, and DOH, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 15. Periodic Review. – The implementing agencies shall submit an annual report to congress on the progress in the implementation of this Act.

Sec. 16. 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.

Sec. 17. Repealing Clause. – All other laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

Sec. 18. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of general circulation.

Approved,