

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9859



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

AN ACT
INSTITUTIONALIZING THE PRACTICE OF EXTENDED PRODUCERS
RESPONSIBILITY IN WASTE MANAGEMENT, AMENDING FOR THIS PURPOSE
REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS THE "ECOLOGICAL SOLID
WASTE MANAGEMENT ACT OF 2000"

Solving our waste management problem appears to be elusive for the Philippine government despite the enactment of Republic Act No. 9003 or the "Ecological Solid Waste Management Act of 2002". Proper segregation, inefficient collection, improper disposal and inadequate facilities remain unsolved.

In view of the foregoing, this proposed measure seeks to institutionalize the practice of Extended Producers Responsibility (EPR) especially in industries that generate plastic waste. The Organization for Economic Cooperation and Development (OECD) defines EPR "as an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle."

EPR systems are now being observed in some of the European Union Member-Countries such as Austria, Belgium, Czech Republic, France, Germany, Italy, Sweden and Spain. The EPR initiatives to be undertaken by manufacturers, distributors and retailers of good in the proposed bill.

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


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9859

Introduced by **HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.**

AN ACT
INSTITUTIONALIZING THE PRACTICE OF EXTENDED PRODUCERS
RESPONSIBILITY IN WASTE MANAGEMENT, AMENDING FOR THIS PURPOSE
REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS THE "ECOLOGICAL SOLID
WASTE MANAGEMENT ACT OF 2000"

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

Section 1. *Title.* – This Act shall be known as the *"Extended Producers Responsibility Act"*.

Sec. 2. A new subsection (n) under Section 3 of Republic Act 9003 is hereby inserted after subsection (m) to read as follows:

SECTION 3. *Definition of Terms.* - For the purposes of this Act:

- X X X -

(N) EXTENDED PRODUCER RESPONSIBILITY (EPR) SHALL REFER TO EITHER THE ENVIRONMENTAL POLICY OR PRACTICE IN WHICH PRODUCERS, IN COORDINATION WITH DISTRIBUTORS AND RETAILERS, HAVE THE RESPONSIBILITY FOR THE PROPER AND EFFECTIVE DISPOSAL OF THEIR PRODUCTS AFTER THEY HAVE BEEN SOLD TO AND USED BY CONSUMERS WITH THE OBJECTIVES OF REDUCING WASTE GENERATION AND OF IMPROVING RECYCLABILITY OR REUSABILITY OF WASTES, WHICH INCLUDE PLASTIC CONTAINERS OR PACKAGING MATERIALS.

Thereafter, the succeeding subsections after this new subsection (m) shall be accordingly rearranged in sequence.

Sec. 3. A new Section 14 is hereby inserted after Section 13, under Chapter II, of Republic Act No. 9003, to read as follows:

SEC. 14. *EXTENDED PRODUCERS RESPONSIBILITY.* - ALL PRODUCERS, IN COORDINATION WITH DISTRIBUTORS AND RETAILERS, SHALL ADOPT MECHANISMS AND STRATEGIES FOR THE EFFECTIVE AND PROPER MANAGEMENT OF THE WASTES, SUCH AS DISCARDED CONTAINERS AND PACKAGING MATERIALS, GENERATED FROM THE USE OR CONSUMPTION OF THE PRODUCTS THEY PRODUCED, DISTRIBUTED, RETAILED OR SOLD, AS THE CASE MAY BE. PRODUCERS, DISTRIBUTORS AND RETAILERS PERFORMING THEIR RESPECTIVE EPR, AS DETERMINED BY THE DEPARTMENT, SHALL BE ELIGIBLE TO INCENTIVES; PROVIDED THAT THEIR MECHANISMS AND STRATEGIES ARE SUBMITTED TO THE NATIONAL SOLID WASTE MANAGEMENT COMMISSION, AS WELL AS THE CONCERNED PROVINCIAL SOLID WASTE MANAGEMENT BOARD AND/OR CITY OR MUNICIPAL SOLID WASTE MANAGEMENT BOARD, WHICH SHALL INCLUDE EPR INCENTIVES IN THEIR RESPECTIVE SOLID WASTE MANAGEMENT PLANS IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS ACT.

DEPENDING ON THE RELEVANCE AND APPLICABILITY TO THE BUSINESS THEY ARE ENGAGED IN, PRODUCERS, IN COORDINATION WITH DISTRIBUTORS AND RETAILERS, SHALL INCLUDE THE FOLLOWING ACTIVITIES AND UNDERTAKINGS IN THEIR MECHANISMS AND STRATEGIES, AMONG OTHERS:

(1) PROGRAMS FOR THE REDESIGN OR ADOPTION OF PACKAGING TO IMPROVE RECYCLABILITY OR REUSABILITY OF PLASTIC CONTAINERS AND OTHER PACKAGING MATERIALS OF THEIR PRODUCTS;

(2) PROGRAMS FOR THE WITHDRAWAL OR PHASE OUT OF NON-RECYCLABLE PRODUCTS AND PACKAGING MATERIALS AND TO REPLACE THEM WITH EXISTING ALTERNATIVES THAT ARE ENVIRONMENTALLY SOUND AND ECONOMICALLY VIABLE;

(3) PROGRAMS FOR THE ADOPTION OF ALTERNATIVE DELIVERY SYSTEMS THAT WILL ALLOW CUSTOMERS TO PURCHASE THEIR PRODUCTS WITH THE USE OF REFILLABLE CONTAINERS OR MULTI-USE PACKS;

(4) PROGRAMS INVOLVING THE EFFICIENT RETRIEVAL OF RECYCLABLE OR REUSABLE PLASTIC CONTAINERS AND PACKAGING MATERIALS OF THEIR PRODUCTS AND THE DESIGNATION OR ESTABLISHMENT OF COLLECTION AND/OR RECYCLING FACILITIES;

(5) PROGRAMS, IN COLLABORATION WITH LGUS, COMMUNITIES AND THE INFORMAL SECTORS IN WASTE MANAGEMENT (SUCH AS WASTE PICKERS), INVOLVING THE PROPER AND EFFECTIVE SOLID WASTE MANAGEMENT, INCLUDING THE PROPER SEGREGATION, RETRIEVAL, BUY BACK AND DISPOSAL OF PLASTIC CONTAINERS AND PACKAGING MATERIALS;

(6) CAMPAIGNS TO ENCOURAGE CONSUMERS TO AVOID USING SINGLE-USE PLASTICS AND TO VOLUNTEER IN BRINGING USED PLASTIC CONTAINERS AND PACKAGING MATERIALS TO IDENTIFIED COLLECTION AND RECYCLING FACILITIES OR MATERIALS RECOVERY FACILITIES; AND

(7) PROPER LABELING OR INCLUSION OF INFORMATION IN THE PACKAGING OF PRODUCTS REGARDING PROPER DISPOSAL OF THE CONTAINERS AND PACKAGING MATERIALS AND IDENTIFICATION OF COLLECTION AND RECYCLING FACILITIES, OR MATERIALS RECOVERY FACILITIES.

MANUFACTURERS, IN COORDINATION WITH DISTRIBUTORS AND RETAILERS, MAY ORGANIZE THEMSELVES OR FORM ASSOCIATIONS AND/OR ALLIANCES IN ORDER TO STREAMLINE THE OPERATION OF THE FOREGOING EPR MECHANISMS AND STRATEGIES. FURTHER, MANUFACTURERS, DISTRIBUTORS AND RETAILERS ARE LIKEWISE ENCOURAGED TO DEVELOP EPR SYSTEMS THAT WILL INTEGRATE AND PROVIDE TRAINING TO THE INFORMAL SECTORS IN WASTE MANAGEMENT (SUCH AS THE WASTE PICKERS).

Sec. 4. The succeeding sections after the newly inserted Section 14 are hereby renumbered accordingly.

Sec. 5. *Appropriation.* – The sum necessary for the effective implementation of this Act shall be charged against the appropriations for the Department of Environment and Natural Resources under the General Appropriations Act. Thereafter, such amount as may be necessary for the continued operation of the centers shall be included in the annual General Appropriations Act.

Sec. 6. *Implementing Rules and Regulations.* – The Department of Environment and Natural Resources (DENR), in consultation with relevant government agencies and other stakeholders, shall formulate the rules and regulations necessary to implement the provisions of this Act within six (6) months from its effectivity.

Sec. 7. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional or invalid, the remainder of this Act or any provisions hereof not affected thereby shall continue to be in force and effect.

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

Sec. 9. *Effectivity.* – This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,