

INFORMATION SHEET
ON
COMMITTEE REPORT NO. 188
RE _____
Short Title _____
Filed on 22 FEB 2000

SENATE
OFFICE OF THE SECRETARY

'00 FEB 22 P4:36

a) COMMITTEE(s) which reported out the bill(s)/resolution(s)/other matter(s): RECEIVED BY: G

TRADE and COMMERCE (primary)
ENVIRONMENT AND NATURAL RESOURCES (secondary)

b) BILL(s) and/or RESOLUTION(s)/OTHER MATTER(s) reported out and taken into consideration:

Bill/Resolution/Other
1. SEN 1168
2. _____
3. _____

Referred to the Ctte(s) on:
TRADE & COMMERCE and
ENVIRONMENT AND NATURAL
RESOURCES

Author(s)
SEN DRILON
COSETENG

-Other bill(s)/resolution(s)/other matters of similar subject matter not included in this report:

Reason(s): _____

c) ACTION TAKEN by the Committee(s):

Primary Committee

Secondary Committee
(If this is not a joint report)

☒ M Recommending Approval _____ ☐
☒ M with amendments _____ ☐
☐ without amendments _____ ☐
☐ in substitution of _____ ☐
☐ in consolidation with _____ ☐
☐ Laid on the Table/Archived _____ ☐

☐ Pending in the
Committee on _____

d) COMMITTEE MEETINGS/PUBLIC HEARINGS/TWG/OTHERS CONDUCTED:

Date: May 5, 1999 Venue: SENATE Date: 7 Venue: Public Hearings
Aug. 23, 1999 SENATE

e) Does this Bill/Resolution contain any REVENUE or APPROPRIATION Provision? NI

If Yes, has it been referred to the Finance or Ways and Means Committee and
what were its recommendations? _____

f) RELATED/COUNTERPART MEASURE from the HOUSE OF REPRESENTATIVES:

Bill/Resolution No.(s) Status in the House Status in the Senate
HRN 9158 Approved on 2nd Reading _____

g) MEMBER(s) without signature in the report; and reason(s):

NONE

h) Additional remarks: _____

Submitted by: JOEY M. TURNAC
Legislative Committee Secretary
Date submitted: _____

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

'00 FEB 22 P4:36

SENATE

RECEIVED BY: G

COMMITTEE REPORT NO. 188

Submitted jointly by the Committees on Trade and Commerce and
Environment and Natural Resources on 22 FEB 2000

Re: S. No. 1168

Recommending its approval with amendments

Sponsors: Senators Magsaysay, Jr., Drilon and Coseteng

MR. PRESIDENT:

The Committees on Trade and Commerce; *and* Environment and
Natural Resources to which was referred S. No. 1168, introduced by Senator
Drilon, ^{and Coseteng} entitled:

"AN ACT PROHIBITING THE MANUFACTURE,
IMPORTATION, DISTRIBUTION AND SALE OF LAUNDRY
DETERGENTS CONTAINING HARD SURFACTANTS, AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

have considered the same and have the honor to report it back to the Senate
with the recommendation that it be approved with the following amendments:

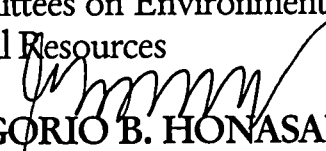
1. On page 1, Line 21, after the period and before the article "The",
insert the following *proviso* "PROVIDED, HOWEVER, THAT THE
PROHIBITION SHALL TAKE EFFECT AFTER TWELVE (12) MONTHS
FROM THE APPROVAL OF THIS ACT."

Respectfully submitted:


ROBERT S. JAWORSKI

Chairman

Committees on Environment and
Natural Resources


GREGORIO B. HONASAN

Vice-Chairman

Committee on Environment and
Natural Resources


LOREN LEGARDA-LEVISTE

Vice-Chairperson

Committee on Environment and
Natural Resources


RAMON B. MAGSAYSAY, JR.

Chairman

Committee on Trade and Commerce


ANNA DOMINIQUE M.L. COSETENG

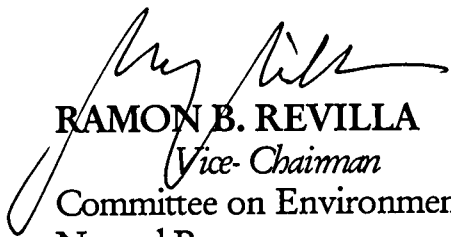
Vice-Chairperson

Committee on Trade and Commerce


SERGIO OSMEÑA III

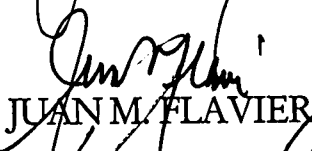
Vice-Chairman

Committee on Environment and
Natural Resources


RAMON B. REVILLA
Vice-Chairman
Committee on Environment and
Natural Resources

MEMBERS:


VICENTE C. SOTTO III



JUAN M. FLAVIER


RENATO L. CAYETANO


FRANCISCO S. TATAD

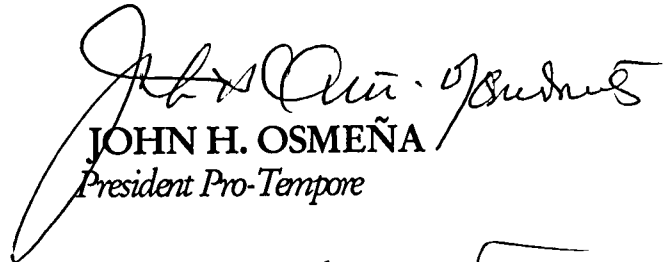

RODOLFO G. BIAZON

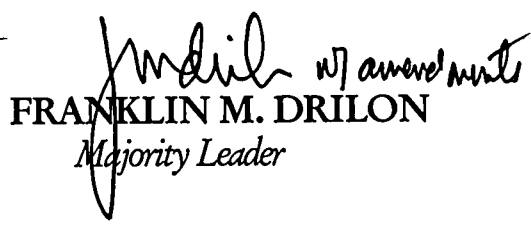

JUAN PONCE ENRILE



ROBERT Z. BARBERS


TERESA AQUINO-ORETA

EX-OFFICIO MEMBERS:


JOHN H. OSMEÑA
President Pro-Tempore


FRANKLIN M. DRILON
Majority Leader


TEOFISTO T. GUINGONA JR.
Minority Leader

Honorable BLAS F. OPLE
President
Senate of the Philippines
Pasay City

Eleventh Congress of the Republic)
of the Philippines)
First Regular Session)

'98 AUG 28 P3:46

RECEIVED BY: _____

SENATE

S. NO. 1168

Introduced by: Senator Franklin M. Drilon

EXPLANATORY NOTE

Laundry surface active agents or surfactants are the primary cleaning ingredients of laundry products. Surfactants provide for the ability of laundry detergents to remove and separate dirt and cause lathering or sudsing, thus making clothes laundering easier. However, the benefits delivered using hard surfactants, in terms of clean clothes, may be negated by the surfactants' harmful effects to the environment.

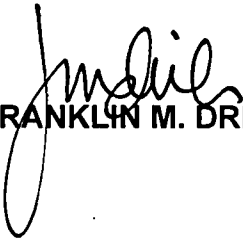
Hard surfactants are considered as the least biodegradable among the surfactants in use today, and are a major cause of water pollution. Its use in laundry products has been banned in most of the countries in the world, regardless of economic status. In fact, the Republic of Vietnam has recently passed a law prohibiting the use of hard surfactants in its detergents. Of the few countries that still allow the use of hard surfactants, the main reason appears to be the economic benefit resulting from the use of cheaper raw materials, at the expense of the environment.

In the Philippines, studies conducted by the then National Pollution Control Commission (NPCC), now Environmental Management Bureau, have affirmed that hard surfactants, by their nature, are a major cause of water pollution because they restrict the contact between air and water and therefore diminish the ability of water to support aquatic life. In addition, the NPCC study found that hard surfactants act as magnet of dirt and bacteria, have slow biodegradability rate, persisting in water for a long time. Most local manufacturers, however, despite the absence of a ban, have voluntarily shifted to the more biodegradable materials called "soft" surfactants, with names like linear alkyl sulfonate (LAS) and coco-fatty acid sulfonate (CFAS).

Still there is even greater danger of pollution as seen from the influx of imported laundry detergents containing hard surfactants to the further detriment of Philippine waters. The volume of these polluting products will further increase with the full implementation of the GATT/WTO. Fortunately, the GATT/WTO allows setting of national regulations that will protect the environment.

This bill, therefore, seeks to prohibit the manufacture, importation, distribution and sale of laundry detergents containing hard surfactants. In so doing, we not only eliminate a major cause of pollution which eventually would spell the indiscriminate destruction of our water resources and the extinction of aquatic fauna but more importantly, we will minimize dangers to health and safety.

In view of the foregoing, passage of this bill is earnestly recommended.


FRANKLIN M. DRILON

1 for "Surface Active Agents-Synthetic Detergents for Laundry Use" in accordance with
2 this Act and monitor compliance herewith.

3 For this purpose, the Bureau of Product Standards shall inspect laundry
4 detergents, whether imported or locally-manufactured, to ensure that they are free from
5 hard surfactants.

6 **SECTION 4. *Labels.*** In addition to the requirements for the labelling of
7 products pursuant to Republic Act No. 7394, otherwise known as "The Consumer Act
8 of the Philippines", all labels of laundry detergents must contain a statement that the
9 product does not contain hard surfactants.

10 **SECTION 5. *Administrative Sanctions.*** Any violation of this Act shall
11 constitute a violation of a trade and industry law subject to the provisions of Executive
12 Order No. 913 dated 7 October 1983, as amended. The Bureau of Product Standards
13 shall have the authority to recommend, pursuant to Executive Order No. 913, as
14 amended, the imposition of the administrative sanctions enumerated therein against the
15 manufacturer, importer, distributor, and seller of laundry detergents containing hard
16 surfactants.

17 In addition to the administrative sanctions imposable under Executive Order 913,
18 as amended, the Bureau of Product Standards is hereby authorized to recommend the
19 imposition of the fines as set forth in the following schedule:

- 20 i. First Offense, a fine of Two Hundred Thousand Pesos (P200,000.00);
- 21 ii. Second Offense committed within one (1) year from the first offense, a
22 fine of Three Hundred Thousand Pesos (P300,000.00); and

10

1 iii Third Offense committed within one (1) year from the second offense,
2 a fine of Five Hundred Thousand Pesos (P500,000.00).

3 The imposition of the foregoing administrative sanctions shall be without
4 prejudice to the cancellation of the Product Standards Quality Mark pursuant to Republic
5 Act No. 4109, as amended.

6 **SECTION 6. *Penalties.*** Any person who manufactures, imports, distributes or
7 sells laundry detergents found containing hard surfactants shall be penalized by
8 imprisonment of not less than one (1) year nor more than five (5) years and/or fine of
9 not less than Five Hundred Thousand Pesos (P500,000.00) nor more than One Million
10 Pesos (P1,000,000.00), at the discretion of the court, *Provided*, that if the violator is a
11 corporation, firm, partnership or association, the penalty shall be imposed upon the
12 president or the manager or any officer thereof who knows or ought to have known the
13 commission of the offense; *Provided, finally*, that in case the guilty officer is a foreigner,
14 he shall be immediately deported after service of sentence.

15 **SECTION 7. *Rules and Regulations.*** The Bureau of Product Standards, in
16 consultation with the relevant departments or agencies of the national government such
17 as, but not limited to, Environmental Management Bureau (EMB) of the Department of
18 Environment and Natural Resources, Bureau of Customs (BOC), Bureau of Trade
19 Regulations and Consumer Protection (BTRCP), shall issue the rules and regulations for
20 the effective implementation of this Act. The rules and regulations shall include the
21 authority to conduct a product check and inspection of establishments involved in the
22 manufacture, importation, distribution and sale of laundry detergents containing hard
23 surfactants.

24 **SECTION 8. *Repealing Clause.*** Any and all provisions of existing laws,
25 decrees, orders, and issuances, or portions thereof which are inconsistent with the
26 provisions of this Act are hereby repealed or amended accordingly.

SECTION 9. *Effectivity.* This Act shall take effect from fifteen (15) days after

its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.

senate.act*bsa9

S E N A T E

S. No. 1168

Introduced by Senator Drilon, Flavier, Tatad,
Guingona, Jr., Jaworski, Roco and Osmena III.

AN ACT

PROHIBITING THE MANUFACTURE, IMPORTATION, DISTRIBUTION AND
SALE OF LAUNDRY DETERGENTS CONTAINING HARD SURFACTANTS, AND
PROVIDING PENALTIES FOR VIOLATIONS THEREFOR

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

1 SECTION 1. *Declaration of Policy.* - It is hereby
2 declared a policy of the State to protect, secure and
3 safeguard the citizenry from the danger and harmful effects
4 of pollution as seen from the influx of imported detergents
5 containing hard surfactants, a substance found to be a water
6 pollutant; for their physical and mental well-being and, in
7 the end, pursue a vigorous campaign against the manufacture,
8 importation, distribution and sale of laundry detergents
9 containing the harmful substance; and finally provide for
10 its complete prohibition.

11 SEC. 2. *Definition of Terms.* - As used in this Act,
12 *Hard Surfactants* shall refer to surfactants with low
13 biodegradability rate including chemicals such as hard or
14 branched alkyl benzene, hard or branched alkyl benzene
15 surfactants, hard or branched dodecyl benzene sulfonates,
16 branched dodecyl benzene, their sodium or potassium salts
17 and other technical names referring to the same chemical
18 compound.

19 SEC. 3. *Prohibition.* - The manufacture, importation,
20 distribution and/or sale of laundry detergents containing
21 hard surfactants are hereby declared prohibited. The Bureau

1 of Product Standards shall revise the mandatory Philippine
2 National Standard for "Surface Active Agents-Synthetic
3 Detergents for Laundry Use" in accordance with this Act and
4 monitor compliance therewith.

5 For this purpose, the Bureau of Product Standards shall
6 inspect laundry detergents, whether imported or locally-
7 manufactured, to ensure that they are free from hard
8 surfactants.

9 SEC. 4. *Labels.* - In addition to the requirements for
10 the labelling of products pursuant to Republic Act No. 7394,
11 otherwise known as "The Consumer Act of the Philippines",
12 all labels of laundry detergents must contain a statement
13 that the product does not contain hard surfactants.

14 SEC. 5. *Administrative Sanctions.* - Any violation of
15 this Act shall constitute a violation of a trade and
16 industry law subject to the provisions of Executive Order
17 No. 913 dated 7 October 1983, as amended. The Bureau of
18 Product Standards shall have the authority to recommend,
19 pursuant to Executive Order No. 913, as amended, the
20 imposition of the administrative sanctions enumerated
21 therein against the manufacturer, importer, distributor, and
22 seller of laundry detergents containing hard surfactants.

23 In addition to the administrative sanctions imposable
24 under Executive Order No. 913, as amended, the Bureau of
25 Product Standards is hereby authorized to recommend the
26 imposition of the fines IN CASE OF VIOLATION OF THIS ACT
26a as set forth in the following
27 schedule:

- 28 i. First Offense, a fine of Two hundred thousand
29 pesos (₱200,000.00);
- 30 ii. Second Offense committed within one (1) year from
31 the first offense, a fine of Three hundred
32 thousand pesos (₱300,000.00); and

1 iii. Third Offense committed within one (1) year from
2 the second offense, a fine of Five hundred
3 thousand pesos (P500,000.00).

4 The imposition of the foregoing administrative
5 sanctions shall be without prejudice to the cancellation of

5A THE MANUFACTURER'S LICENSE TO OPERATE AND/OR

6 the Product Standards Quality Mark pursuant to Republic Act
7 No. 4109, as amended.

8 SEC. 6. *Penalties.* - Any person who manufactures,
9 imports, distributes or sells laundry detergents found
10 containing hard surfactants shall be penalized by
11 imprisonment of not less than one (1) year nor more than
12 five (5) years and/or fine of not less than Five hundred
13 thousand pesos (P500,000.00) nor more than One million pesos
14 (P1,000,000.00), at the discretion of the court: *Provided,*
15 That if the violator is a corporation, firm, partnership or
16 association, the penalty shall be imposed upon the president
17 or the manager or any officer thereof who knows or ought to
18 have known the commission of the offense: *Provided,*
19 *finally,* That in case the guilty officer is a foreigner, he
20 shall be immediately deported after service of sentence.

21 SEC. 7. *Rules and Regulations.* - The Bureau of Product
22 Standards, in consultation with the relevant departments or
23 agencies of the national government such as, but not limited
24 to, Environmental Management Bureau (EMB) of the Department
25 of Environment and Natural Resources, Bureau of Customs
26 (BOC), Bureau of Trade Regulations and Consumer Protection
27 (BTRCP), shall issue the rules and regulations for the
28 effective implementation of this Act. WITHOUT PREJUDICE TO
28A THE CONSTITUTIONAL RIGHT OF EVERY CITIZEN TO BE SAFE FROM
28B UNREASONABLE SEARCH AND SEIZURE, t[T]he rules and

29 regulations shall include the authority to conduct a product
30 check and inspection of establishments involved in the
31 manufacture, importation, distribution and sale of laundry
32 detergents containing hard surfactants. PRODUCT CHECK AND
32A INSPECTION OF ESTABLISHMENTS SHALL BE CONDUCTED DURING
32B BUSINESS HOURS AND THE INSPECTION TEAM SHALL BE ACCOMPANIED
32C BY TWO (2) RESPONSIBLE OFFICERS OF THE MANUFACTURERS.

32D SEC. 8. FISCAL INCENTIVES. - THE BOARD OF INVESTMENTS
32E (BOI) SHALL GRANT FISCAL INCENTIVES TO LOCAL MANUFACTURERS
32F AND PROCESSORS WHO DEVELOP AND MODERNIZE THEIR PROCESSING
32G PLANTS TO PRODUCE COCONUT-BASED BIODEGRADABLE SURFACTANTS.
32H THIS SHALL NOT BE LIMITED TO ASSISTANCE AND INCENTIVES IN
32I THE EXPORTATION OF THEIR PRODUCTS.

1 SEC.9[8]. *Repealing Clause.* - Any and all provisions of
2 existing laws, decrees, orders, and issuances, or portions
3 thereof which are inconsistent with the provisions of this
4 Act are hereby repealed or amended accordingly.

5 SEC.10[9]. *Effectivity.* - This Act shall take effect from
6 fifteen (15) days after its publication in the *Official*
7 *Gazette* or in two (2) newspapers of general circulation.

 Approved,