

Republic Act No. 8970

An Act Prohibiting the Manufacture, Importation, Distribution and Sale of Laundry and Industrial Detergents Containing Hard Surfactants and Providing Penalties For Violation Thereof.

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

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

(a) "*Hard Surfactants*" shall refer to surfactants with low biodegradability rate including chemicals such as hard or branched alkyl benzene, hard or branched alkyl benzene surfactants, hard or branched dodecyl benzene sulfonates, branched dodecyl benzene, their sodium or potassium salts and other technical names referring to the same chemical compound;

(b) "*Industrial detergent*" shall refer to any cleaning product not designed for laundering different fabrics in the family wash but is mostly used in the manufacturing industry, such as but not limited to the beverage industry, textile industry, meat, fish and fruit canning, dairy product processing and food processing industry;

(c) "*Laundry detergent*" shall refer to a product containing a surfactant and other ingredients, formulated to clean and care for the many different fabrics in the family wash; and

(d) "*Natural oleochemical*" shall refer to chemicals derived from processing plant-based natural oils such as but not limited to coconut, palm, palm kernel, sunflower, and rapeseed.

Sec. 3. *Labels.* - In addition to the requirements for the labeling of products pursuant to Republic Act No. 7394, otherwise known as "The Consumer Act of the Philippines", all laundry and industrial detergent labels must contain the following information legibly written or printed with indelible ink: (a) name of product; (b) name of trade name and address of the person or company producing, importing or marketing the product; and (c) statement of the manufacturer or importer that the product does not contain hard surfactants.

Sec. 4. *Prohibition.* - The manufacture, importation, distribution and/or sale of laundry and industrial detergents containing hard surfactants are hereby declared prohibited. The Bureau of Product Standards shall review and revise the mandatory Philippine National Standard for "Surface Active Agnets-Synthetic Detergents for Laundry Use" in accordance with this Act and monitor compliance therewith.

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

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

In addition to the administrative sanctions imposable under Executive Order No. 913, as amended, the Bureau of Product Standards is hereby authorized to recommend the imposition of the fines in case of violation of this Act as set forth in the following schedule:

- (i) First Offense, a fine of Two hundred thousand pesos (PhP200,000.00);
- (ii) Second Offense committed within one (1) year from the first offense, a fine of Three hundred thousand pesos (PhP300,000.00); and
- (iii) Third offense committed within one (1) year fro the second offense, a fine of Five hundred thousand pesos (PhP500,000.00).

The imposition of the foregoing administrative sanctions shall be without prejudice to the cancellation of the manufacturer's license to operate and/or the Product Standards Quality Mark pursuant to Republic Act No. 4109, as amended

Sec. 6. *Penalties.* - Any person who manufactures, imports, distributes or sells laundry and industrial detergents found containing hard surfactants shall be penalized by imprisonment of less than one (1) year nor more than five (5) years and/or fine of not less than Five hundred thousand pesos (PhP500,000.00) nor more than One million pesos (PhP1,000,000.00), at the discretion of the court: *Provided*, That if the violator is a corporation, firm, partnership or association, the penalty shall be imposed upon the president or the manager or any officer thereof who knows or ought to have known the commission of the offense: *Provided, finally*, That in case the guilty officer is a foreigner, he shall be immediately deported after service of sentence.

Sec. 7. *Rules and Regulations.* - The Bureau of Product Standards, in consultation with the relevant departments or agencies of the national government such as, but not limited to, Environment Management Bureau (EMB) of the Department of Environment and Natural Resources, Bureau of Customs (BOC), Bureau of Trade Regulations and Consumer Protection (BTRCP), shall issue the rules and regulations for the effective implementation of this Act. Without prejudice to the constitutional right of every citizen to be safe from unreasonable search and seizure, the rules and regulations shall include the authority to conduct a product check and inspection of establishments involved in the manufacture, importation, distribution and sale of laundry and industrial detergents containing hard surfactants. Product check and inspection of establishments shall be conducted during business hours and the inspection team shall be accompanied by two (2) responsible officers of the manufacturers.

Sec. 8. *Fiscal Incentives.* - The Board of Investments (BOI) may grant fiscal incentives to local manufacturers and processors who develop and modernize their processing plants to produce coconut-based and other natural oleochemical biodegradable surfactants. This shall not be limited to assistance and incentives in the exportation of their products.

Sec. 9. *Separability Clause.* - If for any reason any provision of this Act or any portion thereof or the application of such provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such decision.

Sec. 10. *Repealing Clause.* - Any and all provisions of existing laws, decrees, orders, and issuances, or portions thereof which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Sec. 11. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes earlier.