



**DEPARTMENT ADMINISTRATIVE ORDER
NO. 02 , SERIES OF 2001**

**SUBJECT : IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT NO. 8970**

Pursuant to Section 7 of Republic Act No. 8970 (R.A. 8970), otherwise known as "An Act Prohibiting the Manufacture, Importation, Distribution and Sale of Laundry and Industrial Detergents Containing Hard Surfactants and Providing Penalties for Violation Thereof", the Bureau of Product Standards (BPS) of the Department of Trade and Industry (DTI), in consultation with Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources, Bureau of Customs (BOC) of the Department of Finance, Bureau of Trade Regulations and Consumer Protection (BTRCP); Board of Investment (BOI); and Bureau of International Trade Relations (BITR) of the Department of Trade and Industry and other relevant government agencies hereby adopts and promulgates the following rules and regulations:

RULE 1. TITLE

These Rules shall be known as the Implementing Rules and Regulations (IRR) of R.A. 8970.

RULE 2. CONSTRUCTION

The best interest of the citizenry, particularly their physical and mental well-being shall be considered in the interpretation of this IRR.

RULE 3. DEFINITION OF TERMS.

As used in these Rules, the following terms shall have the following meanings:

(a) "Laundry Detergents" shall refer to a product containing a surfactant and other ingredients like builders, boosters, fillers and auxiliaries, formulated to clean and care for the many different fabrics in the family wash but do not include laundry soaps.

(b) "Industrial Detergents" shall refer to any cleaning product not designed for laundering different fabrics in the family wash but are 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.

RULE 5. PERSONS WHO CAN BE HELD LIABLE FOR VIOLATION OF THIS RULES

BPS/DTI may file the appropriate charges against either the manufacturer/producer, importer, distributor or seller whether on a wholesale or retail basis or against all of them.

RULE 6. INSPECTION TEAM

1. Inspection Teams composed of BPS/DTI personnel shall be tasked to conduct product monitoring, check or inspection.
2. An Inspection Team shall be headed by a duly designated BPS/DTI officer who will be responsible for the orderly conduct of the monitoring activities.
3. During inspection, the Inspection Team must have with them, a DTI Identification Card and a written authority to conduct product-monitoring, check or inspection, duly issued by the Director of the Bureau of Product Standards or the concerned Regional/Provincial Directors of the Department of Trade and Industry to be shown to any competent person in charge of the establishment or place to be inspected.

RULE 7. INSPECTION GUIDELINES

A. PRODUCT CHECK REFERENCES

1. The Inspection Team shall check the market, factory or importers' sample with the marking requirements provided for in Rule 4, "Prohibited Acts," hereof.
2. The Inspection Team shall draw samples in accordance with the existing statistical sampling currently being followed and implemented by BPS.
3. The said test samples shall be submitted to the BPS Testing Center or to its accredited laboratory to determine compliance of the samples with the relevant standards.
4. All sampling results shall be treated with utmost confidentiality before they are officially announced. Results covering one level check shall be released, announced and/or published by the BPS simultaneously.
5. The BPS shall prepare a voluntary listing of all laundry and industrial detergents which do not contain hard surfactants, and the said voluntary listing shall be updated to show the current status of compliance of the said detergents.



(c) "Detergent Surfactants" shall refer to surface active agents or organic chemicals compound consisting of hydrophilic and hydrophobic parts which are the key ingredients of laundry and industrial detergents, mainly responsible for the cleaning performance of the detergent products; improving wetting ability of water and loosening soils in the wash solution;

(d) "Hard Surfactants" shall refer to surfactants with low biodegradability rate, including chemicals such as hard or branched alkyl benzene sulfonates, branched dodecyl benzene sulfonates, their sodium or potassium salts and other technical names referring to the same chemical compound, excluding "soft surfactants" such as but not limited to oleochemicals and linear alkyl benzene sulfonates (LAS).

(e) "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.

Whenever any of the foregoing term is used in the law or these rules, it shall be deemed to have the same meaning as above defined, unless in any specific provision, the context in which the term is found indicates that it is meant to convey a different meaning.

RULE 4. PROHIBITED ACTS.

1. Manufacture or production of laundry or industrial detergents containing hard surfactants.
2. Importation or bringing into the Philippine territory laundry or industrial detergents containing hard surfactants, manufactured or coming from other countries.
3. Distribution and/or sale of laundry or industrial detergents containing hard surfactants.
4. Production, importation, distribution or sale of laundry or industrial detergents without the required label which should contain the following information, legibly written or printed in such a way that the information requested are not likely to be removed, detached or erased under ordinary handling of the product as provided in Section 3 of the law:
 - a. name/duly registered trademark/brand name of the product;
 - b. complete name/ trade name and complete business address of the person or company manufacturing/ producing the product;
 - c. net quantity of contents, in terms of weight rounded off to at least the nearest tenths in the metric system;
 - d. country of manufacture or origin;
 - e. if the product is manufactured, refilled or repacked under license from a principal, the label shall state such fact; and
 - f. statement, that the product does not contain hard surfactants.



B. SAMPLING PROCEDURE

B 1. FACTORY LEVEL CHECK

1. The DTI/BPS will conduct product checks at the factory/warehouse of all the manufacturers of laundry and industrial detergents. This will involve taking product samples from the production line or warehouse. The samples will be obtained free of charge.
2. The factory level check shall be conducted at least on a semester basis. Holders of PS Quality Certification Mark shall be subject to factory level check during the annual surveillance audit.
3. Said product monitoring, check or inspection shall be done during business hours, in the presence of two responsible persons designated by the owner of the establishment or place to be inspected.

B 2. MARKET LEVEL CHECK

1. The market level check will involve purchasing samples from seller, whether a distributor, wholesaler, retailer, or any other type of sales outlet. Market checks should be conducted at least on a quarterly basis.
2. The DTI Provincial Offices should purchase the samples, which should be immediately sealed in a plastic bag that will be labeled with the proper brand names, number of bars/pouches/cartons in the bag, date of purchase, name and address of the outlet (contained in the sale receipt) and the signatures of the DTI representative and the manufacturers association representative/s, if present.
3. The market level check will be conducted nationwide and the samples will be taken from major detergent distribution centers.

C. IMPORTATION

All importation of laundry and industrial detergents shall be subject to Import Commodity Clearance (ICC) in accordance with DTI DAO 8:1995, as amended, to be issued by the Bureau of Product Standards prior to release by the Bureau of Customs.

RULE 8. ADMINISTRATIVE PROCEDURE

The procedure provided under Executive Order No. 913 and the rules implementing the same are hereby adopted.



RULE 9. ADMINISTRATIVE SANCTIONS AND PENALTIES.

In addition to the administrative sanctions imposable under Executive Order No. 913, as amended, the Bureau of Product Standards may recommend the amount of administrative fine to be imposed, depending upon the degree and the number of violations committed and based on the schedule:

- (a) First Offense; a fine of Two Hundred Thousand Pesos (Php200,000.00);
- (b) Second Offense committed within one (1) year from the first offense, a fine of Three Hundred Thousand Pesos (Php300,000.00); and
- (c) Third Offense committed within one (1) year from the second offense, a fine of Five Hundred Thousand Pesos (Php500,000.00).

The imposition of the foregoing administrative fines shall be without prejudice to the imposition of the other sanctions/penalties provided under E.O. 913.

RULE 10. PROSECUTION OF CASES FOR VIOLATION OF THIS RULES TO BE FILED OUTSIDE THE DEPARTMENT OF TRADE AND INDUSTRY.

Independently from the administrative charges filed with DTI, the Bureau of Product Standards may file appropriate charges with the regular courts. Any person found guilty of committing any of the prohibited acts herein provided shall be punished with a penalty of imprisonment of not 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.

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. In case the guilty officer is a foreigner, he shall be immediately deported after service of sentence.

RULE 11. DISPOSITION OF GOODS FOUND VIOLATIVE OF THE LAW.

Laundry and Industrial Detergents found containing hard surfactants shall be disposed of at the expense of the violator and in accordance with the provisions of E.O. 913 and applicable trade and industry laws, tariff and customs laws as well as environmental regulations such as, but not limited to:

1. Recall of violative products from distribution channels for proper disposition;
2. Where there is available treatment and disposal facility, they may be disposed of locally. In the absence thereof, the same shall be re-exported for disposal abroad.



RULE 12. 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. Availment of Incentives shall be governed by the provisions of E.O. No. 226, as amended, its applicable rules and regulations and future amendments thereto. The availment of incentives shall be administered by the BOI.

RULE 13. SEPARABILITY CLAUSE.

If for any reason any provision of this Rules 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 these Rules shall not be affected by such decision.

RULE 14. REPEALING CLAUSE

Any and all provisions of existing laws, decrees, orders, and issuances, or portions thereof which are inconsistent with the provisions of R.A. No 8970 and these Rules are hereby repealed or amended accordingly.


RULE 15. EFFECTIVITY

These Rules and Regulations shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.


Done in Makati City, this 11th day of May, 2001.

RECOMMENDED BY:


ADRIAN S. CRISTOBAL, JR.
Undersecretary


JESUS L. MOTOOMULL
Director, Bureau of Product Standards

APPROVED:


MARoxas
Secretary