



**Republic Act No. 11898
EXTENDED PRODUCER
RESPONSIBILITY (EPR)
Act of 2022 and DENR DAO 2023-02
(IRR of EPR Act of 2022)**

An Act Institutionalizing the Extended Producer Responsibility (EPR) on Plastic Packaging Waste, Amending For This Purpose Republic Act No. 9003, Otherwise Known As The "Ecological Solid Waste Management Act Of 2000"

**Effectivity date: August 12, 2022
IRR Effective Date: February 17, 2023**

Linear vs Circular Economy

LINEAR ECONOMY



Republic Act No. 11898

Extended Producer Responsibility Act of 2022;

Published in the Daily Tribune on 28 July 2022

23 July 2022

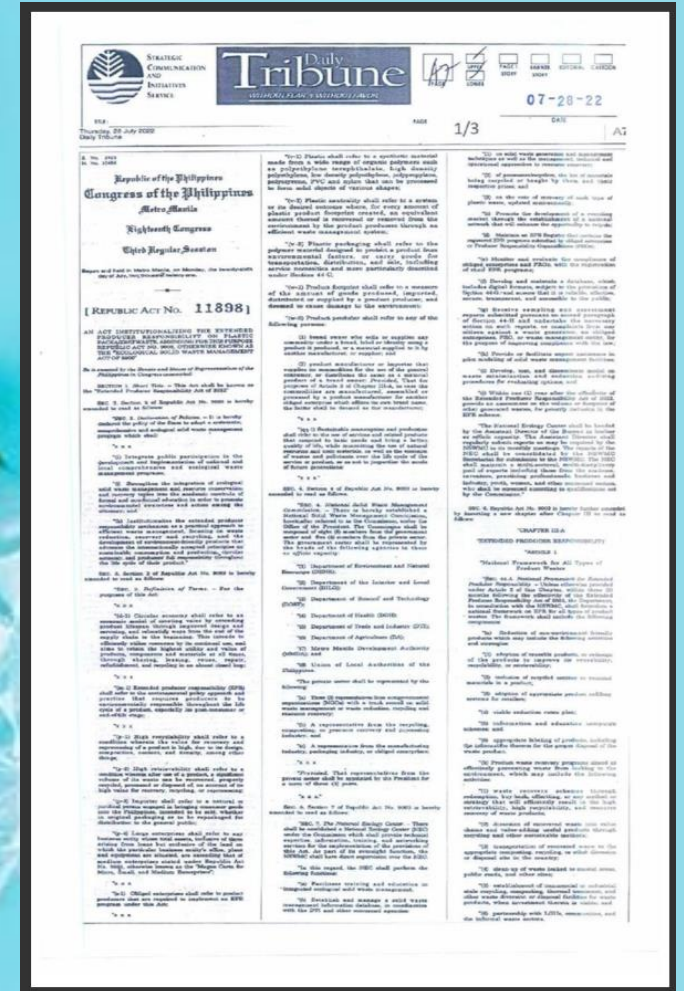
12 August 2022

2022

28 July 2022

Lapsed into law on 23 July 2022

Took effect on 12 August 2022



EPR Act of 2022 Implementing Rules and Regulations

Extended Producer
Responsibility Act of 2022
mandated DENR to come
up with IRR within 90 days

Published in the Manila
Times on 2 February 2023

24 January 2023

17 February 2023

2022

2 February 2023

DENR Secretary signed
the IRR

IRR took effect



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph
OUPPIA Tel. No. 928-1186 and 928-1195 email address: ouppia.denr@gmail.com
Voice-Over-Internet-Protocol (VOIP) Trunkline (632)7553330 local 1068

JAN 24 2023

DENR ADMINISTRATIVE ORDER
NO. 2023 - 02

**SUBJECT: IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC
ACT NO. 11898**

Pursuant to Section 11 of Republic Act No. 11898, otherwise known as "An Act Institutionalizing The Extended Producer Responsibility On Plastic Packaging Waste", amending for this purpose Republic Act No. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000", also known by its short titles as the "Extended Producer Responsibility Act of 2022" or as "EPR Act of 2022", and by virtue of Executive Order No. 192, Series of 1987, the Department of Environment and Natural Resources hereby adopts and promulgates the following rules and regulations.

PART I: GENERAL PROVISIONS

SECTION 1. Title. These Rules shall be known and cited as the Implementing Rules and Regulations of the EPR Act of 2022 (hereto attached as "Annex A"), or hereinafter referred to as "EPR IRR", for brevity.

SECTION 2. Purpose. These Rules are promulgated to revise, where applicable, DENR Administrative Order No. 2001-34, Series of 2001, otherwise known as the "Implementing Rules and Regulations of Republic Act No. 9003" or "RA 9003 IRR" and to incorporate and prescribe therein the procedures and guidelines for the implementation of the EPR Act of 2022 in order to facilitate compliance therewith and achieve the objectives thereof.

SECTION 3. Scope. The EPR IRR shall lay down the powers and functions of the Department of Environment and Natural Resources, the Department of Trade and Industry, all other concerned agencies and local government units, the rights and obligations of stakeholders and the rights and duties of the people with respect to the implementation of the EPR Act of 2022.

SECTION 4. Construction. The EPR IRR shall be liberally construed to carry out the national policy of adopting a systematic, comprehensive, and ecological solid waste management program, institutionalizing the extended producer responsibility mechanism as a practical approach to efficient waste management, in accordance with internationally accepted principles on sustainable consumption and production, circular economy, and producers' full responsibility throughout the life cycle of their product.

PART II. DECLARATION OF STATE POLICY

SECTION 5. Basic Policy. It is hereby declared the policy of the State to adopt a systematic, comprehensive, and ecological solid waste management program which shall:



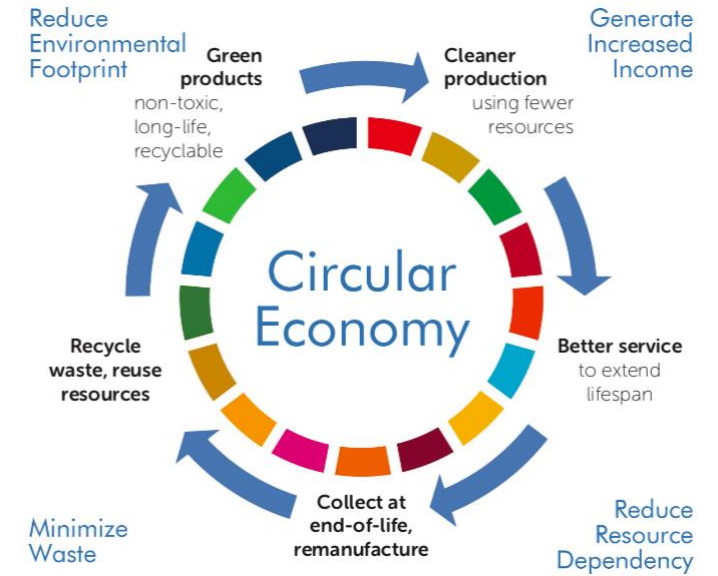
REPUBLIC ACT NO. 11898

- Institutionalized the Extended Producer Responsibility on Plastic Packaging Waste;
- Focused on waste reduction, recovery and recycling;
- Development of environment-friendly products;
- Advocates sustainable consumption and production, circular economy and
- Producers' FULL RESPONSIBILITY throughout the LIFE CYCLE of their product.



REPUBLIC ACT NO. 11898

- **Answers**, among others, the long running question from the environment and LGU sectors: *“What is the accountability and responsibility of product manufacturers, producers, and importers for the post-consumption waste that is generated?”*
- **Enforces** producers’ accountability through out the life cycle of products
- **Promotes**:
 - segregation of waste at source and segregated collection
 - waste reduction, recovery, and recycling
 - development of environment-friendly products
 - Polluters-Pay Principle
 - alleviates some of the ESWM burdens of LGUs
 - prevention of marine litter



Who are responsible to implement EPR?

1. **Product producers** obliged to implement EPR are the **LARGE enterprises** (any business entity whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plant and equipment are situated, are **exceeding** that of medium enterprises stated under RA 9501) that generate plastic packaging wastes;
2. **MSMEs** when the total value of assets of all enterprises carrying the same brand, label or trademark exceeds that of medium enterprises
3. Such other persons and entities as may be determined by the DENR Secretary



Product producers are:

- (1) **brand owner** who sells or supplies any commodity under a brand, label or identity using a product it produced, or a material supplied to it by another manufacturer, or supplier;
 - (2) **product manufacturer** whether directly or indirectly (contract manufacturing) producing their products under their brand
 - (3) **Importers of consumer goods**, intended to be sold, whether in original packaging or to be repackaged for distribution, to the general public
- In case the commodities are manufactured, assembled or processed by a product manufacturer for another obliged enterprise which affixes its own brand name, the latter shall be deemed as the manufacturer.



Enterprises not covered by EPR

General Rule:

MSMEs under RA 9501 are not covered by the EPR Law but are encouraged to practice EPR voluntarily, or be a part of the network of OEs or Producer Responsibility Organizations (PROs) practicing EPR

Exception:

MSMEs shall also be considered as OEs when the total value of assets of all enterprises carrying the same brand, label or trademark exceeds that of Medium Enterprises (currently at Php100 Million) under RA 9501.



What are the plastic packaging Covered by the EPR?



Sachets; Labels;
Laminates & other
flexible plastic
packaging products,
whether single layer
or multi-layered with
plastics or other
materials



Rigid plastic packaging
products, whether layered with
any other materials, which
include containers for
beverages, food, home,
personal care and cosmetic
products including coverings,
caps, or lids and other
necessities or promotional
items such as cutlery, plates,
drinking straws, or sticks, tarps,
signage, or labels;



Plastic bags, which include
single-use plastic bags, for
carrying or transporting of
goods, and provided or
utilized at the point of sale;
and



Polystyrene





PAPER

Selected White Ledger (SWL)	Old Corrugated Cardboards (OCC)	Old (ONP) Newspaper	Mixed Paper	Used beverage cartons (UBC)
KITCHEN WASTE	GARDEN WASTE	BOND PAPER	CARTON BOXES	NEWSPAPERS
MAGAZINES	JUICE CARTONS	WHITE ENVELOPES	PAPER BAGS & BROWN ENVELOPES	OLD NEWSPRINT / TEXTBOOKS
PAMPHLETS	MILK CARTONS			

PLASTICS

PET	HDPE	V	LDPE	PP	PS	Others
WATER / BEVERAGE BOTTLE	BEVERAGE JUGS	PVC PIPES	SQUEEZABLE BOTTLES	MICRO-WAYABLES	PLASTIC TRAYS & CUTLERY	WATER DISPENSER BOTTLES (POLYCARBONATE)
COSMETIC OR PERSONAL CARE BOTTLES	PERSONAL CARE CONTAINERS	LINOLEUM	SQUEEZABLE TUBES	FALLS & CHAIRS	PACKING FOAM, STYROFOAM	CDs & OTHER OPTICAL DISCS (POLYCARBONATE)

GLASS

BOTTLES	FLAT GLASS	CULLETS
FLINT / CLEAR	GREEN	CLEAR
AMBER / BROWN	COLORED	Mirrors
		Broken glass bottles, sorted by color
		Broken flat glass, sorted by color

METALS

ALUMINUM	COPPER	STEEL	TIN
ALUMINUM CANS	COPPER TUBES	STEEL	SARDINE CANS
ALUMINUM TRAYS	COPPER WIRES	G.I. SHEETS	SOUP CANS

This chart gives representative examples and is not meant to be an exhaustive list. For more details, refer to the [NSWMC website](#) for the updated approved list of recyclables.

RESIDUALS

Recyclables not salable in local junk shops or recycling markets should be classified under "residuals with potential for recycling."

The volume of residual waste that ends up in our landfills can be greatly reduced by treatment technologies.

RESIDUALS with POTENTIAL FOR RECYCLING

DRY PACKS, SACHETS, WRAPPERS	TARPAPULINS	DRINKING STRAWS	GROCERY & FOOD BAGS	LEATHER ITEMS	RAGS	SLIPPERS & RUBBER MATS
------------------------------	-------------	-----------------	---------------------	---------------	------	------------------------

RESIDUALS for DISPOSAL

CIGARETTE BUTTS	SOILED TISSUE PAPER	DIAPERS	SANITARY NAPKINS	COATED PAPER	FOOD-CONTAMINATED PAPER	HEAVILY-SOILED PLASTICS
-----------------	---------------------	---------	------------------	--------------	-------------------------	-------------------------

WACS (Waste Analysis and Characterization Study) SOLID WASTE CATEGORIES

A standardized and mandatory guide for Philippine Local Government Units and Solid Waste Management Practitioners based on the WACS Guidelines approved by the National Solid Waste Management Commission, Office of the President, Republic of the Philippines.

SPECIAL WASTE

HAZARDOUS WASTE

PAINTS & SOLVENTS	USED OILS (MOTOR OIL, COOKING OIL)	DRY CELL BATTERIES	WHITE GOODS (COOKING, WASHING, REFRIGERATION)
CLEANING CHEMICALS	HOUSEHOLD HEALTHCARE WASTE	LAPTOP, GADGET BATTERIES & POWER BANKS	CONSUMER ELECTRONICS & TOOLS (TVs, RADIOS)
PESTICIDE & HERBICIDE CONTAINERS	BUSTED LIGHTS	INDUSTRIAL & VEHICLE BATTERIES	I.T. TELCOM GADGETS & PERIPHERALS

Hazardous wastes are covered under Republic Act 6969 (Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990) and its related policies, such as Department Administrative Order 2013-22. Industrial, commercial and institutional establishments that generate hazardous waste must be registered with DENR-EMB and obtain the necessary permits.

HEALTHCARE WASTE from HOSPITALS

EXPIRED PILLS & MEDICINES	SYRINGES	SURGICAL GLOVES	OLD MEDICAL DEVICES WITH MERCURY
---------------------------	----------	-----------------	----------------------------------

Healthcare waste must be properly disposed of by hospitals, clinics and other health institutions. Guidelines for their proper disposal are covered by the Healthcare Waste Management Manual published by the Department of Health.

BULKY WASTE

BULKY YARD WASTE	RUBBER TIRES	CONSTRUCTION DEBRIS	DEMOLITION DEBRIS
------------------	--------------	---------------------	-------------------

Bulky wastes require separate hauling arrangements with the Local Government Units (for Households) or Contracted Parties (for Commercial, Industrial, and Institutional Sources.) Proper treatment or disposal of waste must be ensured.

EPR REGISTRATION

Obligated enterprises or PRO shall submit and register their EPR program to the NSWMC, through the Department, within six (6) months upon the effectivity of the Extended Producer Responsibility Act of 2022.

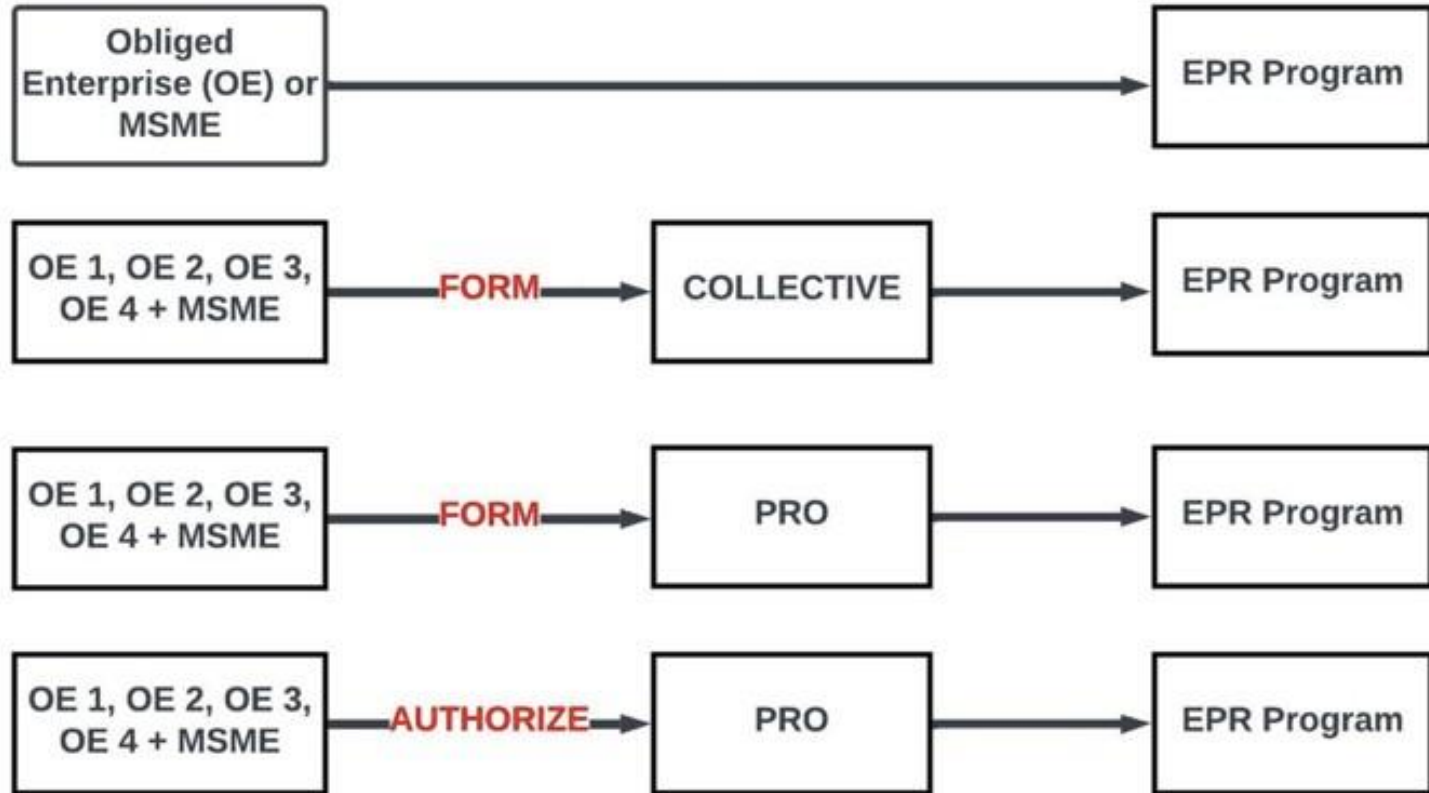
(Sec. 44-E of RA 9003, as amended by Sec. 6 of RA 11898)

Non-registration is one of the offenses under the law. (Sec. 49(g) of RA 9003, as amended by Sec. 8 of RA 11898)



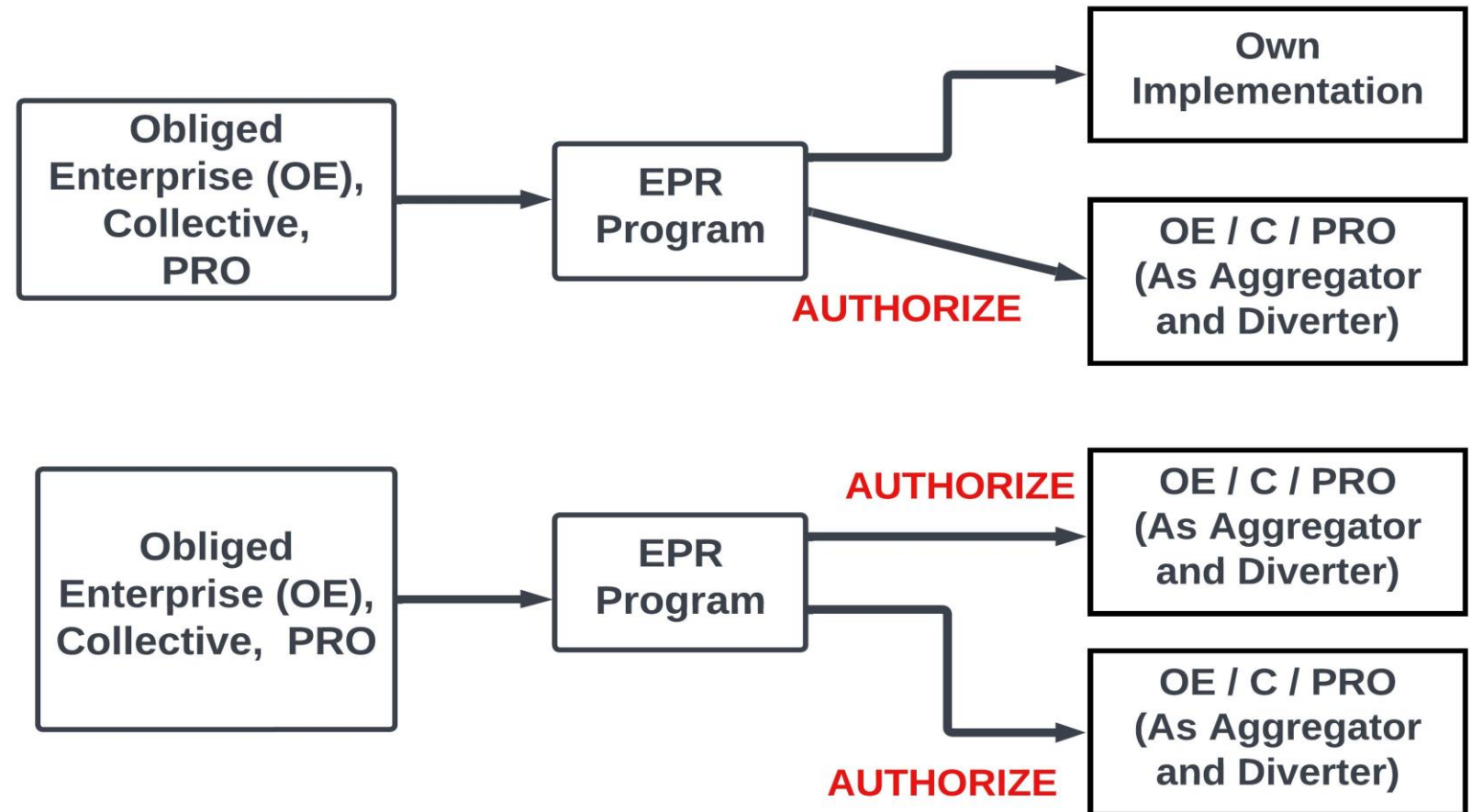
Who are responsible to implement EPR?

Modes of Compliance with the EPR Law



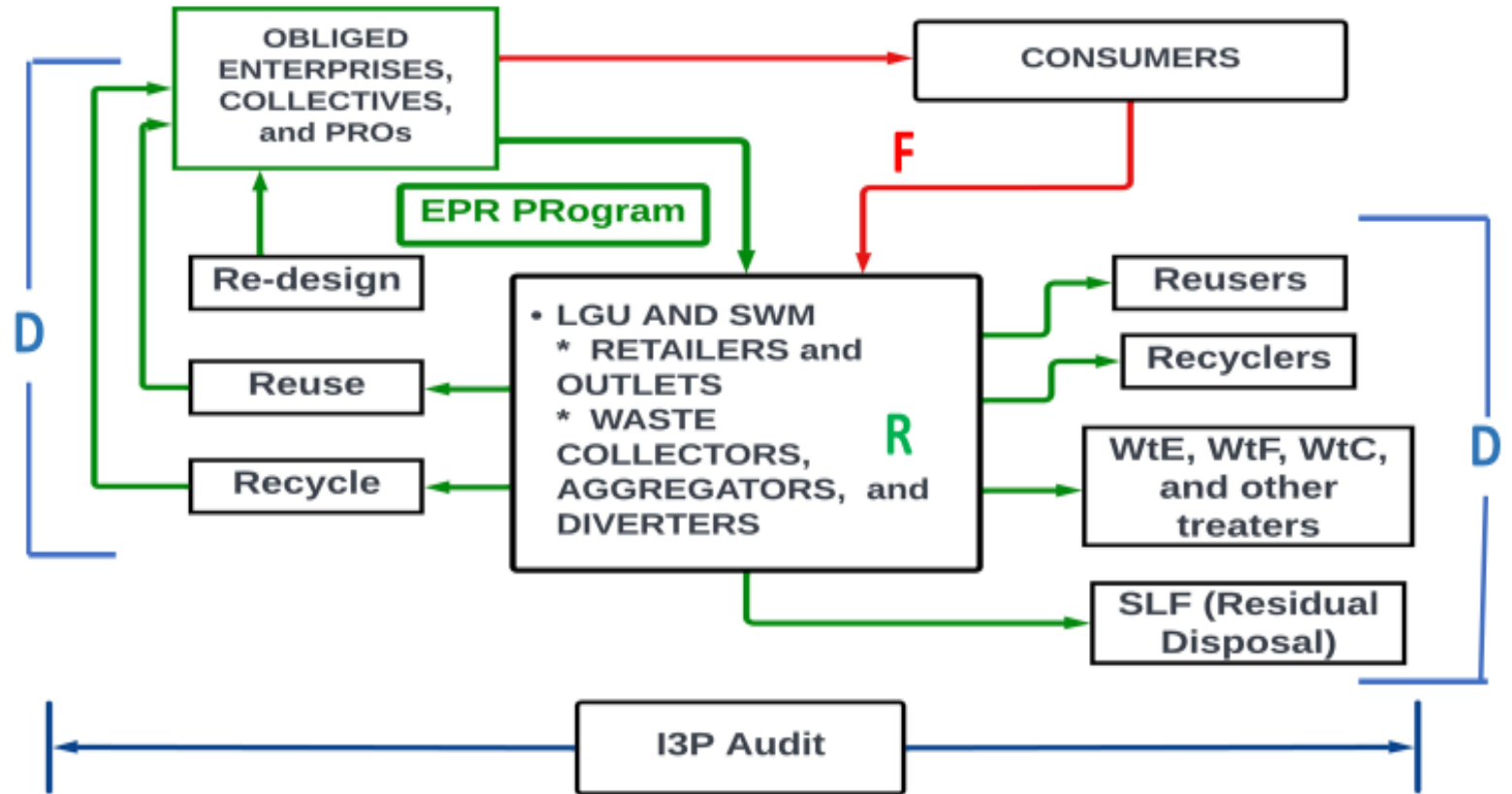
Who are responsible to implement EPR?

Other Possible Iterations of Modes of Compliance with the EPR Law



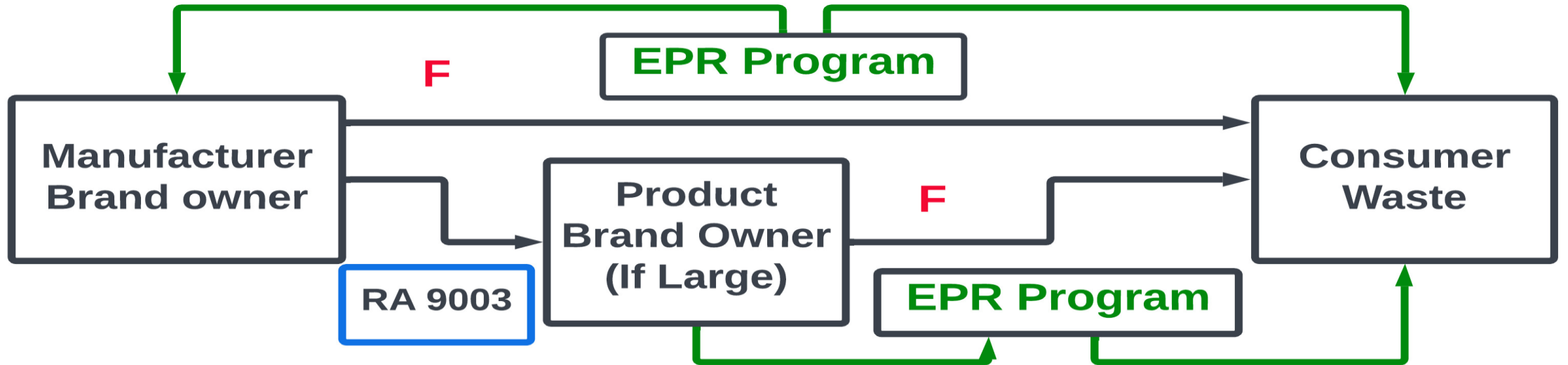
Who are responsible to implement EPR?

Sample Illustration of EPR Program Flow

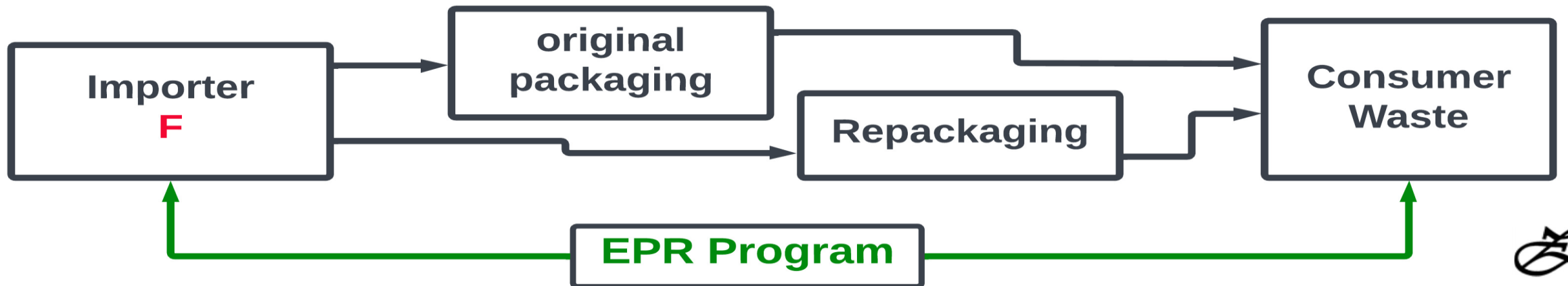


EPR FOOTPRINT? Follow the Brand

Case 1 or 2



Case 3



EPR FOOTPRINT? Follow the Brand

Case 4

Brand owner or Franchisor

F1 + F2 + F3 + F4

EPR Program

Distributor or Wholesaler

Dealer or Retailer

Own Branch

Franchisee

Consumer Waste

F1

F2

F3

F4



CHECKLIST OF REQUIREMENTS

Registration Checklist (Part V, Section 16.2)

- a) Letter of Intent
- b) Supporting Documents:
 - 1) Proof of Authority to represent the OE, Collective, or PRO.
 - 2) Legal, Tax, and Local Business Personality of the OE, the Lead Company of a Collective, or the PRO
 - 3) Additional Documents for Collectives and PROs
 - Organizational structure and leadership
 - Membership requirements
 - Roster of Member Obligated Enterprises
 - Roster of MSMEs voluntarily participating in the EPR Program
 - 4) Sworn Statement as to veracity of submitted documents and the undertaking to report changes in contact details or identity of the duly designated officer, mode of EPR compliance, roster of members, and other relevant information
 - 5) EPR Program



COMPONENTS OF THE EPR PROGRAM

- 1) **Specific type of plastic packaging materials and product brands** (*Disclosure of volume not required*);
- 2) **Verifiable volume or weight of the plastic packaging brought into the market within a specified period;** (*plastic footprint*)
- 3) **Target volume or weight of plastic packaging waste for recovery, reuse, and recycling;** (*Waste Diversion Target*)
- 4) **Other EPR programs, such as the redesign of plastic packaging to improve reuse or recyclability;** (*adds to Waste Diversion Accomplishment*)
- 5) **Labeling of packaging materials to facilitate recovery, reuse, recycling or proper disposal of packaging materials;**
- 6) **Status of implementation of the EPR mechanisms; and**
- 7) **Status of compliance.**



Components of the EPR Program

Section 16.3, EPR IRR:

1) Specific type of plastic packaging materials and product brands (*Disclosure of volume not required*); SAMPLE Matrices for Section 16.3.1

Shampoo & Conditioner

<i>Brands</i>	<i>Flexible Plastic Packaging</i>	<i>Rigid Plastic Packaging</i>
<i>Brand 1</i> <i>Brand 2</i>	<i>Sachets</i>	<i>Bottles, caps, dispenser pumps, tarpaulins, signages, and labels</i>

Biscuits, Cookies, Confectionaries:

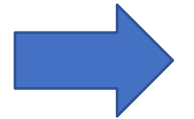
<i>Brands</i>	<i>Flexible Plastic Packaging</i>	<i>Rigid Plastic Packaging</i>	<i>Other Packaging materials used for the products *</i>
<i>Brand 1</i> <i>Brand 2</i> <i>Brand 3</i> <i>Brand 4</i>	<i>Sachets, laminates, and other flexible plastic packaging</i>	<i>Boxes, cups, covers, clamshells, blisters, line trays, promotional materials: display trays, tarpaulins, signages, and labels</i>	<i>Paper</i> <i>Carton</i> <i>Aluminum cans</i>



Components of the EPR Program

Section 16.3, EPR IRR:

- 2) Verifiable volume or weight of the plastic packaging brought into the market within a specified period; (*plastic footprint*)
- 3) Target volume or weight of plastic packaging waste for recovery, reuse, and recycling; (*Waste Diversion Target*)
- 4) Other EPR programs, such as the redesign of plastic packaging to improve reuse or recyclability; (*adds to Waste Diversion Accomplishment*)



NOTES: *Footprint and Target should be updated annually as a compliance update. May be subject to minimal fee only.*

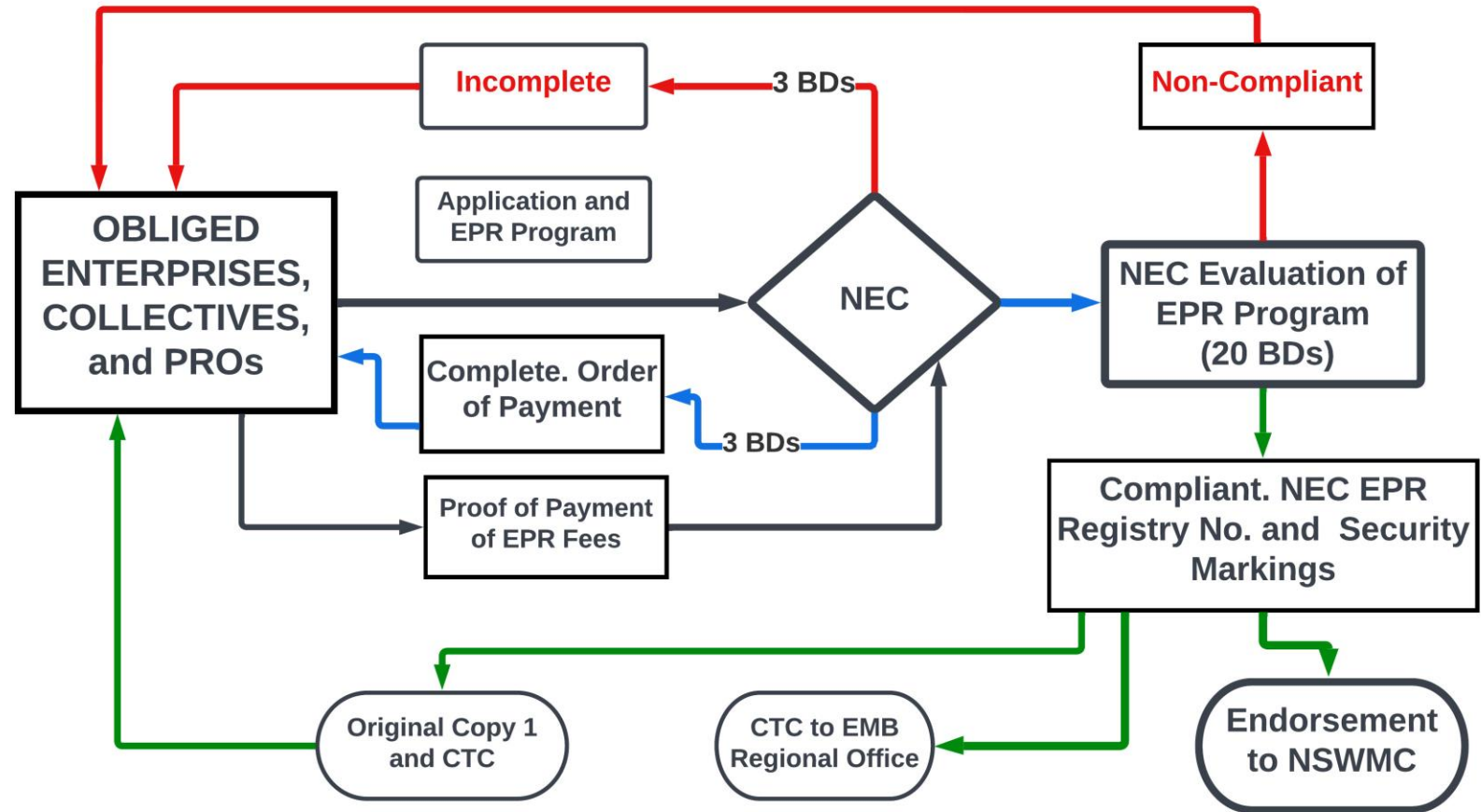


Components of the EPR Program

Waste Type (All product brands and variants)	Aggregate Volume/ Weight (kg) (Footprint)	Mandatory or Committed Waste Diversion Target		Voluntary Waste Diversion Target	
		Aggregate Volume/ Weight (kg)	Percentage to Footprint (%)	Aggregate Volume/ Weight (kg)	% Footprint
Flexible Plastic Packaging and other necessities and promotional materials					
Rigids Plastic Packaging and other necessities and promotional materials					
Other Types of Product Waste, such as paper, cartons, cans, glass bottles (Voluntary)					



EPR Registration Process



Additional Provisions and Components of EPR Programs (Part V, Section 16.3)

Provides clear guidance on the applicable Section 44-F Targets. If an OE, Collective, or PRO registers their EPR Program in 2024, the compliance target is 40%, not 20%, of the plastic packaging footprint. If in 2025, target shall be 50%, not 20%, of their plastic packaging footprint.

- Offsetting is “Flexible to Flexible”, “Rigid to Rigid”, **REGARDLESS OF BRAND**
- “Flexibles” includes those plastic packaging materials defined under subparagraphs (a), (c), and (d), while “Rigids” are defined by subparagraphs (b) and (d) of Section 44-C of the Act, as amended by the EPR Act of 2022
- Post-recovery diversion method is a required disclosure
- Diverters that will issue the Sworn Plastic Waste Diversion Certificates are required disclosures in the EPR Program



Additional Provisions and Components of EPR Programs (Part V, Section 16.3)

- Labelling of packaging materials involves the initial disclosure of compliance with prevailing applicable national rules and regulations. It may include disclosure through the website of the OE, Collective, and PRO, summary information relating to the recycling or disposal of products or its packaging, in compliance with international standards related to recycling symbols. Compliance with future government regulations on labelling will be submitted as amendments to the EPR Program
- On Status Implementation:
 - Highlights the importance of identifying in the EPR Program the waste recovery and diversion partners that will issue the Sworn Plastic Waste Diversion Certificate in the name of the OE, Collective, or PRO



Additional Provisions and Components of EPR Programs (Part V, Section 16.3)

➤ Status of Implementation:

- Highlights the importance of identifying in the EPR Program the waste recovery and diversion partners that will issue the Sworn Plastic Waste Diversion Certificate in the name of the OE, Collective, or PRO.
- Requires disclosure of environmental, social inclusivity, gender equality, anti-exploitation, and other relevant safeguards
- (New) Requires **Geographic Implementation Program or Roll-out Plan**: To achieve the objective on the prevention of marine litter, EPR Program shall include the geographic implementation program or roll-out plan to ensure that the benefits of the various EPR Programs go beyond the boundaries of urban centers and cities.



Geographic Implementation Program or Roll-out Plan

Example of how an OE, Collective, or PRO, may present its **Geographic Implementation Program or Roll-out Plan:**

"Without limiting, restricting, or preventing the participation in our EPR Program of other LGUs, the following is the target geographic implementation or roll-out of our EPR Program:

<i>Compliance Year</i>	<i>General Areas</i>
2023	<i>Metro Manila, Metro Cebu, and Metro Davao</i>
2024	<i>Other Metropolitan Areas: (Metro Angeles, Metro Bacolod, Metro Baguio, Metro Batangas, Metro Cagayan de Oro, Metro Dagupan, Metro Iloilo–Guimaras, Metro Naga, and Metro Olongapo)</i>
2025	<i>Other Highly Urbanized, Independent Component Cities, and 1st Class Component Cities</i>
2026	<i>2nd to 6th Class Component Cities</i>
2027	<i>1st to 3rd Class Municipalities</i>
2028	<i>4th to 6th Class Municipalities</i>



PLASTIC NEUTRALITY TARGETS

Period Ending	Compliance Target
December 31, 2023	Twenty Percent (20%)
December 31, 2024	Forty Percent (40%)
December 31, 2025	Fifty Percent (50%)
December 31, 2026	Sixty Percent (60%)
December 31, 2027	Seventy Percent (70%)
And December 31, 2028, and every year thereafter	Eighty Percent (80%)

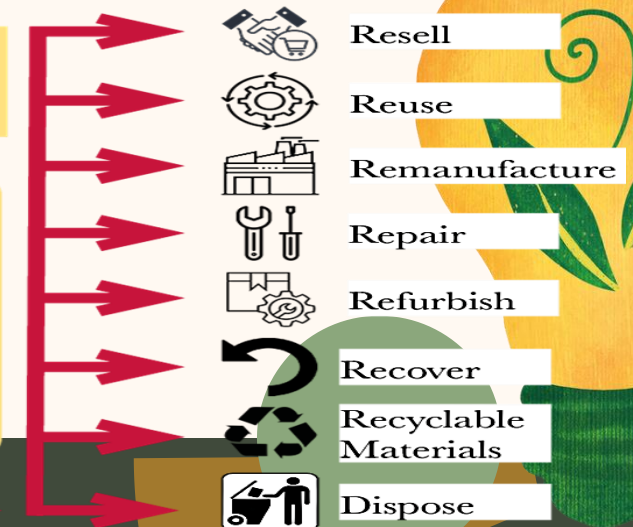
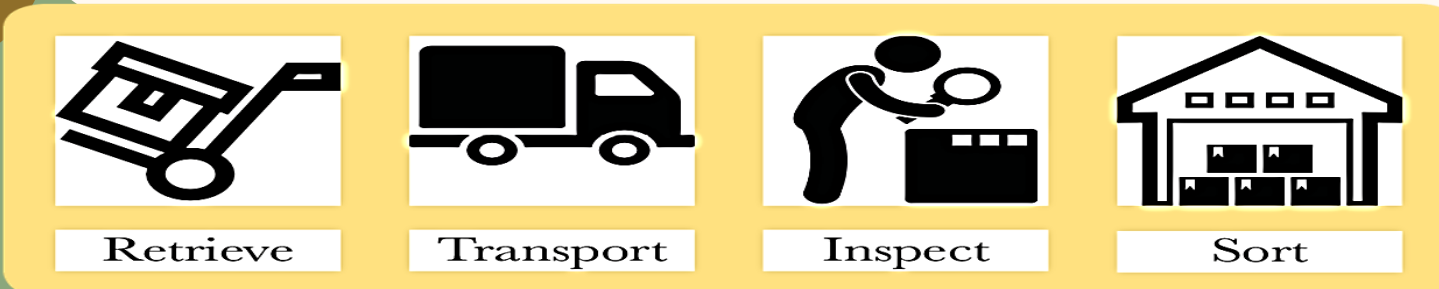


Keep in Mind



- ❖ EPR Act of 2022 covers plastic packaging waste, regardless of content.
- ❖ If plastic packaging waste was used to contain non-hazardous or non-toxic material, then its recovery and diversion or proper disposal, as required by EPR, follows RA 9003 rules
- ❖ If plastic packaging waste was used to contain hazardous or toxic material, then its recovery, transport, treatment, storage, and diversion or disposal, as required by EPR, follows RA 6969 rules

Reverse Logistics Process



*Are the EPR IRR
and the EPR
Programs cast in
stone?*

- EPR IRR of 2022 and the EPR Programs of the OEs, Collectives, or PROs are expected to be dynamic documents, to be revised to adapt to changes as the EPR for Plastic Packaging develops, matures, and improves.
- Footprints and Targets should be adjusted regularly, as these are influenced by many factors within a compliance year.



*Are the EPR IRR
and the EPR
Programs cast in
stone?*

- The memberships in Collectives and PROs, the areas of EPR implementation, as well as the implementation partners for EPR activities may be reasonably expected to change increase through the years.
- Through the years, OEs, Collectives, and PROs may be reasonably expected to add, revise, or abandon the adopted activities and strategies under Section 44-A for waste avoidance or reduction and for the recovery of waste that has leaked to the environment



EPR Compliance Audit

Purpose and Scope of Audit

OEs, Collectives, or PROs shall engage an independent third-party auditor (I3PA) to conduct a compliance audit and certify the veracity of the reported plastic product footprint generation, recovery, and overall EPR program compliance using uniform standards established by the Department

Scope of the EPR Compliance Audit

1. Footprint Declaration for the volume (in Metric Tons) of the Flexible and Rigid plastic packaging brought into the market for the preceding year.
2. Recovery or plastic packaging waste diversion by waste diverters based on third-party audited diversion or credits for the recovery, transport, recycling, or treatment or final SLF disposal during the immediately preceding year.
3. Determination of the equivalent plastic packaging waste footprint reduction resulting from other EPR programs pursuant to Sec 44A, subparagraph (a)
4. Confirmation of records, reports, or information, or particular portions thereof, that the OE, Collective, or PRO considers and declares to be “CONFIDENTIAL”.

The system for the accreditation of I3PA for EPR shall also be developed and implemented.



Interim measures for EPR Compliance Audit pending the formal adoption of the uniform standards

- a) OEs, Collectives, or PROs shall establish and implement an accounting, data recording, and auditing system for their respective EPR Programs, guided by the general scope stated in the foregoing paragraph (b) of Section 19.1, to monitor and assess their compliance performance with the EPR Law and their respective EPR programs.
- b) The I3PA to be engaged by the Obligated Enterprise or the PRO for its EPR Compliance Audit shall not be an officer or employee of the Obligated Enterprise, nor any of the members of a Collective, nor of the PRO, nor any of its affiliates.
- c) Pending the issuance of the Rules on the Accreditation of EPR Third-Party Auditors, the EPR Compliance Audit Report or ECAR shall be signed and certified as to its veracity by a Certified Public Accountant.



Schedule for the Submission of the ECAR

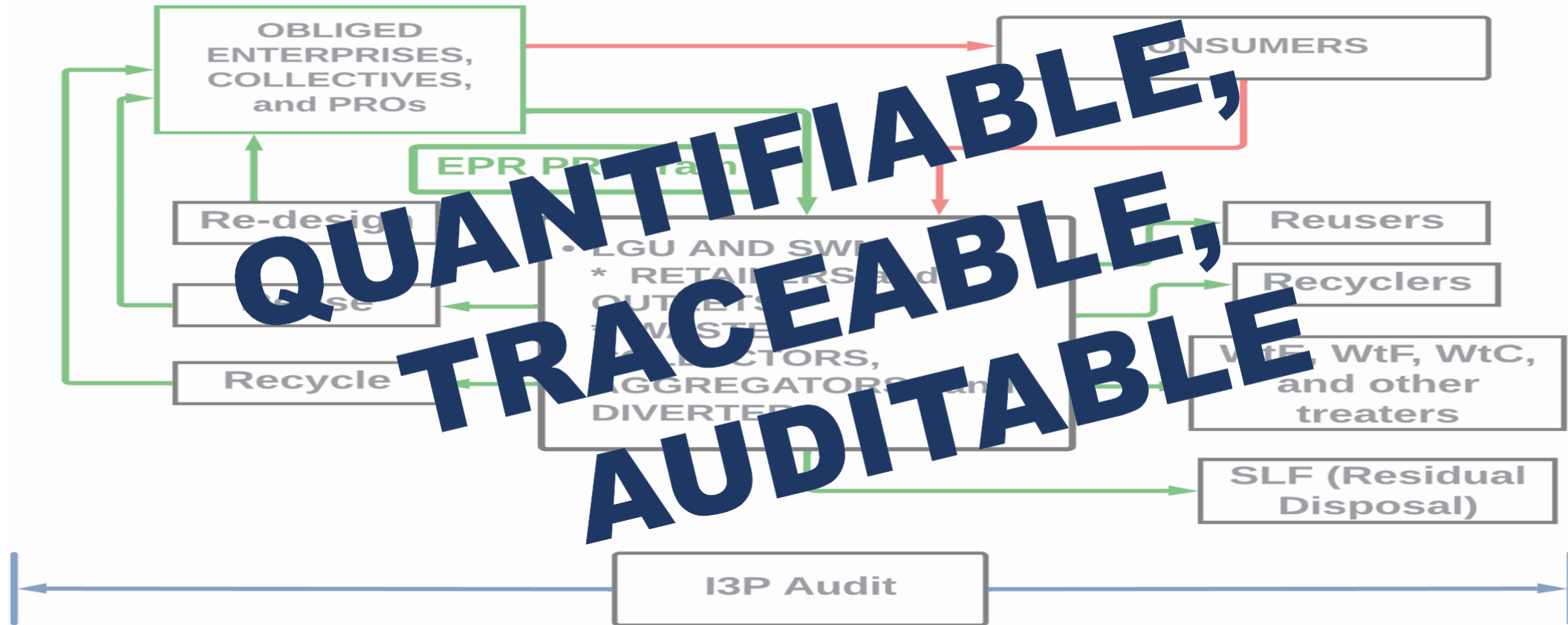
The deadline schedule for the submission to the Bureau by the OE, Collective, or PRO of the ECAR covering the plastic product footprint generated, recovered, and properly diverted, for the immediately preceding year shall be on June 30 or the first working day immediately thereafter of the current year.

To illustrate:

Beginning Period	Ending Period	ECAR Due date
January 1, 2023	December 31, 2023	July 1, 2024
January 1, 2024	December 31, 2024	June 30, 2025
January 1, 2025	December 31, 2025	June 30, 2026
January 1, 2026	December 31, 2026	June 30, 2027



Key Phrase to Remember in EPR Compliance Audit



Specific Offenses and Fines under the EPR Act of 2022 (Section 21 IRR)

- In case of **failure to meet the minimum required diversion targets** under Section 44-F, the OE shall pay the same fines, or a fine twice the cost of recovery and diversion of the footprint or its shortfall, whichever is higher.
- The penalty shall be imposed whether or not the noncompliance is the result of --
 - **failure to register under Section 44-E,**
 - **falsification of documents,**
 - **misdeclaration of generated or recovered footprint,**
 - **employment of any scheme to maliciously evade the responsibility of an enterprise under the EPR Law or**
 - **tamper its compliance with Section 44-F of the Act**



Specific Offenses and Fines under the EPR Act of 2022 (Section 21 IRR)

(g) Any obliged enterprise that fails to register under Section 44-E of the Act, as amended by the EPR Law, or fails to comply with Section 44-F of the Act, as amended by the EPR Law

First Offense

not less than Five million pesos (₱5,000,000.00) but not exceeding Ten million pesos (₱10,000,000.00)

Second Offense

not less than Ten million pesos (₱10,000,000.00) but not exceeding Fifteen million pesos (₱15,000,000.00)

Third Offense

not less than Fifteen million pesos (₱15,000,000.00) but not exceeding Twenty million pesos (₱20,000,000.00) for the third offense and automatic suspension of business permit until the requirement of the Act, as amended by the EPR law, is complied with



JURISDICTION

Jurisdiction to hear, decide cases of violations or offenses, and impose appropriate fines under the new Section 49 (g) of RA 9003, as amended by the EPR Law belongs to the DENR Pollution Adjudication Board (PAB),

The PAB shall, within one (1) year upon the effectivity of the EPR IRR, formulate and promulgate

- a) its **rules and procedures** for the adjudication of cases for acts punishable under the aforementioned Section 49(g) and
- b) its **Fine Rating System** to define and prescribe the graduation of imposable fines under the same Section 49(g).



JURISDICTION

Where a Collective or a PROs with a registered EPR Program fails to meet the compliance targets set for the compliance year under Section 44-F of the Act, as amended by the EPR Law (2022), it shall cooperate with the PAB in the identification of its non-performing member-Obligated Enterprise/s that may be held liable under the provisions of Section 49(g).

If the Collective or PRO fails to disclose the non-performing member-Obligated Enterprise/s, all the members thereof shall be liable for the shortfall and accorded the appropriate fines.



EPR National Framework for All Types of Packaging

(New Charter III-A, Article 1, Section 44-A and Section 44-B, RA 9003, as amended by the EPR Act of 2022)



Are OEs, Collectives, or PROs required to include all 12 activities and strategies under Section 44-A for waste avoidance or reduction and for the recovery of waste that has leaked to the environment in their respective EPR Programs?

No. The 2nd Paragraph of Section 44-D on “EPR Mandates” gives the OEs, Collectives, or PROs the option as to which of the 12 they will adopt and implement in their EPR Program, although Section 44-A (b) 3 and 6 appear to be strategies that should be indispensable.

Section 44-A (a) 5 and 6 appear to be low-lying strategies that may be implemented without much difficulty.



(2nd Paragraph, Section 44-D [EPR Mandates"], Charter III-A, Article 2 ["Extended Producer Responsibility for Plastic Packaging"] RA 9003, as amended by the EPR Act of 2022)

"The (EPR) programs under this section may include the activities and strategies stated under paragraphs (a) and (b) of Section 44-A: Provided, That their mechanisms and strategies are submitted to the NSWMC, through the Department. x x x"



National Framework on Plastic Packaging Wastes

Upstream Measures

Reduction of non-environment friendly products

- (1) adoption of reusable products, or redesign of the products to improve its reusability, recyclability, or retrievability;
- (2) inclusion of recycled content or recycled materials in a product;
- (3) adoption of appropriate product refilling systems for retailers;
- (4) viable reduction rates plan;
- (5) information and education campaign schemes; and ***
- (6) appropriate labeling of products, including the information thereon for the proper disposal of the waste product. ***

** These may be adopted and implemented by OEs immediately, there are no parameters yet on how to measure or quantify their direct contribution to waste avoidance or reduction*



Minimum Parameters for Section 12, EPR IRR:

1. Reduction of Non-Environment Friendly Packaging Products.

1. Adoption of reusable packaging products, or packaging design to improve their reusability, recyclability or retrievability.

- 1. Activity Objective:*** may include replacement of single use packaging with reusable packaging products, or with packaging products designed to improve their reusability, recyclability or retrievability.
- 2. Expected result:*** reduction of the volume of plastic packaging waste footprint
- 3. Minimum requirements:*** The plan shall include the following as a minimum:
 - a) Baseline footprint,*** in kilograms, from -the preceding year.
 - b) Description*** on how the reusability of their packaging products, or part of their packaging products, will be improved, its retrievability enhanced and how (packaging design, simplified identification of the packaging material or its component, collection/ take back network to be established, etc.)



Minimum Parameters for Section 12, EPR IRR:

1. Reduction of Non-Environment Friendly Packaging Products.

1. Adoption of reusable packaging products, or packaging design to improve their reusability, recyclability or retrievability.

3. Minimum requirements: The plan shall include the following as a minimum:

- c) **Material or mass balance study**, that allows for GHG computation and analysis, on the main materials and processes involved in the plastic waste reduction activity and strategies to support the evidence of their overall environmental benefit in comparison with the baseline.*
- d) **Implementation** timeframe, with targets, related to the reusability, recyclability and retrievability of the plastic packaging products.*



Minimum Parameters for Section 12, EPR IRR:

12.1.2. Inclusion of recycled content or recycled materials In packaging materials

1. **Activity Objective:** The use of recycled content or recycled materials in manufacturing of packaging products, considering the efficiency of the recycling process as well.

Efficiency =	$\frac{\text{Recyclable waste input} - \text{Recyclable waste discarded}}{\text{Recyclable waste input}}$	x 100
--------------	---	-------

2. **Minimum requirements:** a plan aimed at setting a target percentage of recycled materials to be included in their product, to include the following as a minimum:
 - a) **Baseline volume and weight, in kilograms, of the packaging material or type of the current content of recycled materials in their products, arranged by material, as well as a recycling target as a percentage by weight of recycled polymeric plastic material achieved;**
 - b) **Process Description to achieve higher content of recycled materials compared to the baseline;**
 - c) **Material or mass balance study, that allows for GHG computation and analysis, on the main materials and processes involved in the plastic waste reduction activity to support the evidence of their overall environmental benefit when compared to the baseline. and**
3. **Implementation timeframe with recycling targets achieved by material or/and product components**



Minimum Parameters for Section 12, EPR IRR:

12.1.3. Adoption of appropriate product refilling systems for retailers

- 1. Activity Objective:** Reduction of plastic packaging waste (PPW) that may be achieved through increased distribution through refilling systems when compared to baseline from previous year/s.
- 2. Metrics:** The achievement of plastic neutrality shall be based on the amount of single use plastic containers that shall no longer be released to the market due to the refilling system.
- 3. Minimum requirements:** a plan that sets a target volume to avoid or reduce the use of single-use containers, to include the following as a minimum:
 - a) Baseline volume and weight, in kilograms, of the packaging material or type of the single-use containers and their volume, **versus** the number and volume of reusable containers placed on the market, to allow for verification of the achieved target.
 - b) Modalities of implementation of refilling system network, including transportation and distributions, requirements for the re-usable containers, requirements for tanks to be established at distribution points and their management,



Minimum Parameters for Section 12, EPR IRR:

12.1.3. Adoption of appropriate product refilling systems for retailers

- 3. *Minimum requirements:*** a plan that sets a target volume to avoid or reduce the use of single-use containers, to include the following as a minimum:
- c) Certification schemes for the chain of custody of edible and non-edible goods, including health and safety measures. (product safety and traceability)
 - d) List of edible goods that will be distributed through refilling systems (i.e., water, oil, wine, flour, salt, sugar, etc,) expected amount, and associated mass of single-use containers avoided.
 - e) List of non-edible goods that will be distributed through refilling systems (i.e., detergents, soaps, oils, building materials like gypsum and cement, etc.) and associated mass of single use containers avoided.
 - f) A material or mass balance study, that allows for GHG computation and analysis, on the main materials and processes involved in the plastic waste avoidance or reduction activity and strategies to support the evidence of their overall environmental benefit in comparison with the baseline. And
 - g) Implementation timeframe with targets by product distributed.



Minimum Parameters for Section 12, EPR IRR:

12.1.4. Viable reduction rates plan

1. **Activity Objective:** *Reduction of waste, in kilograms, or use of material in the manufacturing of packaging material, compared to the baseline year. For plastic containers and plastic bags, using thinner layers (lightening) shall not, by itself, be considered as a valid measure to achieve plastic neutrality. To be considered, it should also result to a reduction of mass of the plastic packaging released to or placed on the market.*
2. **Minimum requirements:** a plan aimed at reducing the amount of material used in the manufacturing of their packaging products, and the measures and methods on the shift from the production of single-use plastic packaging to more sustainable packaging to include the following as a minimum:
 - a) Baseline Volume and weight (in kilograms) of the packaging material or type of the current use of materials, by type of material and product, to be compared with the material reduction plan.
 - b) An assessment of the reduction of weight and volumetric amount of waste prevented, associated with the reduction of material used in the process.
 - c) Reduction rates and technology adopted related to the elimination or improvement of unnecessary, redundant, or poorly engineered packaging.



Minimum Parameters for Section 12, EPR IRR:

12.1.4. Viable reduction rates plan

2. **Minimum requirements:** a plan aimed at reducing the amount of material used in the manufacturing of their packaging products, and the measures and methods on the shift from the production of single-use plastic packaging to more sustainable packaging to include the following as a minimum:
 - d) Reduction rates and technology / process upgrade adopted associated with the shifting from the production of single use plastic packaging toward more sustainable and reusable packaging
 - e) Reduction rates and technology / process upgrade adopted for the optimisation of product design and manufacturing, to avoid process scraps and waste, by material avoided.
 - f) A material or mass balance study, that allows for GHG computation and analysis, on the main materials and processes involved in the waste reduction activities and strategies to support the evidence of their overall environmental benefit in comparison with the baseline.
 - g) An implementation timeframe with targets by raw material avoided.



Minimum Parameters for Section 12, EPR IRR:

2.Recovery Programs Aimed at Effectively Preventing Waste from Leaking to the Environment

1.Waste recovery schemes through redemption, buy-back, offsetting, or any method or strategy that will efficiently result in the high retrievability, high recyclability and resource recovery of waste products.

1. **Activity Objective:** The reduction of waste through recovery schemes suitable for the quantity type and location of plastic packaging waste, shall be accounted as one of the measures to achieve product neutrality under the EPR programs.
2. **Minimum Requirements:** a plan that ensures that their PPW or equivalent PPW of other brands, are :
 - a) collected at source or at specifically arranged collection points, to include quantifiable, traceable, and auditable PPW reverse-logistic network:
 - b) Material or mass balance study, that allows for GHG computation and analysis, on the main materials and processes involved in the plastic waste recovery activity and strategies to support the evidence of their overall environmental benefit in comparison with the baseline.
 - c) Implementation timeframe with targets by product/ material recovered.



National Framework on Plastic Packaging Wastes

Downstream Measures

Product waste recovery programs aimed at effectively preventing waste from leaking to the environment

- (1) waste recovery schemes through redemption, buy-back, offsetting, or any method or strategy that will efficiently result in the high retrievability, high recyclability, and resource recovery of waste products;
- (2) diversion of recovered waste into value chains and value-adding useful products through recycling and other sustainable methods;
- (3) transportation of recovered waste to the appropriate composting, recycling, or other diversion or disposal site in the country;**
- (4) clean-up of waste leaked to coastal areas, public roads, and other sites;
- (5) establishment of commercial or industrial scale recycling, composting, thermal treatment, and other waste diversion or disposal facilities for waste products, when investment therein is viable; and
- (6) partnership with LGUs, communities, and the informal waste sectors.**

**** These may be adopted and implemented by OEs immediately, there are no parameters yet on how to measure or quantify their direct contribution to waste recovery and diversion or disposal***



Minimum Parameters for Section 12, EPR IRR:

12.2.2 Diversion of recovered waste into value chains and value adding useful products through recycling and other sustainable methods

- 1. Activity Objective:** The reduction of plastic waste through diversion of PPW into value chains or value adding useful products, based on the same material and product for which waste has been avoided through diversion when compared to the baseline.
- 2. Minimum Requirements:** Plan that ensures that a target amount, expressed in the appropriate unit mass like kilograms, of their packaging or equivalent packaging of other brands, are diverted into value chain in a way which maximize their re-use as material, products, or component of products,
 - a) Description of Diversion Method, based on the **following hierarchy**:
 - i. Reuse as product or as component of product; for instance, collection and cleaning of containers for reuse.*
 - ii. Mechanical recycling: for instance, collection of wasted PET bottles to manufacture new PET bottles.*
 - iii. Mechanical recycling of material for the manufacturing of other products; for instance, collection and recycling of PET bottles to manufacture other PET items.*



Minimum Parameters for Section 12, EPR IRR:

2. Diversion of recovered waste into value chains and value adding useful products through recycling and other sustainable methods

- iv. Chemical Recycling to convert plastics to monomers as feedstock to the petrochemical industry*
- v. Alternative Recycling for construction materials, arts and crafts, among others.*
- vi. Co-processing, if applicable and allowed for the specific material, product, or waste; for instance, co processing of non-recyclable or low-quality plastic waste in cement kilns to recover energy and material.*
- vii. Waste-to-energy pursuant to standards and guidelines set forth by the Department and other relevant agencies.*
- viii. Safe disposal in SLFs.*

- b) Yearly value diversion/ recycling plan arranged by product and materials, with targets by diversion modality



Minimum Parameters for Section 12, EPR IRR:

12.2.2 Diversion of recovered waste into value chains and value adding useful products through recycling and other sustainable methods

- c) Movement of collected EOL products or wastes to the recycling, treatment, or disposal facilities documented through a quantifiable, traceable, and auditable recording system from source to destination
- d) Material or mass balance study, that allows for GHG computation and analysis, on the main materials and processes involved in the plastic waste value diversion or recycling activity and strategies to support the evidence of their overall environmental benefit in comparison with the baseline



Minimum Parameters for Section 12, EPR IRR:

12.2.4 Clean-up of waste leaked to coastal areas, public roads, and other sites

- 1. Activity Description:*** Participation in the clean up of these areas shall be calculated based on actual waste cleaned up that corresponds to the PPW footprint for recovery and transport to the appropriate recycling, treatment, or disposal facilities under Section 16.3 and Section 18 of this EPR IRR.
- 2. Metrics:*** NSWMC 2020 WACS Guidelines to determine the weight of plastic packaging waste diverted from the environment.

The Obligated Enterprises or the Collectives or PROs to which they belong may refuse to participate in clean-up activities where the illegal waste dumps were established directly or indirectly, or otherwise tolerated, by the LGUs or other government agencies in violation of the prohibition against the establishment and operation of open dumps under Section 37 of the Act.



Additional Notes for Section 12, EPR IRR:

12.3. Incorporation of Activities and Strategies in the EPR Program. *The adoption, implementation, monitoring, and evaluation of the specific activities and strategies and their respective requirements as stated in the foregoing Sections 12.1 and 12.2 in accordance with Section 44-A of the Act, as amended by the EPR Act of 2022 may already be reflected in the EPR Program submitted for initial registration or subsequently submitted by the Obligated Enterprise, Collective, or PRO as a supplement or amendment thereto in accordance with the process provided in Section 16.4 of this EPR IRR.*

12.4 Crediting Plastic Waste Footprint Reduction Accomplishments: *The NEC, in close coordination with the Bureau, the Obligated Enterprises, Collectives, and PROs, shall formulate and recommend to the Department the adoption of a system for crediting of Plastic Waste Footprint Reduction Accomplishments that ensures a fair determination and recognition of the initiatives, activities and strategies in the foregoing Section 12.1, in due consideration with the Country's Nationally Determined Contribution (NDC) and avoids double counting of accomplishments.*



Answers to EPR Frequently Asked Questions (FAQs) raised by LGUs



Q1. Does the EPR Law impose new duties and responsibilities or obligations on the part of LGUs?

A1. No. The EPR Law does not add to the RA 9003 duties and responsibilities of LGUs.



Q2. Why then should LGUs be concerned with the EPR Law?

A2. The EPR Law, through Section 44-A, subparagraph (b)(6), provides LGUs with an opportunity to enter into mutually beneficial partnerships with OEs, Collectives, or PROs for the implementation of their EPR Programs and achieve their EPR Compliance Targets under Section 44-F.

The EPR Law creates a market for plastic packaging waste recovered from the LGU.



Q3. Does the EPR Law and its EPR IRR prescribe the parameters for the partnership between LGUs and OEs, Collectives, or PROs?

- A3. No. The partnership may provide LGUs with, among others, a way of --**
- Sharing of resources for the recovery for reuse, recycling, treatment, or proper disposal of plastic packaging waste**
 - Engaging communities and informal waste sector in an inclusive program that incentivizes segregation at source, segregated collection, and materials recovery or reduction as far as plastic packaging waste is concerned.**
 - Properly tracking and accounting of waste diversion accomplishments, starting with plastic packaging waste, under Section 20, RA 9003,**



Q4. Does the EPR Law and its EPR IRR require OEs, Collectives, or PROs to partner with all LGUs at the same time?

A4. No. Section 44-F prescribes annual compliance targets to achieve plastic neutrality, through the recovery for reuse, recycling, treatment, or proper disposal of plastic packaging waste. The EPR IRR requires the OEs, Collectives, or PROs to include in their EPR Program a geographic implementation or roll-out plan.

As such, the choice as to which LGUs to deal with for their EPR Program implementation belongs to the OEs, Collectives, or PROs.



Q5. How does an LGU attract EPR Partnerships?

A5. The following measures may be undertaken by an LGU to attract EPR Partnerships:

- **Map out local ESWM public / private actors and programs: Households, Barangays, waste collectors, recyclers, MRF operators, junkshop operators, coastal, community, or estero clean-up drives, for the recovery of plastic packaging waste for their SWM/3R EPR programs and/or proper final disposal thereof.**
- **Develop a quantifiable, traceable, and auditable plastic packaging waste tracking system, from point sources to recovery and transport to re-users, recyclers, treaters, or proper disposal sites. This may be subject to adjustment, depending on the waste accounting system of the EPR Partner.**
- **Develop fair and reasonable terms and conditions for the EPR Partnerships.**
- **Develop a fair, transparent, and inclusive method of sharing the benefits gained from EPR Partnerships with key collaborators, such as barangays, retail shops, MRFs, junkshops, communities, informal waste sector, etc.**



Q6. Who will issue the Sworn Plastic Packaging Waste Diversion Certificate in an LGU?

A6. It will depend on the terms of the agreement between the LGU and the OE, Collective, or PRO.

A key principle to remember is that mere plastic packaging waste recovery is only partial accomplishment. For it to be “complete”, the post-recovery diversion -- whether for re-use, recycling, treatment, or SLF disposal -- shall also be tracked, documented, and reported.



Q7. May an LGU report the accomplishments of its EPR Partnerships as part of its waste diversion accomplishment under Section 20, RA 9003?

A7. Yes. Accomplishments of its EPR Partnerships on Plastic Packaging Waste is but a portion of the total MSW waste diversion target of an LGU under Section 20, RA 9003. The total MSW diversion target for LGUs includes other types of product wastes, such as paper, cartons, composites, wood, tin, aluminum, metal, glass bottles, that are covered by RA 9003 but not yet covered by EPR Law and its IRR.

Stated differently, the accomplishments of its EPR Partnerships on Plastic Packaging Waste may be reported as (1) a partial LGU accomplishment under Section 20, RA 9003, and (2) an OE, Collective, or PRO accomplishment under Section 44-F, RA 9003, as amended by the EPR Law.



Q8. Who is ultimately responsible and accountable for the veracity and accuracy of the plastic footprint recovery and diversion data generated from the EPR Partnerships with LGUs?

A8. The OEs, Collectives, or PROs are ultimately responsible to --

- **prepare and register their EPR Programs with the NSWMC through the NEC.**
- **implement their EPR Programs in collaboration with LGUs or other key stakeholder partners**
- **engage independent third-party auditors to certify the veracity of their EPR Program accomplishments on plastic packaging waste footprint reduction or recovery for reuse, recycling, treatment, or final disposal.**
- **pay the Fine under the new Section 49 (g), RA 9003.**



THANK YOU!



For further inquiries,
please visit our website
at www.emb.gov.ph

or email us at
epr@emb.gov.ph