



**MEMORANDUM**

**FOR** : **The Directors**  
Legal Affairs Service  
Policy and Planning Service  
Climate Change Service

**The Bureau Directors**  
Environmental Management Bureau  
Land Management Bureau  
Forest Management Bureau  
Biodiversity and Management Bureau  
Ecosystems Research and Development Bureau

**The Officer-In-Charge**  
Mines and Geosciences Bureau

**All Regional Executive Directors**

**FROM** : **The Director**  
Legislative Liaison Office

**SUBJECT** : **INVITATION TO THE 2<sup>nd</sup> TECHNICAL WORKING GROUP (TWG) MEETING ON HAZARDOUS WASTE MANAGEMENT BY THE COMMITTEE ON ECOLOGY OF THE HOUSE OF REPRESENTATIVES**

**DATE** : 26 July 2023

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This refers to the electronic letter received by our Office dated 25 July 2023, the Committee on Ecology of the House of Representatives will hold a 2<sup>nd</sup> Technical Working Group (TWG) Meeting on **27 July 2023, Thursday, 2:00 PM via Zoom**, on the following legislative measures:

- **HOUSE BILL 883** – AN ACT AMENDING REPUBLIC ACT NO. 6969, OTHERWISE KNOWN AS THE “TOXIC SUBSTANCES AND NUCLEAR WASTES CONTROL ACT OF 1990”, TO ADOPT A MORE SYSTEMATIC AND COMPREHENSIVE WASTE MANAGEMENT PROGRAM, TO FOSTER THE IMPOSITION OF ALL EXISTING POLICIES AND GUIDELINES, INCREASING ITS PENALTIES AND SANCTIONS, AND FOR OTHER PURPOSES (By Rep. Michael L. Romero);
- **HOUSE BILL 956** – AN ACT REGULATING THE DISPOSAL OF ELECTRONIC EQUIPMENT AT SOLID WASTE MANAGEMENT FACILITIES AND REQUIRING THE ESTABLISHMENT OF RECOVERY AND COLLECTION FACILITIES THEREFOR (By Rep. Aniela Bianca D. Tolentino);

- **HOUSE BILL 1273** – AN ACT PROVIDING FOR THE COMPREHENSIVE MANAGEMENT OF HAZARDOUS WASTE (By Reps. Luis Raymund “Lray” F. Villafuerte, Jr., Miguel Luis R. Villafuerte, Tsuyoshi Anthony G. Horibata, and Nicholas C. Enciso, VIII);
- **HOUSE BILL 1347** – AN ACT PROVIDING FOR THE COMPREHENSIVE MANAGEMENT OF HAZARDOUS WASTE (By Rep. Christian Tell A. Yap); and
- **HOUSE BILL 3219** – AN ACT PROVIDING FOR THE COMPREHENSIVE MANAGEMENT OF HAZARDOUS WASTE (By Rep. Linabelle Ruth R. Villarica)

In this regard, may we request you or your representative/s **to participate to the 2<sup>nd</sup> TWG meeting on the abovementioned bills**, with a limit of two (2) persons to avoid screen-overcrowding, as requested by the Committee. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the continuation meeting so we may include him/her/them as resource person/s.

Attached herewith are the Letter Invitation, the proposed consolidated bill, and the House bills for your reference.

  
**ROMIROSE B. PADIN**

cc: Undersecretary for Special Concerns and Legislative Affairs



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
**COMMITTEE ON ECOLOGY**

Committee Affairs Department, CTSS-3, 3/F Mitra Building, Constitution Hills, Quezon City  
Telefax 8931-5346\* Trunkline 8931-5001 local 7136 \* Mobile 09171206917  
Email address:hrep.ecology@gmail.com



25 July 2023

**HON. MA. ANTONIA YULO-LOYZAGA**  
Secretary  
Department of Environment and Natural Resources

**Dear Sec. Yulo-Loyzaga:**

We are pleased to inform you that the **Committee on Ecology Secretariat** will hold the **2<sup>nd</sup> Technical Working Group (TWG) Meeting on Hazardous Waste Management** via Zoom videoconference. Attached hereto is the list of Hazwaste bills that have been referred to the Committee, and which may be downloaded from [www.congress.gov.ph](http://www.congress.gov.ph). Attached also is the proposed consolidated bill for continuation of the TWG discussion.

In this connection, may we invite you or your competent representative to participate in this meeting, as detailed below, and share with us your views and recommendations on the matter.

<i>Date &amp; Time</i>	27 July 2023 (Thursday), 2:00 PM
<i>Zoom Link</i>	<a href="https://zoom.us/j/98668333886?pwd=c0RCMFISYjh3eTNCsZBwd1RiSVBiQT09">https://zoom.us/j/98668333886?pwd=c0RCMFISYjh3eTNCsZBwd1RiSVBiQT09</a>
<i>Meeting ID</i>	986 6833 3886
<i>Password</i>	716486

To avoid screen-overcrowding, we would appreciate it if not more than two (2) persons, yourself included, can represent your organization. Likewise, to facilitate admission to the meeting room, kindly rename yourself using the format: Agency or Organization - Name.

Confirmation of attendance or any query may be coursed through [hrep.ecology@gmail.com](mailto:hrep.ecology@gmail.com) or to **Ms. Marlyn Panganiban** at 09171206917.

Thank you very much.

Very truly yours,

**HON. MARLYN B. ALONTE**  
Chairperson

*For the Chairperson:*

**ATTY. DILBERT N. QUETULIO**  
Committee Secretary



Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
**COMMITTEE ON ECOLOGY**

Committee Affairs Department, CT55-2, 3/F Mitra Building, Constitution Hills, Quezon City  
Telefax 8931-5346\* Trunkline 8931-5001 local 7136 \* Mobile 09171206917  
Email address:hrep.ecology@gmail.com



**2<sup>nd</sup> TECHNICAL WORKING GROUP (TWG) MEETING  
ON HAZARDOUS WASTE MANAGEMENT**  
27 July 2023 (Thursday), 2:00 pm  
Zoom Meeting ID: 986 6833 3886\* Passcode: 716486

**LIST OF MEASURES**

1. **H.B. No. 883** - An Act Amending Republic Act No. 6969, Otherwise Known As The “Toxic Substances And Hazardous And Nuclear Wastes Control Act Of 1990”, To Adopt A More Systematic And Comprehensive Waste Management Program, To Foster The Imposition Of All Existing Policies And Guidelines, Increasing Its Penalties And Sanctions, And For Other Purposes, *By Rep. Michael L. Romero*
2. **H.B. No. 956** - An Act Regulating The Disposal Of Electronic Equipment At Solid Waste Management Facilities And Requiring The Establishment Of Recovery And Collection Facilities Therefor, *By Aniela Bianca D. Tolentino*
3. **H.B. No. 1273** - An Act Providing For The Comprehensive Management Of Hazardous Waste, *By Reps. Luis Raymund “Lray” F. Villafuerte, Jr., Miguel Luis R. Villafuerte, Tsuyoshi Anthony G. Horibata and Nicholas C. Enciso, VIII*
4. **H.B. No. 1347** - An Act Providing For The Comprehensive Management Of Hazardous Waste, *By Rep. Christian Tell A. Yap*
5. **H.B. No. 3219** - Act Providing For The Comprehensive Management Of Hazardous Waste, *By Rep. Linabelle Ruth R. Villarica*

*NOTE: House Bills can be accessed at [www.congress.gov.ph](http://www.congress.gov.ph)*

-used in the 2023.04.27 TWG  
-noted subsequent PP submissions  
-used in the 2023.07.05 Secretariat TWG  
-for continuation of TWG starting Sec. 15

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. \_\_\_\_\_**

Introduced by \_\_\_\_\_

**AN ACT  
PROVIDING FOR THE COMPREHENSIVE MANAGEMENT  
OF HAZARDOUS WASTE**

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

**CHAPTER I  
GENERAL PROVISIONS**

1       **SECTION 1. Short Title.** – This Act shall be known as the “Hazardous Waste Management  
2 Act”.

3       **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to advance the  
4 protection of human health and the environment from the potential risks of hazardous waste which  
5 includes healthcare waste, E-waste, and special household hazardous waste within the framework of  
6 sustainable development, which includes healthcare waste, E-waste, and special household hazardous  
7 waste. Towards this end, the State shall:

- 8           (a) Develop and implement an integrated and comprehensive national and local hazardous  
9 waste management program, focusing on pollution prevention, control and resource  
10 conservation and recovery;
- 11           (b) Promulgate guidelines for the generation, collection, segregation, transport, recovery,  
12 storage, treatment, and disposal of hazardous waste, including safeguards, emergency, and  
13 contingency plans for accidents involving such waste;
- 14           (c) Establish control measures on the importation of recyclable materials that are hazardous  
15 waste or containing hazardous substances, to prevent entry of misdeclared waste;
- 16           (d) Promote a national research and development program for improved hazardous waste  
17 management, resource conservation, and cleaner production techniques;

**Commented [...1]:** Supports its enactment into law:

- DOTr  
- PCG  
- NEDA  
- DOLE  
- DENR-Legal  
- DENR-LMB  
- DOJ  
- DFA  
- DOST  
- PCAPI  
- SPIK

**Commented [2]: DFA:**

The Philippines is: a) party the BRSM Conventions on the protection of human health and the environment from hazardous chemicals and waste; and b) signatory to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. The PH signed the Joint Convention on March 1998, but has yet to ratify it. (Status: Instrument of ratification was forwarded to the Office of the President for ratification on 20 August 2001 and for onward transmission to the Senate.)

PH policy on radioactive waste management is currently being reviewed by the Nuclear Energy Program Inter-Agency Committee (NEP-IAC) as part of its study of the adoption of a national position on nuclear energy program, pursuant to the recently-signed EO 116 and HB 8218 (Phil. National Nuclear Energy Act, now for 2<sup>nd</sup> Reading).

- 1 (e) Formulate and enforce a system of accountability for generators, including the promotion  
 2 of cleaner production techniques, extended producer responsibility, product stewardship,  
 3 and social responsibility program;
- 4 (f) Strengthen the integration of hazardous waste management and resource conservation and  
 5 recovery topics into the formal and non-formal education academic curricula, in order to  
 6 promote environmental awareness and action among the citizenry; and,
- 7 (g) Regulate the entry and transit of hazardous waste for whatever purpose, consistent with  
 8 international law, including multilateral or bilateral international agreements.

9 **SEC. 3. Definition of Terms.** – As used in this Act:

- 10 (a) *Contaminated site* refers to an area where the presence of any contaminant of potential  
 11 concern presents a risk to humans, water, ecosystems, or other receptors based on the  
 12 standards to be set pursuant to this Act;
- 13 (b) *Department* refers to the Department of Environment and Natural Resources;
- 14 (c) *Disposal* refers to the discharge, deposit, injection, dumping, spilling, leaking or placing of  
 15 any hazardous waste into the environment;
- 16 (d) *E-waste* refers to discarded electrical and electronic equipment, GADGETS, units, devices,  
 17 or any part thereof destined for recovery, recycling, treatment, or disposal;
- 18 (e) *Hazardous waste* refers to any equipment, device, material, or substance, discarded from  
 19 any household, commercial or industrial establishment, institution, or healthcare facility,  
 20 which waste may significantly contribute or pose an unreasonable risk or potential threat to  
 21 human health and the environment due to its concentration or physical, chemical, or  
 22 infectious characteristic, including its toxicity, reactivity, ignitability, and corrosivity;
- 23 (f) *Hazardous Waste Generator* refers to any person who generates hazardous waste covered  
 24 by this Act EXCEPT HOUSEHOLDS COVERED UNDER ARTICLE V;
- 25 (g) *Hazardous waste management* refers to the systematic administration of activities which  
 26 provide for the identification, listing, collection, segregation at source, storage, transport,  
 27 recovery, processing, reprocessing, treatment, and disposal of hazardous waste;
- 28 (h) *Hazardous Healthcare waste* refers to the pathological and non-pathological infectious  
 29 waste generated from any healthcare facility, including those generated from any household,  
 30 commercial, or industrial establishment; [DOH will provide inputs]
- 31 (i) *Manifest* or *consignment note* refers to a record prescribed by the Department  
 32 accompanying the hazardous waste from the point of generation to final disposition thereof;
- 33 (j) *Resource recovery* refers to the collection, extraction or recovery of recyclable materials  
 34 from the waste stream for the purpose of recycling, generating energy or producing a  
 35 product suitable for beneficial use;

**Commented [3]: SEMIRECYCLING CO., INC.:**  
 While it is right to define E-waste, it should still be included in the hazardous waste classification in general since most of electronic gadgets and equipment contains 1 or more hazardous components. **[NOTED]**

**Commented [4]: DOJ:**  
 For clarity, insert "... refers to any NATURAL OR JURIDICAL person..." since a juridical person may also be an offender under Section 36(d). **[NOTED]**

**Commented [...5]: NEDA:**  
 It can be inferred from Sec. 3(f) that households are also waste generators mandated to implement measures under Sections 6, 9, and 12. If this is not the intent of the bill, then consider defining the limitations/ exclusions/ exceptions in relevant provisions of the bill.

**Commented [6]: SEMIRECYCLING CO., INC.:**  
 consider using "HAZARDOUS WASTE MANIFEST" instead of the term Manifest or consignment note or it might include the Permit to transport in the definition of terms to align with the existing DAO.

**SECRETARIAT recommends deletion.**

- 1 (k) *Segregation* refers to a waste management practice of separating different materials found in  
 2 hazardous waste, in order to promote recycling of resources and to reduce the volume of  
 3 waste for more efficient collection and disposal;
- 4 (l) *Household hazardous waste* refers to consumer or industrial goods or products discarded  
 5 from residential sources that are classified or regulated as hazardous waste, such as used  
 6 vegetable oil, lead acid battery, busted fluorescent lamps, E-waste, and healthcare waste;
- 7 (m) *Storage* refers to the containment of hazardous waste, consistent with the guidelines  
 8 prescribed by the Department and in such a manner as not to constitute disposal;
- 9 (n) *Treatment* refers to any method, technique, or process designed to change the physical,  
 10 chemical or biological characteristic or composition of any hazardous waste so as to render  
 11 such waste non-hazardous, safe for transport, feasible for recovery and storage, or reduced  
 12 in volume; and
- 13 (o) *Hazardous Waste Service Providers* refer to: (1) transporters, or those individuals or entities  
 14 that collect or haul hazardous wastes from the generator's site to the treatment, storage, and  
 15 disposal (TSD) facility; or (2) TSD facilities, or those facilities where hazardous wastes are  
 16 transported, stored, treated, recycled, reprocessed, or disposed of.

**Commented [7]: SEMIRECYCLING CO., INC.:**  
 Consider using HAZARDOUS WASTE TRANSPORTER AND TREATER instead of waste service provider, since it is defined that the transporter collects or hauls only hazardous waste from the generator. **NOTED**

17 **SEC. 4. Coverage of this Act.** – This Act shall apply to the generation, possession, collection,  
 18 recycling, recovery, storage, transport, treatment, and disposal of hazardous waste in the country. This  
 19 will include the export, import, and transit of hazardous waste in the Philippine territory, including the  
 20 economic and freeport zones and such other areas that may be defined as special customs territories.

**Commented [8]: SEMIRECYCLING CO., INC.:**  
 Healthcare wastes are already identified in the DAO 2013-22 as hazardous waste under the M501 classification which are described as healthcare wastes from hospitals, medical centers and clinics containing pathological, pathogenic and infectious wastes, sharps and others. **NOTED**

21 For the purposes of this Act, hazardous waste shall cover the following:

- 22 (a) hazardous waste, in general;  
 23 (b) household hazardous waste;  
 24 (c) hazardous healthcare waste; and,  
 25 (d) E-waste.

26  
 27 **CHAPTER II**  
 28 **MANAGEMENT SYSTEM**

29  
 30 **Article One**  
 31 **General Provisions**

32  
 33 **SEC. 5. Identification and Listing of Hazardous Waste.** – Within twelve (12) months from the  
 34 effectivity of this Act, the Department shall, after notice and public consultation, develop, formulate  
 35 and publish the criteria for identifying and listing the characteristics of hazardous waste, taking into  
 36 account relevant factors such as toxicity, reactivity, ignitability, corrosivity, degradability in nature,  
 37 and potential for accumulation in tissue. The criteria shall be reviewed and revised every five (5) years  
 38 thereafter, or as the need arises.

1       **SEC. 6. Registration of Hazardous Waste Generators.** – Within twelve (12) months upon the  
2 effectivity of this Act, any hazardous waste generator shall be required to register its entity and the  
3 types and quantities of waste generated with the Department. A Materials Recovery Facility (MRF),  
4 established pursuant to RA 9003, consolidating household hazardous wastes prior to its transport,  
5 treatment and disposal, shall be considered as hazardous waste generator.

6       **SEC. 7. National Hazardous Waste Status Report.** - Within twelve (12) months after the  
7 formulation of the criteria for the identification and listing of hazardous waste pursuant to this Act, the  
8 Department shall prepare an annual National Hazardous Waste Management Status Report, hereinafter  
9 referred to as the Status Report, which shall be used as a basis in formulating the National Hazardous  
10 Waste Management Framework as mandated in Section 8 of this Act. The Status Report shall include  
11 the following:

- 12       (a) Inventory of existing hazardous waste and their depots and facilities;
- 13       (b) General waste characterization, taking into account the source, type, and quantity of  
14       hazardous waste generated and other factors;
- 15       (c) Listing of hazardous waste service providers; ~~treatment, storage, disposal (TSD) facilities,~~  
16       ~~including transporters of hazardous waste;~~ and,
- 17       (d) Listing of identified contaminated sites.

18       **SEC. 8. National Hazardous Waste Management Framework.** – Within eighteen (18) months  
19 from the effectivity of this Act, the Department shall prepare and formulate a National Hazardous  
20 Waste Management Framework, herein referred to as the “Framework”, which shall be updated every  
21 five (5) years thereafter. It shall embody policies established pursuant to this Act, and shall specifically  
22 contain the following: [in Section re IRR, DENR will undertake coordination with relevant agencies  
23 and stakeholders - ADDRESSED IN SEC. 24]

- 24       (a) Strategies and techniques for hazardous waste management;
- 25       (b) Systems for the proper HANDLING, SEGREGATION, ~~collection,~~ transport, treatment,  
26       storage, and disposal of hazardous waste;
- 27       (c) Goals and targets for waste reduction and recovery;
- 28       (d) Roles and responsibilities of relevant government agencies; and
- 29       (e) Monitoring and evaluation.

**Commented [9]: DOLE:**  
Benchmark the best practices of the more developed countries. **NOTED**

**Commented [...10]: NEDA:**  
“Systems for the proper HANDLING, SEGREGATION, collection...”



1           **SEC. 9. Use of Best Available Technique and Best Environmental Practice in Hazardous**  
 2 **Waste Management.** ~~HAZARDOUS WASTE Generators and SERVICE PROVIDERS owners of~~  
 3 ~~TSD facilities shall be required to use the best available technique and best environmental practice~~  
 4 ~~(BAT/BEP) in hazardous waste management. The Industrial Technology Development Institute of the~~  
 5 ~~Department of Science and Technology (DOST), in coordination with the Inter-Agency Technical~~  
 6 ~~Advisory Council created herein, shall formulate the criteria in assessing the proposed BAT/BEP to be~~  
 7 ~~used . In the formulation and imposition of these criteria, the relative economic feasibility of the~~  
 8 ~~technology shall also be considered.~~

**Commented [11]: DOST-ITDI:**  
 The Institute will help in the formulation of criteria in assessing the different BAT/BEP technologies/practices.  
 [NOTED]

**Commented [...12]: NEDA:**  
 "Generators and HAZARDOUS WASTE SERVICE PROVIDERS shall be required..."

**Commented [...13]: NEDA:**  
 The promotion of BAT/BEP may open the possibility of using WTT/WTE technologies for hazwaste treatment. Ensure the viability of such technologies (i.e., environmental impact) through appropriate environmental regulatory frameworks or safeguard policies. [NOTED]

15           **SEC. 10. PRODUCER AND IMPORTER RESPONSIBILITY SCHEMES. Market-Based**  
 16 **Instruments.** ~~Twelve (12) months after the effectivity of this Act, all manufacturers and importers of~~  
 17 ~~commercial and industrial products containing regulated hazardous substances REGULATED~~  
 18 ~~UNDER THIS ACT, and other relevant stakeholders, shall adopt an appropriate program on market-~~  
 19 ~~based instruments TO ENSURE CLEANER PRODUCTION, WASTE MINIMIZATION, AND~~  
 20 ~~RESOURCE RECOVERY. This program shall MAY include THE FOLLOWING ACTIVITIES:~~  
 21 ~~PRODUCT/ PROCESS REDESIGN, extended producer responsibility, buy-back programs, social~~  
 22 ~~responsibility, and product stewardship programs ,to ensure cleaner production, waste minimization,~~  
 23 ~~resource recovery, and proper treatment and disposal of hazardous waste. The DENR~~  
 24 ~~DEPARTMENT shall establish the guidelines for the implementation of the , AND DEVELOP~~  
 25 ~~market-based instruments that promote cleaner production and waste minimization AND OTHER~~  
 26 ~~CONTROL MEASURES TO FACILITATE THE ACHIEVEMENT OF PROGRAM TARGETS:~~  
 27 ~~Provided, That within five (5) years upon effectivity of this Act, the targets established in the program~~  
 28 ~~for cleaner production, waste minimization, and resource recovery shall be fully implemented.~~

**Commented [14]: NEDA:**  
 Focus on intended outcome such as greening upstream processes of hazardous materials' value chain, and allow exporters and importers greater flexibility to pursue their sustainability programs beyond MBI. Suggested revision:

"Sec. 10. **PRODUCER AND IMPORTER RESPONSIBILITY SCHEMES.** – Twelve (12) months after the effectivity of this Act, all manufacturers and importers of ... shall adopt an appropriate program TO ENSURE CLEANER PRODUCTION, WASTE MINIMIZATION, AND RESOURCE RECOVERY. THIS MAY INCLUDE THE FOLLOWING ACTIVITIES: PRODUCT/ PROCESS REDESIGN, extended producer responsibility, buy-back programs, social responsibility, and product stewardship programs. The DEPARTMENT shall establish the guidelines AND DEVELOP market-based instruments AND OTHER CONTROL MEASURES TO FACILITATE THE ACHIEVEMENT OF PROGRAM TARGETS: *Provided, That within five (5) years...*"

**Commented [15]: DOST:**  
 Define and/or enumerate examples of "regulated hazardous substances"

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SEC. 11. Importation of Recyclable Hazardous Waste and Materials - The Department shall establish control measures on the importation of recyclable materials that are hazardous waste or containing hazardous substances, consistent with international law and agreements and applicable standards for the protection of the environment.

**Article Two**  
**Responsibilities of Waste Generators, Transporters, and Owners**  
**of Waste Treatment, Storage, and Disposal Facilities**

SEC. 12. Responsibilities of Generators of Hazardous Waste. - Within twelve (12) months after the effectivity of this Act, the Department shall establish the DUTIES AND responsibilities of generators of hazardous waste to ensure the proper management of the generated hazardous waste. Appropriate documentation, methods, strategies, and emergency or contingency plans to minimize damage in case of accidents, shall be covered under these responsibilities to ensure that the proper generation, storage, transport, treatment, and disposal of wastes are executed and monitored. Waste generators shall bear the cost for the proper storage, transport, treatment, and disposal of waste. [waste generators are required ECC for registration.]

SEC. 13. Responsibilities of Transporters of Hazardous Waste. - Within twelve (12) months after the effectivity of this Act, the Department, in coordination with the Department of Health (DOH) and the Department of Transportation (DOTr), shall establish the responsibilities of waste transporters and prescribe guidelines for the transport of hazardous waste to protect human health and the environment.

The responsibilities of transporters shall cover appropriate system, documentation, and safety standards, including on transport vehicle, garage or holding facility, labeling, compatibility of wastes, training, emergency preparedness and response, among others. The responsibilities of the owners of the TSD facilities shall include standards of performance in operation, maintenance, monitoring, decommissioning, abandonment and closure.

**Commented [16]: NEDA:**

Insert a Section \_\_\_\_ "Establishment of a Hazardous Waste Recycling Program. A Hazardous Waste Recycling Program shall be established to complement upstream programs in Sections 10, as well as support existing resource recycling practices, such as urban mining. Where possible, the same principles and strategies under RA 9003 shall be adopted, to mainstream integrated waste management strategies covering all types of waste. The following activities and mandates shall be included under this section:

a. Identification of recyclable hazardous waste and development of material-specific hazardous waste recycling regulations to provide conditions for safe reclamation and reuse.

(One example is the US EPA policy on hazardous waste recycling, which identifies tiered regulations for hazardous waste recycling)

b. Formulation and implementation of a coding system to facilitated segregation, collection, and treatment of hazardous waste, particularly household hazardous waste. This may also be linked to the existing National Ecolabelling Programme established under RA 9003.

c. Identification of existing markets for processing and purchasing of recyclable hazardous waste materials to determine the scope and extent of hazardous waste recycling; and

... [1]

**Commented [17]: DENR-Legal:**

- Add a section on the proper handling and procedures on the disposal of illegally imported recyclable hazwaste.

NOTED For political considerations, this will be addressed in the IRR.

**Commented [18]: DOTr:**

"SEC. 12... the Department shall establish the DUTIES and responsibilities of generators of hazardous waste... THESE DUTIES AND RESPONSIBILITIES SHALL COVER, AMONG OTHERS, ENSURING appropriate documentation, AS WELL AS FORMULATION AND IMPLEMENTATION OF methods, strategies, and emergency or contingency plans SPECIFIC TO THE GENERATORS AND IN ACCORDANCE WITH THE RULES, REGULATIONS, REQUIREMENTS, SYSTEM, PROCEDURES, AND STANDARDS SET FORTH OR PROMULGATED BY THE DEPARTMENT IN ORDER to minimize IF NOT ELIMINATE HUMAN OR

... [2]

**Commented [19]: DOTr:**

"SEC. 13... the Department shall establish the DUTIES AND responsibilities of waste transporters and prescribe guidelines, SYSTEM, PROCEDURES, REQUIREMENTS AND STANDARDS for the transporters of hazardous waste TO ENSURE SAFE AND SECURED TRANSPORTATION of hazardous waste FROM ITS SOURCE OR ORIGIN TO ITS FINAL DESTINATION IN ORDER TO AVOID, MINIMIZE OR ELIMINATE RISKS, DANGERS OR DISASTERS AND protect human health and the environment." **NOTED**

**Commented [20]: DOTr:**

Include DILG in the guidelines formulation, since one of the functions of LGUs is to provide services and facilities related to waste collection and disposal. **NOTED**

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2 **SEC. 14. Responsibilities and Standards of Performance for Hazardous Waste Service**  
3 **Providers Owners of TSD Facilities.** – Within twelve (12) months after the effectivity of this Act, the  
4 Department shall establish the DUTIES AND responsibilities of the owners of TSD facilities for  
5 hazardous waste: *Provided, That* the Department where applicable, shall distinguish the respective  
6 standards to be observed by new and existing facilities at the time of the effectivity of this Act. [DENR  
7 lead agency in IRR - OK]

Commented [21]: DOT:  
"SEC. 14..... the Department shall establish the DUTIES  
AND responsibilities, GUIDELINES AND  
REQUIREMENTS, AS WELL AS THE STANDARDS OF  
PERFORMANCE TO BE EXPECTED FROM AND TO BE  
ADHERED BY the owners of TSD facilities..."

8 Within twelve (12) months after the effectivity of this Act, the Department shall establish the  
9 responsibilities of transporters and TSD facilities for hazardous wastes to ensure that these wastes are  
10 managed in an environmentally sound manner to minimize, if not eliminate, hazards posed to human  
11 health and the environment.

Commented [22]: DOT:  
"environmentally sound, SAFE AND SECURED manner..."  
NOTED

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14 **SEC. 15. Categories of TSD Facilities.** – Within twelve (12) months from the effectivity of this  
15 Act, the Department shall formulate specific, relevant, and appropriate criteria and standards in  
16 establishing different categories of TSD facilities. The Department shall consider the following  
17 categories:

- 18 (a) Facilities that employ fixed or mobile equipment to conduct on-site treatment and disposal  
19 of hazardous waste generated or produced at the premises for noncommercial purposes;
- 20 (b) Facilities that conduct treatment of hazardous waste;
- 21 (c) Landfills that accept hazardous waste for disposal;
- 22 (d) Facilities that recycle or reprocess hazardous waste that is not generated or produced at the  
23 premises;
- 24 (e) Facilities that receive hazardous waste off-site or outside of the premises where the waste is  
25 generated or produced, and transforms the physical or chemical characteristics of the  
26 hazardous waste, for disposal into landfills and other disposal sites;
- 27 (f) Facilities that store, within an allowable period, hazardous waste that is not generated or  
28 produced within its premises;
- 29 (g) Other engineered land disposal facilities that include deep injection wells, borehole  
30 facilities, near surface facilities, surface impoundments, land farming, and abandoned  
31 underground mines; and
- 32 (h) TSD and reception facilities in ports.

33 **SEC. 16. Hazardous Waste Reception Facilities in Ports.** Within two (2) years following the  
34 effectivity of this law, airports or seaports shall establish a hazardous waste reception facility or a  
35 system for the direct collection of such waste from ships by a waste service provider.

1 **SEC. 17. Guidelines for the Management of Contaminated Sites.** – Within twelve (12)  
2 months from the effectivity of this Act, the Department, in coordination with other relevant  
3 government agencies, shall formulate the identification, characterization, remediation, clean up, and  
4 site control guidelines for the determination and management of contaminated sites. The Department  
5 shall update these guidelines as the need arises.

6 The Department shall maintain a Registry of contaminated sites and make this information  
7 accessible to the public.

8  
9  
10 **Article Three**  
11 **Registration of Hazardous Waste Service Providers and Fees**

12 **SEC. 18. Registration of Hazardous Waste Service Providers.** ~~No service provider of~~  
13 hazardous waste shall be allowed to operate unless the same is duly registered with the Department.  
14 *Provided, That* a transporter of hazardous waste shall not be registered unless it has a service  
15 agreement with a TSD facility.

16 Upon effectivity of the law, [a] service providers shall secure annual registration certificates  
17 from the Department. The Department shall issue a registration certificate with a validity of five (5)  
18 years to a service provider that has operated for three (3) years in compliance with the Implementing  
19 Rules and Regulations established pursuant to this Act. The Department shall prescribe reasonable fees  
20 for the issuance of the said registration certificates.

21 The Department shall modify, suspend, or revoke such registration for noncompliance by a  
22 service provider with the relevant provisions of this Act, or with the terms and conditions of such  
23 registration.

24 **SEC. 19. Hazardous Waste Transport Via Ships.** ~~The DOTr-PCG,~~ in coordination with the  
25 Department and MARINA, shall establish a permitting system to ensure safety in the transport of  
26 hazardous waste via ships/vessels in the Philippines. ~~The DOTr-PCG shall ensure that the packaging~~  
27 requirements established pursuant to the International Maritime and Dangerous Goods (IMDG) Code  
28 are complied with by the duly registered transporter. Vessels transporting or carrying hazardous waste  
29 shall only be intended for the said purpose.  
30  
31

32 **Article Four**  
33 **Hazardous Healthcare Waste**

34  
35 **SEC. 20. Listing of Hazardous Healthcare Waste Categories.** – Within twelve (12) months  
36 from the effectivity of this Act, the DOH, in coordination with the Department, shall formulate the  
37 criteria for the classification and listing of the categories of hazardous healthcare waste to be regulated  
38 and monitored. In the formulation of the criteria, the DOH shall take into account relevant factors such  
39 as the presence of infectious agents, toxicity, reactivity, ignitability, and corrosivity. For radioactive  
40 healthcare waste, the rules and regulations issued by the Philippine Nuclear Research Institute shall  
41 apply.

**Commented [23]: DOLE:**

- Require Waste Service Providers to register with the DOLE Regional Office, which has jurisdiction over the workplace for monitoring of their compliance to labor OSH standards.
- Assure the safety and health of haulers, transporters, and TSD facilities personnel through adequate information, training, and personal protective equipment (PPE).  
Include safety and health programs for workers handling chemical wastes

**Commented [24]: SEMIRECYCLING CO., INC.:**

Granting longer validity of registration to Transporters and TSD facilities complying the IRR for three (3) consecutive years is a good way of encouraging these establishments for further compliance.

The department might also consider existing HW transporters and TSD facilities operating for 3 consecutive years without any violations to be granted with the extended validity during their renewal application.

The Department should spearhead together with representatives from DOH and LGUs the HW identification, criteria, classification for hazardous wastes.

**Commented [25]: DENR-Legal Service:**

Also, provide for a permitting procedure to assure the safety of hazwaste transport via land and air.

**Commented [26]: DOTr-PCG:**

Under EO 159, the PCG is the lead agency in the Inter-Agency Coordinating Committee to Facilitate the Ratification and Accession to the Implementation of Maritime Conventions for the accession and implementation of the Preparedness, Response and Co-Operation to Pollution Incidents by Hazardous and Noxious Substances Convention, 2000.

1           **SEC. 21. Management of Hazardous Healthcare Waste in Hospitals and Other Healthcare**  
2 **Facilities.** – For the safe and environmentally sound management of hazardous healthcare waste in  
3 hospitals and other healthcare facilities, the DOH shall strictly implement the appropriate manual  
4 established for its purpose. These shall include the effective and proper handling, collection, transport,  
5 treatment, storage, and disposal of such waste. The rules and regulations shall include guidelines that  
6 will prevent significant adverse impacts on health and the environment.

7   **Article Five**  
8   **Household Hazardous Waste**  
9

10           **SEC. 22. Collection of Household Hazardous Waste.** – The local government units (LGUs)  
11 shall be responsible for the collection of household hazardous waste characterized as such pursuant to  
12 Section 5 hereof. The LGUs may enter into agreements with duly registered service providers for the  
13 collection, transport, treatment and disposal of household hazardous waste.

14           The owners or operators of material recovery facilities (MRFs) that are duly authorized to collect  
15 household hazardous waste, and transporting services that transport such waste from households to  
16 MRFs, shall register their facilities or services with the concerned LGU.

17           **SEC. 23. Management of Household Hazardous Waste.** –Unless otherwise provided in this  
18 Act, the management of household hazardous waste shall be the sole responsibility of the LGUs  
19 pursuant to Section 26 hereof. For this purpose, the LGU shall ensure strict implementation of the  
20 standards and guidelines for the proper segregation, collection, transport, treatment, storage, and  
21 disposal of household hazardous waste.

22   **CHAPTER III**  
23   **INSTITUTIONAL MECHANISM**  
24

25           **SEC. 24. Lead Agency.** – The Department shall be the primary government agency responsible  
26 for the implementation and enforcement of this Act, including in special economic and freeport zone  
27 areas, unless otherwise provided herein. IT SHALL UNDERTAKE THE NECESSARY  
28 COORDINATION OR CONSULTATION WITH CONCERNED GOVERNMENT AGENCIES IN  
29 THE IMPLEMENTATION OF THIS ACT.

30           **SEC. 25. Role of the DOH.** – The DOH shall be primarily responsible in performing the  
31 following duties and responsibilities:

- 32           (a) Develop, promulgate, and publish criteria in identifying and listing the categories of  
33           hazardous healthcare waste to be monitored and regulated;
- 34           (b) Develop and promulgate the rules and regulations for the effective management of  
35           hazardous healthcare waste in hospitals and other healthcare facilities; and,
- 36           (c) Exercise such powers and perform such other functions as may be necessary to carry out the  
37           provisions of this Act.

38           **SEC. 26. Role of LGUs.** – The LGUs shall perform the following duties and responsibilities:

- 1 (a) Share the responsibility for the implementation, enforcement, and monitoring of the  
2 provisions of this Act within their territorial jurisdiction;
- 3 (b) Within twelve (12) months after effectivity of this Act, develop and implement a household  
4 hazardous waste management program as part of their Ten-Year Solid Waste Management  
5 Plan under Republic Act No. 9003 otherwise known as the "Ecological Solid Waste  
6 Management Act of 2000";
- 7 (c) Prepare a compliance scheme in accordance with their household hazardous waste  
8 management program;
- 9 (d) Ensure the proper segregation, collection of household hazardous waste, and  
10 operationalization of the Materials Recovery Facility pursuant to Republic Act No. 9003;
- 11 (e) Develop and enhance the plans and programs of local governments on community  
12 preparedness and response to hazardous waste emergencies;
- 13 (f) Participate in all efforts concerning hazardous waste management; and,
- 14 (g) Enact appropriate ordinances to implement their role in pursuance of this Act.

**Commented [27]: NEDA:**  
"... operationalization of THEIR Materials Recovery Facility AND/OR CLUSTERED FACILITIES AND SERVICES, pursuant to RA 9003"

15 **SEC. 27. [The Inter-Agency Technical Advisory Council.] – For purposes of policy integration  
16 and harmonization and coordination of functions, there is hereby created an Inter-Agency Technical  
17 Advisory Council (IATAC). It shall be composed of fourteen (14) members from the government  
18 sector and five (5) members from the private sector. The government sector shall be represented by the  
19 heads of the following agencies in their *ex officio* capacity:**

- 20 (a) Department of Environment and Natural Resources, as Chairperson;
- 21 (b) Department of Health, as Co-chairperson;
- 22 (c) Department of Science and Technology, as Co-chairperson;
- 23 (d) Department of Agriculture;
- 24 (e) Department of Finance;
- 25 (f) Department of Trade and Industry;
- 26 (g) Department of Foreign Affairs;
- 27 (h) Department of Transportation;
- 28 (i) Department of Interior and Local Government;
- 29 (j) Department of Labor and Employment;
- 30 (k) Department of Energy;
- 31 (l) Department of Justice;

**Commented [E28]:**

**Commented [29]: DOLE:**  
Include in the role of the IATAC: the development of a National Roadmap for handling chemicals in all stages.

**Commented [30]: NEDA:**

- Clarify the powers and functions of the IATAC, to further delineate its role and responsibilities from that of the DENR as lead implementing agency (Sec. 24) and DOH as lead for healthcare hazardous waste (Sec. 25)

- Similar to the functions of the NSWMC, the IATAC can take an oversight role or act as the final approving body for the establishment, review, and updating of the following measures that will benefit from multi-sectoral assessments:
  - a) Section 8 – National Hazardous Waste Management Framework
  - b) Section 9 – Criteria for BAT and BEP
  - c) Section 10 – Guidelines for Market-Based Instruments
  - d) Section 11 – Control Measures for the Importation of Recycleable Hazwaste and Materials
  - e) Section 17 – Guidelines for the Management of Contaminated Sites.

**Commented [31]: DOJ:**

For clarity of the IATAC mandate, include the functions or tasks to be implemented by the IATAC, such as those mentioned under Section 7 of RA 6969.

**Commented [32]: DFA:**

we are ready to provide assistance and policy guidance to IATAC especially with respect to strengthening international cooperation on hazardous and radioactive wastes management and the country's commitments to relevant international conventions.

**Commented [33]: DOLE:**

we commit to be a member of the IATAC

1 (m) National Economic Development Authority; and

2 (n) Department of Philippine Economic Zone Authority, in representation of and in consultation  
3 with other economic and freeport zones.

4 The private sector shall be represented by the following:

5 (o) One (1) representative from civil society;

6 (p) One (1) representative from business and industry;

7 (q) One (1) representative from TSD facility operators;

8 (r) One (1) representative from hazardous waste transporters; and

9 (s) One (1) representative from the academe.

10 The representatives from the private sector shall be nominated through a process designed by the  
11 IATAC and shall be appointed by the Chairperson of the Council, for a term of three (3) years.

12 **SEC. 28. The IATAC Technical Working Group.** – The IATAC shall be supported by a  
13 technical working group (TWG), which shall be composed of representatives from the following  
14 agencies and institutions:

15 (a) Environmental Management Bureau of the DENR;

16 (b) Disease Prevention and Control Bureau of the DOH;

17 (c) Industrial Technology Development Institute of the DOST;

18 (d) Fertilizer and Pesticide Authority of the DA;

19 (e) Bureau of Customs of the Department of Finance;

20 (f) Board of Investments of the DTI;

21 (g) Bureau of Import Services of the DTI;

22 (h) Land Transportation Office of the DOTr;

23 (i) Occupational Health and Safety Center of the Department of Labor and Employment;

24 (j) Philippine Coast Guard (PCG);

25 (k) Civil society organizations;

26 (l) Business and Industry;

27 (m) Academe; and,

28 (n) Other agencies and sectors as may be necessary.

**Commented [34]: NEDA:**  
we may be excluded from the IATAC since hazwaste management is not directly related to its mandate and oversight functions.

**Commented [35]: DOTr:**  
- Include NSWMC in either the IATAC or the TWG, since the functions of the IATAC are heavily interconnected with the NSWMC functions.  
- Include MARINA in the TWG since it requires operators to comply with operational and safety standards, which includes proper waste management.

**Commented [36]: DOLE:**  
we commit to be a member of the TWG

1 Representatives from the private sector appointed as members of the IATAC shall be automatic  
2 members of the IATAC TWG.

3 The DENR-EMB shall serve as the secretariat of the IATAC and the IATAC TWG.

4 **SEC. 29. Visitorial Powers.** –The Secretaries of the Department and the DOH insofar as  
5 healthcare facilities and healthcare TSD providers are concerned, or their authorized representatives,  
6 and the DOT, insofar as ships and ports are concerned, shall have the right to visit the premises and  
7 inspect the documents of any generator, transporter, TSD facility, or port reception facility, to  
8 determine any violation or to aid in the effective enforcement of this Act and its implementing rules  
9 and regulations. Likewise, these authorities shall have access and right to copy therefrom, the records  
10 required, pursuant to the provisions of this Act. This section shall not apply to private dwellings,  
11 unless the visitorial power is otherwise judicially authorized.

**Commented [37]: DOTr:**

"... shall have the right to visit the premises and inspect the  
REQUIRED MANIFESTS OR documents INCLUDING  
THE PHYSICAL CONDITION AND STANDARDS OF  
RELATED INSTALLATIONS of any generator, transporter,  
TSD facility, or port reception facility, IN ORDER  
to determine, ADDRESS OR CAUSE TO APPREHEND any  
violation, or to MONITOR, REGULATE, ENSURE OR aid  
in the effective enforcement of this Act and its implementing  
rules and regulations. Likewise, these authorize shall have  
access and right to copy therefrom, the records required, OR  
TO BE PROVIDED WITH PHOTO SNAPSHOTS OF  
RELATED INSTALLATION INSPECTED, pursuant to the  
provisions of this Act. This section shall not apply to private  
dwellings, unless the visitorial power is otherwise  
WARRANTED AND judicially authorized."

12

#### 13 **CHAPTER IV** 14 **FINANCING HAZARDOUS WASTE MANAGEMENT**

15 **SEC. 30. Financial Liability for Environmental Rehabilitation.** – The Department shall  
16 require the generators and owners of TSD facilities to establish an Environmental Guarantee Fund  
17 (EGF) as part of the Environmental Management Plan submitted, in line with the application for an  
18 Environmental Compliance Certificate (ECC) as required under Presidential Decree No. 1586 and its  
19 implementing rules and regulations. The EGF shall be used for emergency response, cleanup,  
20 rehabilitation, and remediation of areas that may be damaged during the generation, transport,  
21 treatment, storage, or disposal of hazardous waste, and post-closure activities of the facility. The  
22 liability for damages shall continue even after the termination of the project and until the lapse of a  
23 given period indicated in the ECC, as determined by the Department.

**Commented [38]: NEDA:**

"The Department shall require the generators AND  
HAZARDOUS WASTE SERVICE PROVIDERS to  
establish..."

24 The EGF may be in the form of a trust fund, environmental insurance, surety bonds, letter of  
25 credit, self-insurance, and any other instrument as may be identified by the Department. Consideration  
26 of the guarantee instrument or combinations thereof shall include an assessment of the risks involved.  
27 Generators and owners of TSD facilities required to put up guarantee instruments shall furnish the  
28 Department with evidence of availment of such instruments.

29 **SEC. 31. Hazardous Waste Management Fund.** There is hereby established a Hazardous  
30 Waste Management Fund (HWMF) to be administered by the Department. The HWMF shall be  
31 sourced from the following:

- 32 (a) Fees, charges and fines imposed pursuant to this Act;  
33 (b) Donations, endowments, grants and contributions; and  
34 (c) Amounts specifically appropriated for the HWMF under the annual General  
35 Appropriations Act

36 The HWMF shall be utilized for the following activities:

- 37 (a) Research, capacity-building, enforcement and monitoring activities;  
38 (b) Information, education and communication campaigns;

**Commented [39]: DOLE:**

- engage the academe in research on recycling and sound  
disposal of chemical wastes

**Commented [40]: DOST:**

"(a) Research AND DEVELOPMENT, capacity building,  
enforcement and monitoring activities;"



- 1 (c) Whenever necessary, provisional payment of expenses for containment; removal; and  
2 clean-up of abandoned, accidentally spilled, or illegally dumped hazardous wastes, including  
3 repatriation or return of illegal waste shipments to the country of origin; and  
4 (d) Granting of rewards and incentives;

**Commented [41]: DOLE:**  
- incentivize scientists and inventors on their work on sound chemical management

5 The polluter shall be held liable for the expenses for the activities under paragraph (c) of the  
6 second paragraph of this Section. Such shall include the reimbursement of all expenses provisionally  
7 paid for by the government.

8  
9 **CHAPTER V**  
10 **INCENTIVES**

11 **SEC. 32. Rewards.** – Rewards and recognitions, monetary or otherwise, shall be provided to  
12 individuals, private organizations and entities, including non-government organizations (NGOs), that  
13 have undertaken outstanding and innovative projects, technologies, processes, and techniques, or  
14 activities for the management of hazardous waste. Said rewards shall be sourced from the Fund herein  
15 created.

16 **SEC. 33. Incentives Scheme.** An incentive scheme is hereby provided for the purpose of  
17 encouraging enterprises, private entities, LGUs, and NGOs, to develop or undertake an effective  
18 hazardous waste management, or actively participate in any program geared towards the promotion  
19 thereof as provided for in this Act.

**Commented [42]: DOST:**  
- provide criteria for tax incentives other than those stipulated in the Strategic Investment Priority Plan (SIPP) since incentives for activities falling under the SEIPP as enumerated under RA 11534 (CREATE Act) are already established.  
- incentives under this category should focus on the management of hazardous waste and should not be based on the standard processes of identifying qualified activities under Tiers I to III of the SIPP.

20 **Fiscal Incentives –**

- 21 (a) Tax incentives – Any provision of law to the contrary withstanding, registered business  
22 enterprises may apply for incentives following the approval process provided under Title  
23 XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended, for  
24 eligible activities: *Provided, That* such activities shall undergo the standard processes in the  
25 identification of qualified activities under the Strategic Investment Priority Plan (SIPP).  
26  
27 (b) Tax and Duty Exemption of Donations, Legacies, and Gifts – All donations, legacies, and  
28 gifts to LGUs, enterprises or private entities including NGOs, for the support and  
29 maintenance of programs for the effective management of hazardous waste, shall be exempt  
30 from all internal revenue taxes and customs duties, and shall be deductible in full from the  
31 gross income of the donor for income tax purposes.  
32  
33 (c) Financial Assistance Program – Government and private financial institutions, in accordance  
34 with, and to the extent allowed by the enabling provisions of their respective charters or  
35 applicable laws, may accord high priority to individuals, enterprises, or private entities  
36 engaged in hazardous, medical, and special hazardous waste management by providing  
37 special financial services, including the grant of preferential rates; and,  
38  
39 (d) Extension of Grants to LGUs. - Cities or municipalities that opt to develop special household  
40 hazardous waste management plans, or have adopted innovative waste management

1 programs, may be entitled to receive grants in order to develop their technical capacities and  
2 efficiently implement their plans.

3  
4  
5 **CHAPTER VI**  
6 **CIVIL LIABILITY AND PENAL PROVISIONS**

7 **SEC. 34. Liability of Generators, Exporters, and Importers.** – (a) Generators of hazardous  
8 waste shall be primarily responsible for the environmentally sound management of hazardous waste  
9 until said waste has been treated or properly disposed of as certified by a duly registered TSD facility:

10 (b) Exporters of hazardous waste shall be responsible for the treatment and disposal of the waste  
11 in accordance with the requirements and procedures of the Basel Convention on the Transboundary  
12 movements of Hazardous Waste and Their Disposal and its amendments; and

13 (c) Importers of recyclable materials that are hazardous waste or containing hazardous  
14 substances shall be responsible for the payment of expenses for the return of misdeclared waste to the  
15 country of origin.

16 **SEC. 35. Prohibited Acts.** – The following acts are prohibited:

17 (a) Discarding, dumping, storing, or disposing of hazardous waste listed pursuant to this Act,  
18 or causing or permitting the commission of same acts, in public places, in municipal solid  
19 waste facilities, or in other areas or facilities not designed therefor;

20  
21 (b) Undertaking activities involving the collection and transport of hazardous waste without  
22 the permit or registration required under this Act, or in violation of the rules and  
23 regulations promulgated therefor;

24  
25 (c) Causing or permitting the collection and transport of unsegregated or unsorted hazardous  
26 waste, except in cases where illegally dumped hazardous wastes pose imminent danger to  
27 health and environment;

28  
29 (d) Site preparation, construction, expansion, or operation of TSD facilities without an  
30 Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586  
31 and this Act;

32  
33 (e) Treating, storing, or disposing of any hazardous waste without proper permit or  
34 registration, or in violation of the rules and regulations promulgated pursuant to this Act;

35  
36 (f) Owning or operating a TSD facility without the permits and registration required under this  
37 Act;

38  
39 (g) Establishing and operating open dumps for hazardous waste;

40  
41 (h) Open burning of hazardous waste;

42  
43 (i) Importing, causing, or permitting the entry of any hazardous waste into Philippine territory  
44 in the absence of an importation clearance secured from the Department, pursuant to the

1 implementing rules and regulations of this Act and the relevant international agreements  
2 and protocols;

- 3  
4 (j) Mixing of source-separated recyclable material with other hazardous waste in any vehicle,  
5 container, or receptacle used in hazardous waste collection, transportation or disposal;  
6  
7 (k) Non-submission of the abandonment plan or non-implementation of the post-closure  
8 activities as one of the conditions of the ECC required pursuant to PD 1586;  
9  
10 (l) Operating a seaport or airport without a hazardous waste reception facility or collection  
11 system required pursuant to Section 16;  
12  
13 (m) Transporting any hazardous waste to a TSD facility that is not authorized to receive such  
14 waste pursuant to this Act;  
15  
16 (n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data required  
17 under this Act or its rules and regulations; and  
18  
19 (o) Making any false statement, representation, or certification in any application, label,  
20 permit, record, report, manifest, or other relevant documents, or willfully destroying, or  
21 concealing any record required under this Act or its rules and regulations.  
22

23 **SEC. 36. Fines, Damages, and Penalties. –**

- 24 (a) Unless otherwise provided herein, any person who commits any of the prohibited acts  
25 described under Section 35, or violates any of the provisions of this Act, the standards  
26 established pursuant to this Act, or its implementing rules and regulations, shall be fined by  
27 the Pollution Adjudication Board (PAB), after due hearing conducted thereon, in the amount  
28 of not less than One hundred thousand pesos (₱100,000.00) but not more than Five million  
29 pesos (₱ 5,000,000.00) for every violation: *Provided, That* for violation of Section 35  
30 involving the prohibited acts under paragraphs (a), (d), (e), (f), (g), and (l) thereof, the fine  
31 shall be imposed for each day of violation.

32 For purposes of the application of the fines, the PAB shall, within one (1) year from the  
33 effectivity of this Act, establish a fine rating system to allow for the adjustment of the  
34 maximum fine, ~~based on the violator's ability to pay, degree of willfulness, degree of~~  
35 ~~negligence, degree of severity of the offense, history of non-compliance, and degree of~~  
36 ~~recalcitrance.~~

- 37 (b) The PAB may order the suspension of development or construction, cessation of operations,  
38 or closure of the facility, until such time that proper environmental safeguards are in place,  
39 or are in compliance with this Act, or its rules and regulations are undertaken by the  
40 offender, without prejudice to the issuance of an *ex parte* order for such closure, suspension  
41 of development or construction, or cessation of operations during the pendency of the case:  
42 *Provided, That* if the prohibited act shall require a cleanup and rehabilitation of the  
43 environment, the offender shall also be required to restore the area or pay for the restoration  
44 thereof. Whenever applicable, the PAB may award such damages as it may deem just and  
45 fair under the circumstances in favor of a private complainant.  
46

**Commented [43]:** *DOST:*  
delete "based on the violators capacity to pay" as this would  
only limit the penal provision of the law. In any case, there is  
an established environmental guarantee fund under Section  
30, which may be used for emergency response, clean-up, and  
rehabilitation, among others.

1 (c) The PAB shall issue a resolution recommending that the proper government agencies file  
2 criminal charges against any person who commits a gross violation of this Act. Gross  
3 violation shall mean any of the following:  
4

- 5 1. Deliberate disposal of hazardous waste without the required permit issued pursuant to  
6 this Act;
- 7 2. Three (3) or more violations of paragraphs (a), (b), (e), (f), (g), (m), (o) of Section 35  
8 hereof within a period of two (2) years; or,
- 9 3. Blatant disregard of the orders of the PAB such as the nonpayment of fines, breaking of  
10 seals, or operation of the source of pollution, despite the existence of an order for  
11 closure, discontinuance or cessation of operation, or the unjustified refusal for the entry  
12 or access to any premises of an authorized Department representative.

13 (d) In case of gross violation of this Act, the offender shall pay a fine of not less than Five  
14 hundred thousand pesos (P500,000.00) but not more than Ten million pesos. (P  
15 10,000,000.00), or be punished with imprisonment of not less than three (3) years but not  
16 more than ten (10) years, or both, at the discretion of the court. If the offender is a juridical  
17 person, the chief executive officer and the pollution control officer or its equivalent, shall  
18 suffer the penalty herein provided: *Provided, That* the officers and incorporators of TSD  
19 facilities that violated the post-closure requirements issued pursuant to Section 16 hereof,  
20 shall be banned from setting up any TSD facility and hazardous waste transport company,  
21 and engaging in the operation of the same.

22 If the offender is a foreign national, the offender shall, after service of the sentence  
23 prescribed above, be deported without further administrative proceedings.

24 (e) To compensate for inflation and to maintain its deterrent function, the fines prescribed  
25 herein shall be reviewed every three (3) years, and revised when-necessary.  
26

27 **SEC. 37. Administrative Sanctions.** – Local government officials and officials of concerned  
28 government agencies who fail to comply with and enforce the rules and regulations promulgated  
29 relative to this Act, shall be charged administratively in accordance with Republic Act No. 7160 or the  
30 “Local Government Code of 1991” and Executive Order No. 292 or the “Administrative Code of  
31 1987” and other existing laws, rules, and regulations.

32 **SEC. 38. Administrative Action.** – Without prejudice to the right of any affected person to file  
33 an administrative complaint against a violator of this Act, the Department and the DOH shall, at their  
34 instance or upon a verified complaint by any person, institute administrative and civil proceedings  
35 against a person who violates the standards or limitations set under this Act, or any order, rule, or  
36 regulation issued by the Department and the DOH with respect to such standards and limitations.

37 **SEC. 39. Citizen Suit and Strategic Legal Action Against Public Participation (SLAPP)**  
38 **Suit.** – The provisions on Citizen and SLAPP Suit under Sections 41 and 43 of Republic Act No. 8749  
39 otherwise as the Clean Air Act of 1999 shall be adopted for purposes of enforcing the provisions of  
40 this Act or its rules and regulations:

**Commented [44]: DOJ:**

to avoid confusion, clarify whether the PAB resolution will be a mandatory requirement or a condition *sine qua non* for the filing of the criminal case, or the PAB resolution will be merely recommendatory, such that other investigative or enforcement agencies can file criminal complaints regardless of the PAB resolution.

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**CHAPTER VII  
MISCELLANEOUS PROVISIONS**

**SEC. 40. Research on Hazardous Waste Management.** – The Department, after consultations with the concerned agencies, shall encourage and render assistance to appropriate government and private agencies, institutions, and individuals in the promotion and conduct of researches, experiments, and other studies on hazardous waste management, particularly those relating to the:

**Commented [45]: DOST:**  
“SEC. 40. Research AND DEVELOPMENT on Hazardous Waste Management”

- (a) Methods to eliminate said effects or mitigate the health risks related thereto;
- (b) Operation and financing of hazardous waste disposal programs;
- (c) Planning, implementation, and operation of resource recovery and resource conservation systems;
- (d) Cleaner production technologies; and
- (e) Improvements in land disposal practices for hazardous waste.

**Commented [46]: SPIK:**  
“Provided that all developed Hazardous Waste Management Technologies shall undergo an Environmental Technology Verification (ETV) Process.”

The Department, the DOH, and the DOST or their authorized representatives, may award grants or enter into contracts with government agencies, NGOs, and private persons to conduct hazardous waste research and studies.

In this context, ETV should be included in the Definitions of Terms. During the ETV process, the following government agencies shall be present: DOST, DENR-EMB, DOH, Accredited ETV verifier (must be a DENR-Recognized third party laboratory) and the Inventor/s.

**Commented [E47]: DOST:**  
Provide IRR or provisions in awarding grants and contracts that will set as a guide for the different department.

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22

**CHAPTER VIII  
FINAL PROVISIONS**

**Commented [48]: DOST:**  
“...conduct hazardous waste research and RELATED studies”  
- so that social science research can be also supported under this measure.

**SEC. 41. Joint Congressional Oversight Committee.** – In addition to its mandated functions, the Joint Congressional Oversight Committee created under Republic Act No. 9003 shall also monitor the implementation of this Act.

**SEC. 42. Report to Congress.** – The Department shall render a detailed report to Congress, not later than March 30 of every year, following the approval of this Act, of its accomplishments and progress on hazardous waste management during the previous year, and shall submit the necessary recommendations in areas requiring legislative action.

**Commented [49]: DOST:**

**SEC. 43. Transitory Provision.** – Pending the establishment of the Framework mandated under Section 8 hereof and the promulgation of the implementing rules and regulations of this Act, pertinent existing laws, regulations, programs and projects on hazardous waste management shall continue to be enforced: *Provided, That* for specific undertakings, these may be revised in the interim in accordance with the intentions of this Act.

- need to augment DOST’s existing budget and human resources complement once the bill is enacted into law

- provide a section on Appropriations.

**SEC. 44. Implementing Rules and Regulations.** – Within one (1) year from the effectivity of this Act, the Department and the DOH shall promulgate the rules and regulations for the effective implementation of this Act: *Provided, That* rules and regulations issued by other government agencies

**Commented [50]: PCAPI and SPIK:**  
The IRR should at least be aligned and will not complicate the implementation of the DAO 2013-22: Revised Procedures and Standards for the Management of Hazardous Wastes (revising DAO 2004-36) because it is already effective. Therefore, there should be no additional or minimal changes in the permitting or licensing in the new IRR.

1 and instrumentalities relative to hazardous waste management consistent with this Act, shall  
2 supplement the rules and regulations issued by the Department and the DOH, pursuant to the  
3 provisions of this Act. [emphasis on DENR consultation with relevant agencies]

4 There shall be a regular mandatory review of the rules and regulations issued to implement this  
5 Act, including the standards set pursuant to the provisions of this Act.

6 **SEC. 45. Separability Clause.** – If any provision of this Act or the application of such provision  
7 to any person or circumstance is declared unconstitutional, the remainder of this Act or the application  
8 of such provision to other persons or circumstances shall not be affected by such declaration.

9 **SEC. 46. Repealing Clause.** – Republic Act No. 6969 otherwise known as the “Toxic  
10 Substances and Hazardous and Nuclear Wastes Control Act of 1990”, Republic Act No. 9003, and  
11 Republic Act No. 7160, as amended, are modified accordingly. All laws, decrees, issuances, rules and  
12 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified  
13 accordingly.

14 **SEC. 47. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the  
15 *Official Gazette* or in a newspaper of general circulation.

16 Approved,

*NEDA:*

Insert a Section \_\_\_\_\_. **“Establishment of a Hazardous Waste Recycling Program.** A Hazardous Waste Recycling Program shall be established to complement upstream programs in Sections 10, as well as support existing resource recycling practices, such as urban mining. Where possible, the same principles and strategies under RA 9003 shall be adopted, to mainstream integrated waste management strategies covering all types of waste. The following activities and mandates shall be included under this section:

- a. Identification of recyclable hazardous waste and development of material-specific hazardous waste recycling regulations to provide conditions for safe reclamation and reuse.

(One example is the US EPA policy on hazardous waste recycling, which identifies tiered regulations for hazardous waste recycling)

- b. Formulation and implementation of a coding system to facilitated segregation, collection, and treatment of hazardous waste, particularly household hazardous waste. This may also be linked to the existing National Ecolabelling Programme established under RA 9003.
- c. Identification of existing markets for processing and purchasing of recyclable hazardous waste materials to determine the scope and extent of hazardous waste recycling; and
- d. Establishment of procedures and strategies to market recycling materials.”

FOR CONSIDERATION OF THE TWG. Need to place a general statement for recycling under the Declaration of Policy or one of the subparagraphs of Sec. 8.

*DOTr:*

“SEC. 12...the Department shall establish the DUTIES and responsibilities of generators of hazardous waste....THESE DUTIES AND RESPONSIBILITIES SHALL COVER, AMONG OTHERS, ENSURING appropriate documentation, AS WELL AS FORMULATION AND IMPLEMENTATION OF methods, strategies, and emergency or contingency plans SPECIFIC TO THE GENERATORS AND IN ACCORDANCE WITH THE RULES, REGULATIONS, REQUIREMENTS, SYSTEM, PROCEDURES, AND STANDARDS SET FORTH OR PROMULGATED BY THE DEPARTMENT IN ORDER to minimize IF NOT ELIMINATE HUMAN OR ENVIRONMENTAL RISKS OR damages in case of accidents. IN ADDITION, these responsibilities SHALL ALSO INCLUDE ensuring that the proper generation, SEGREGATION, IDENTIFICATION, storage, HANDLING, CONTAINMENT, transport, treatment, and disposal of wastes are SAFELY executed, RELIABLY TRACKED and EFFECTIVELY monitored. Waste generators shall bear the cost for the proper storage, HANDLING, transport, treatment, and disposal of HAZARDOUS waste.”

NOTED.