



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 3rd TECHNICAL WORKING GROUP (TWG) MEETING ON HAZARDOUS WASTE MANAGEMENT BY THE COMMITTEE ON ECOLOGY OF THE HOUSE OF REPRESENTATIVES**

DATE : 31 July 2023

This refers to the electronic letter received by our Office dated 29 July 2023, the Committee on Ecology of the House of Representatives will hold a 3rd Technical Working Group (TWG) Meeting on **02 August 2023, Wednesday, 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 3rd 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.

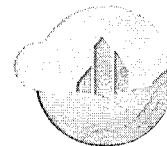

ROMIROSE B. PADIN

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



28 July 2023

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

Dear Sec. Yulo-Loyzaga:

The **Committee on Ecology Secretariat** is pleased to inform you of its **3rd Technical Working Group (TWG) Meeting** on the proposed **Hazardous Waste Management Act**. The group will continue its discussion on the attached draft, which is a consolidation of House Bills (HBs) 883, 956, 1273, 1347 and 3219 (these may be viewed from www.congress.gov.ph).

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 & Time</i>	02 August 2023 (Wednesday), 2:00 PM
<i>Zoom Link</i>	https://zoom.us/j/95517327187?pwd=L3dXODkrSld5aGVsQk9yeVRiZUc1QT09
<i>Meeting ID</i>	955 1732 7187
<i>Password</i>	373992

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 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

-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;

- 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;

- 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; or (3) exporters of
17 hazardous wastes for the purpose of final recycling, recovery, treatment, and disposal of
18 these wastes.

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

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

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

28
29 **CHAPTER II**
30 **MANAGEMENT SYSTEM**

31
32 **Article One**
33 **General Provisions**
34

35 **SEC. 5. Identification and Listing of Hazardous Waste.** – Within twelve (12) months from the
36 effectivity of this Act, the Department shall, after notice and public consultation, develop, formulate
37 and publish the criteria for identifying and listing the characteristics of hazardous waste, taking into
38 account relevant factors such as toxicity, reactivity, ignitability, corrosivity, degradability in nature,
39 and potential for accumulation in tissue. The criteria shall be reviewed and revised every five (5) years
40 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.

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.

9
10
11
12
13
14
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.
29

1

2

3

4

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.

8

9

10

11

12

13

**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.]

21

22

23

24

25

26

27

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.

32

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.

33

34

35

36

1

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]

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.

12 (Merge Sections 13 and 14)

13

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 aircrafts or ships by a waste service provider.

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

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

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

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

- 1 (l) Department of Justice;
- 2 (m) National Economic Development Authority; and
- 3 (n) Department of Philippine Economic Zone Authority, in representation of and in consultation
- 4 with other economic and freeport zones.

5 The private sector shall be represented by the following:

- 6 (o) One (1) representative from civil society;
- 7 (p) One (1) representative from business and industry;
- 8 (q) One (1) representative from TSD facility operators;
- 9 (r) One (1) representative from hazardous waste transporters; and
- 10 (s) One (1) representative from the academe.

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

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

- 16 (a) Environmental Management Bureau of the DENR;
- 17 (b) Disease Prevention and Control Bureau of the DOH;
- 18 (c) Industrial Technology Development Institute of the DOST;
- 19 (d) Fertilizer and Pesticide Authority of the DA;
- 20 (e) Bureau of Customs of the Department of Finance;
- 21 (f) Board of Investments of the DTI;
- 22 (g) Bureau of Import Services of the DTI;
- 23 (h) Land Transportation Office of the DOTr;
- 24 (i) Occupational Health and Safety Center of the Department of Labor and Employment;
- 25 (j) Philippine Coast Guard (PCG);
- 26 (k) Civil society organizations;
- 27 (l) Business and Industry;
- 28 (m) Academe; and,

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

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

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

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

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

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

27 The Department is hereby authorized to issue the appropriate rules and guidelines for the
28 implementation of this provision including the identification of the bond, insurance, or other
29 instruments in combination with bank guarantee certification that may be used to comply with the EGF
30 requirements with due consideration for the risks involved and the relevant economic factors. ~~EGF~~
31 ~~may be in the form of a trust fund, environmental insurance, surety bonds, letter of credit, self-~~
32 ~~insurance or, and any other instrument in combination of bank guarantee certification as may be~~
33 ~~identified by the Department. Consideration of the guarantee instrument or combinations thereof shall~~
34 ~~include an assessment of the risks involved. Generators and owners of TSD facilities required to put up~~
35 ~~guarantee instruments shall furnish the Department with evidence of availment of such instruments. w~~

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

39 (a) Fees, charges and fines imposed pursuant to this Act;

- 1 (b) Donations, endowments, grants and contributions; and
- 2 (c) Amounts specifically appropriated for the HWMF under the annual General
- 3 Appropriations Act

4 The HWMF shall be utilized for the following activities:

- 5 (a) Research, capacity-building, enforcement and monitoring activities;
- 6 (b) Information, education and communication campaigns;
- 7 (c) Whenever necessary, provisional payment of expenses for containment; removal; and
- 8 clean-up of abandoned, accidentally spilled, or illegally dumped hazardous wastes, including
- 9 repatriation or return of illegal waste shipments to the country of origin; and
- 10 (d) Granting of rewards and incentives.

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

14
15
16

CHAPTER V INCENTIVES

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

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

26 Fiscal Incentives –

- 27 (a) Tax incentives – Any provision of law to the contrary withstanding, registered business
28 enterprises may apply for incentives following the approval process provided under Title
29 XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended, for
30 eligible activities: *Provided, That* such activities shall undergo the standard processes in the
31 identification of qualified activities under the Strategic Investment Priority Plan (SIPP).
32
- 33 (b) Tax and Duty Exemption of Donations, Legacies, and Gifts – All donations, legacies, and
34 gifts to LGUs, enterprises or private entities including NGOs, for the support and
35 maintenance of programs for the effective management of hazardous waste, shall be exempt
36 from all internal revenue taxes and customs duties, and shall be deductible in full from the
37 gross income of the donor for income tax purposes.
38
- 39 (c) Financial Assistance Program – Government and private financial institutions, in accordance
40 with, and to the extent allowed by the enabling provisions of their respective charters or

1 applicable laws, may accord high priority to individuals, enterprises, or private entities
2 engaged in hazardous, medical, and special hazardous waste management by providing
3 special financial services, including the grant of preferential rates; and,
4

- 5 (d) Extension of Grants to LGUs. - Cities or municipalities that opt to develop special household
6 hazardous waste management plans, or have adopted innovative waste management
7 programs, may be entitled to receive grants in order to develop their technical capacities and
8 efficiently implement their plans.

9
10
11 **CHAPTER VI**
12 **CIVIL LIABILITY AND PENAL PROVISIONS**

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

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

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

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

- 23 (a) Discarding, dumping, storing, or disposing of hazardous waste listed pursuant to this Act,
24 or causing or permitting the commission of same acts, in public places, in municipal solid
25 waste facilities, or in other areas or facilities not designed therefor;
26
27 (b) Undertaking activities involving the collection and transport of hazardous waste without
28 the permit or registration required under this Act, or in violation of the rules and
29 regulations promulgated therefor;
30
31 (c) Causing or permitting the collection and transport of unsegregated or unsorted hazardous
32 waste, except in cases where illegally dumped hazardous wastes pose imminent danger to
33 health and environment;
34
35 (d) Site preparation, construction, expansion, or operation of TSD facilities without an
36 Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586
37 and this Act;
38
39 (e) Treating, storing, or disposing of any hazardous waste without proper permit or
40 registration, or in violation of the rules and regulations promulgated pursuant to this Act;
41
42 (f) Owning or operating a TSD facility without the permits and registration required under this
43 Act;
44

- 1 (g) Establishing and operating open dumps for hazardous waste;
2
3 (h) Open burning of hazardous waste;
4
5 (i) Importing, causing, or permitting the entry of any hazardous waste into Philippine territory
6 in the absence of an importation clearance secured from the Department, pursuant to the
7 implementing rules and regulations of this Act and the relevant international agreements
8 and protocols;
9
10 (j) Mixing of source-separated recyclable material with other hazardous waste in any vehicle,
11 container, or receptacle used in hazardous waste collection, transportation or disposal;
12
13 (k) Non-submission of the abandonment plan or non-implementation of the post-closure
14 activities as one of the conditions of the ECC required pursuant to PD 1586;
15
16 (l) Operating a seaport or airport without a hazardous waste reception facility or collection
17 system required pursuant to Section 16;
18
19 (m) Transporting any hazardous waste to a TSD facility that is not authorized to receive such
20 waste pursuant to this Act;
21
22 (n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data required
23 under this Act or its rules and regulations; and
24
25 (o) Making any false statement, representation, or certification in any application, label,
26 permit, record, report, manifest, or other relevant documents, or willfully destroying, or
27 concealing any record required under this Act or its rules and regulations.
28

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

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

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

- 43 (b) The PAB may order the suspension of development or construction, cessation of operations,
44 or closure of the facility, until such time that proper environmental safeguards are in place,
45 or are in compliance with this Act, or its rules and regulations are undertaken by the
46 offender, without prejudice to the issuance of an *ex parte* order for such closure, suspension
47 of development or construction, or cessation of operations during the pendency of the case:

1 *Provided, That* if the prohibited act shall require a cleanup and rehabilitation of the
2 environment, the offender shall also be required to restore the area or pay for the restoration
3 thereof. Whenever applicable, the PAB may award such damages as it may deem just and
4 fair under the circumstances in favor of a private complainant.

5
6 (c) The PAB shall issue a resolution recommending that the proper government agencies file
7 criminal charges against any person who commits a gross violation of this Act. Gross
8 violation shall mean any of the following:

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

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

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

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

31
32 **SEC. 37. Administrative Sanctions.** – Local government officials and officials of concerned
33 government agencies who fail to comply with and enforce the rules and regulations promulgated
34 relative to this Act, shall be charged administratively in accordance with Republic Act No. 7160 or the
35 “Local Government Code of 1991” and Executive Order No. 292 or the “Administrative Code of
36 1987” and other existing laws, rules, and regulations.

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

1 enforced: *Provided, That* for specific undertakings, these may be revised in the interim in accordance
2 with the intentions of this Act.

3 **SEC. 44. Implementing Rules and Regulations.**— Within one (1) year from the effectivity of
4 this Act, the Department and the DOH shall promulgate the rules and regulations for the effective
5 implementation of this Act: *Provided, That* rules and regulations issued by other government agencies
6 and instrumentalities relative to hazardous waste management consistent with this Act, shall
7 supplement the rules and regulations issued by the Department and the DOH, pursuant to the
8 provisions of this Act. [emphasis on DENR consultation with relevant agencies]

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

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

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

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

21 Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 883



Introduced by Honorable Michael L. Romero

EXPLANATORY NOTE

The Republic of the Philippines fully recognizes its mandate to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals.

It is also the primary objective of the state to:

- 1) To keep an inventory of chemicals that are presently being imported, manufactured, or used, indicating, among others, their existing and possible uses, test data, names of firms manufacturing or using them, and such other information as may be considered relevant to the protection of health and the environment;
- 2) To monitor and regulate the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk or injury to health or to the environment in accordance with national policies and international commitments;
- 3) To inform and educate the populace regarding the hazards and risks attendant to the manufacture, handling, storage, transportation,

processing, distribution, use and disposal of toxic chemicals and other substances and mixture; and

4) To prevent the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

This House Bill seeks to promote, regulate and institutionalize the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of all unregulated chemical substances and mixtures in the country, including the entry, even in transit as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

Thus, the early passage of this bill is earnestly requested.



MICHAEL L. ROMERO Ph.D.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 883

Introduced by Honorable Michael L. Romero

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

*Be it enacted by the Senate and House of Representative of the Philippines
in congress assembled:*

SECTION 1. SHORT TITLE – This Act shall be known as the "**Toxic
Substances, Hazardous and Nuclear Wastes Control Act of 2022**"

SECTION 2. DECLARATION OF POLICY -

Section 14 of Republic Act No. 6969, is hereby amended to read as follows:

Section 14

Criminal Offenses and Penalties

a.

1. The penalty of imprisonment of one **(1)** year and one day to six (6) years and one day and a fine ranging from Twenty Thousand pesos **(P20,000.00)** to Fifty thousand pesos **(P50,000.00)** shall be imposed upon any person who shall violate section 13(a) to (c) of this Act and shall not be covered by the Probation Law. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;

2. In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who shall consent to or shall knowingly tolerate such violation shall be directly liable and responsible for the act of the employees and shall be criminally liable as a co-principal;

3. In case the offender is a government official or employee, he or she shall, in addition to the above penalties, be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

b.

1. The penalty of imprisonment of twelve (12) years and one day to twenty (20) years, shall be imposed upon any person who shall violate section 13(d) of this Act. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;

2. In case of corporations or other associations, the above penalty shall be imposed upon the managing partner, president or chief executive in addition to an exemplary damage of at least One million pesos (**₱1,000,000.00**). If it is a foreign firm, the director and all officers of such foreign firm shall be barred from entry into the Philippines, in addition to the cancellation of its license to do business in the Philippines;

3. In case the offender is a government official or employee, he or she shall in addition to the above penalties be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

c. Every penalty imposed for the unlawful importation, entry, transport, manufacture, processing, sale or distribution of chemical substances or mixtures into or within the Philippines shall carry with it the confiscation and forfeiture in favor of the Government of the proceeds of the unlawful act and instruments, tools, or other improvements including vehicles, sea vessels, and aircrafts used in or with which the offense was committed. Chemical substances so confiscated and forfeited by the Government at its option shall be turned over to the Department of Environment and Natural Resources for safekeeping and proper disposal.

d. The person or firm responsible or connected with the bringing or importation into the country of hazardous or nuclear wastes shall be under obligation to transport or send back said prohibited wastes;

Any and all means of transportation, including all facilities and appurtenances that may have been used in transporting to or in the storage in the Philippines of any significant amount of hazardous or nuclear wastes shall at the option of the government be forfeited in its favor.

SECTION 3. DECLARATION OF POLICY -

Section 15 of Republic Act No. 6969, is hereby amended to read as follows:

Section 15 Administrative Fines

In all cases of violations of this Act, including violations of implementing rules and regulations which have been duly promulgated and published in accordance with Section 16 of this Act, the Secretary of the Department of Environment and Natural Resources is hereby authorized to impose a fine of not less than One hundred thousand pesos (**₱100,000.00**), but not more than Five hundred thousand pesos (**₱500,000.00**) upon any person or entity found guilty thereof. The administrative fines imposed and collected by the Department of Environment and Natural Resources shall accrue to a special fund to be administered by the Department exclusively for projects and research activities relative to toxic substances and mixtures.

SECTION 4. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six (**6**) months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 5. IMPLEMENTING RULES AND REGULATIONS – The departments and agencies charged, to be lead by the Department of Environment and Natural Resources (DENR) with carrying out the provisions of this Act, shall within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 6. REPEALING CLAUSE – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. SEPARABILITY CLAUSE – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 8. EFFECTIVITY CLAUSE – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 956



Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

EXPLANATORY NOTE

The entire world is in a different plane because of the continuous emergence of new technologies. Various aspects of human life have given us a glimpse of what the world can be like in the future. These advancements in technology bring new types of gadgets and electronic equipment in a really fast pace.

Though technology brings new ways for improving our lives, one negative matter it brings is the waste the gadgets and equipment bring. The improper disposal and waste management of these gadgets and other equipment, collectively called e-waste, is one of the major factors of environmental degradation in the Philippines.

E-waste contains various chemicals and heavy metals which are hazardous to human health and the environment when not properly disposed or handled. This requires e-waste to be processed separately and handled in a particular manner. Despite this, a formal and comprehensive e-waste management system is still lacking in the country as most e-waste is being handled by the informal sector which include waste pickers, junkshop operators, and scavengers.

The Constitution, Article 2, Section 16, provides that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." To affirm this constitutional mandate, the proposed law herein seeks to provide the proper disposal of e-waste in solid waste management facilities and to require the recycling and reusing of appliances, gadgets, electronic equipment and the like.

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

A handwritten signature in black ink, appearing to be "Ab", with a long horizontal stroke extending to the right.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 956

Introduced by the Honorable ANIELA BIANCA D. TOLENTINO

**AN ACT REGULATING THE DISPOSAL OF ELECTRONIC EQUIPMENT
AT SOLID WASTE MANAGEMENT FACILITIES AND REQUIRING THE
ESTABLISHMENT OF RECOVERY AND COLLECTION FACILITIES THEREFOR**

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

Section 1. *Short Title.* — This Act shall be known as the "E-Waste Management Act."

Section 2. *Policy.* — It is the policy of the state to protect the environment from the hazards of the improper disposal of obsolete electronic equipment, encourage the responsible manufacturing and sale thereof, and assist consumers in the recycling and disposal of their electronic waste.

Section 3. *Definition of Terms.* — As used in this Act, the term -

- (A) *Brand* - refers to the name, symbol, logo, trademark, or other information that identifies a product rather than the components of the product;
- (B) *Consumer* - refers to an individual who uses an electronic equipment that is primarily for personal or home business use;

(C) *Department* - refers to the Department of Environment and Natural Resources;

(D) *Electronic Equipment* – refers to desktop or laptop computer, computer monitor, portable computer, cathode ray tube, flat panel-based television, tablet, or cellular phone.

(E) *Manufacturer* – refers to a person who –

a. Manufactures or manufactured electronic equipment under a brand that:

i. The person owns or owned; or

ii. The person is or was licensed to use, other than under a license to manufacture electronic equipment for delivery exclusively to or at the order of the licensor;

b. Sells or sold electronic equipment manufactured by others under a brand that;

i. The person owns or owned; or

ii. The person is or was licensed to use, other than under a license to manufacture electronic equipment for delivery exclusively to or at the order of the licensor;

c. Manufactures or manufactured electronic equipment without affixing a brand;

d. Manufactures or manufactured electronic equipment to which the person affixes or affixed a brand that:

i. The person does not or has not owned; or

ii. The person is not or was not licensed to use; or

e. Imports or imported electronic equipment manufactured outside the Philippines into the Philippines unless at the time of importation the company or licensee that sells or sold the electronic equipment to the importer has or had assets or a presence in the Philippines sufficient to be considered as the manufacturer;

(F) *Television* – refers to any telecommunication system device that can receive moving pictures and sound broadcast over a distance and

includes a television tuner or a display device peripheral to a computer in which the display device contains a television tuner.

Section 4. *Exceptions.* — This Act shall not apply to -

- (A) Televisions as defined in Section 3, any major part of a moving vehicle, or telephones;
- (B) A consumer's lease of electronic equipment or a consumer's use of electronic equipment under a lease agreement; or
- (C) The sale or lease of electronic equipment to an entity when the manufacturer and the entity enter into a contract that effectively addresses the collection, recycling, and reuse of electronic equipment that has reached the end of its useful life.

Section 5. *Requirements.* —

- (A) Before a manufacturer, as defined in Section 3, may offer electronic equipment for sale, the manufacturer shall -
 - a. Adopt and implement a recovery plan;
 - b. Submit a written copy of the recovery plan to the department; and
 - c. Affix a permanent, readily visible label to the electronic equipment with the manufacturer's brand.
- (B) The recovery plan shall enable a consumer to recycle electronic equipment without paying a separate fee at the time of recycling and shall include provisions for:
 - a. The manufacturer's collection from a consumer of any electronic equipment that has reached the end of its useful life and is labeled with the manufacturer's brand; and
 - b. Recycling or reuse of electronic equipment collected under the recovery plan of this subsection.
- (C) The collection of electronic equipment provided under the recovery plan shall be:
 - a. Reasonably convenient and available to consumers; and

- b. Designed to meet the collection needs of consumers.

Section 6. *Standard Collection Methods.* — The collection methods shall include a system:

- (A) By which the manufacturer or the manufacturer's designee offers the consumer the option for returning electronic equipment by mail at no charge to the consumer;
- (B) Using a physical collection site that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return electronic equipment; and/or
- (C) Using a collection event held by the manufacturer or the manufacturer's designee at which the consumer may return electronic equipment.

Collection services under this Act may use existing collection and consolidation infrastructure for handling electronic equipment and may include systems jointly managed by a group of manufacturers, electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, non-profit corporations, retailers, recyclers, and other suitable operations. If a manufacturer or its designee offers a mail-back system as described here, either individually or by working together with a group of manufacturers or by working with others, it shall be deemed to meet the convenience requirements of this section.

Section 7. *Information Requirement.* — The recovery plan shall include information for the consumer on how and where to return the manufacturer's electronic equipment. The manufacturer:

- (A) Shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site;
- (B) Shall provide collection, recycling, and reuse information to the Department; and
- (C) Shall include collection, recycling, and reuse information in the packaging for or in other materials that accompany the manufacturer's electronic equipment when the equipment is sold.

Section 8. *Reporting Requirement.* — Each manufacturer shall submit a report to the Department not later than January thirty-first of each year that includes:

- (A) The weight of electronic equipment collected, recycled, and reused during the preceding calendar year; and
- (B) Documentation certifying that the collection, recycling, and reuse of electronic equipment during the preceding calendar year were conducted in conformity with sound environmental management.

Section 9. *Compliance by More Than One Manufacturer.* — If more than one person is the manufacturer of a certain brand of electronic equipment, any of those persons may assume responsibility for and satisfy the obligations of a manufacturer for that brand. If none of those persons assume responsibility or satisfies the obligations of a manufacturer, the Department may consider any of those persons to be the responsible manufacturer for purposes of this Act.

Section 10. *Other Prohibitions.* —

- (A) A person who is a retailer of electronic equipment shall not sell or offer to sell new electronic equipment unless the equipment is labeled with the manufacturer's label and the manufacturer is included on the Department's list of manufacturers that have recovery plans. The Department shall keep a database in its Internet site of the manufacturers that are on its list of manufacturers with recovery plans;
- (B) No person shall knowingly dispose of any electronic equipment in mixed solid waste; and
- (C) No Solid Waste Management Facility shall knowingly accept for disposal or incineration of any electronic equipment, or any truckload or container of solid waste which includes electronic equipment.

Section 11. *Penalties.* — The Department shall assess a penalty against a manufacturer that does not comply with the requirements set forth in Sections 5 to 9 of this Act. No penalty shall be assessed for a first violation. The penalty shall not be

less than one hundred thousand pesos (Php100,000.00) but not more than one million pesos (Php1,000,000.00) for the second and each subsequent violation.

Any violation of Section 10(A) shall be punished with a fine of fifty thousand pesos (Php50,000.00). Any violation of Section 10(B) of this Act shall be punished with a fine of twenty thousand pesos (Php20,000.00) or imprisonment of not less than one month but not more than three months. Any violation of Section 10(C) of this Act shall be punished with a fine of fifty thousand pesos (Php30,000.00) and revocation of the license of the Solid Waste Management Facility.

Public officers responsible for any of the abovementioned violations shall be personally liable for the imposable fine.

Section 12. E-Waste Recycling Fund. — Any penalty collected under the preceding section shall be credited to the "E-Waste Recycling Fund," which is hereby created, and the money collected from this fund shall be used for the purpose of funding the administrative requirements of this Act. Any amount remaining at the end of every two years shall revert to the National Treasury.

Section 13. Auditing and Inspection Powers. — The Department is empowered to conduct audits and inspections to determine compliance with this Act.

Section 14. Recycling of Collected Equipment. — All electronic equipment collected under this Act shall be recycled or reused in a manner that complies with the standards to be set by the Secretary of Environment and Natural Resources provided that its cost is reasonable and environmentally sound.

The Department shall conduct research and make use of the best available technology in the disposal of electronic equipment consistent with the principles in the Ecological Solid Waste Management Act.

Section 15. Role of the Local Government Units. — Cities and Municipalities, in coordination with the Department and the manufacturers, consistent with the principles in the Ecological Solid Waste Management Act, shall assist in the collection

and disposal or recycling of electronic equipment through their respective solid and special waste management programs.

Section 16. *Implementing Rules and Regulations.* — The Secretary shall promulgate the rules and regulations to implement this Act within ninety (90) days from the effectivity of this Act.

Section 17. *Separability Clause.* — If any provision or part thereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 18. *Repealing Clause.* — Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 19. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,