



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



BAGONG PILIPINAS

MEMORANDUM

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

The Bureau Directors
Environmental Management Bureau
Land Management Bureau
Biodiversity Management Bureau
Forest 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 4th TECHNICAL WORKING GROUP (TWG) MEETING AND REQUEST FOR COMMENTS ON DRAFT SUBSTITUTE BILL TO HOUSE BILL NOS. 883, 956, 1273, 1347, AND 3219 RE: THE PROPOSED HAZARDOUS WASTE MANAGEMENT ACT FROM THE COMMITTEE ON ECOLOGY OF THE HOUSE OF REPRESENTATIVES**

DATE : 23 January 2024

In reference to the electronic mail received by our Office on 23 January 2024, the Committee on Ecology of the House of Representatives is inviting the Department to its **4th Technical Working Group (TWG) meeting on 24 January 2024, Wednesday, 1:30pm** via Zoom Videoconference with link: <https://200m.us/j/935947811373pwd=L2RZYKRIVDBYQWFSMGN3VIBCZTFy2.209> to discuss the Draft Substitute Bill to House Bill Nos. 883, 956, 1273, 1347 and 3219 re: the proposed Hazardous Waste Management Act

In this regard, may we request comments or recommendations on the draft Substitute Bill. Kindly send them on or before **24 January 2024 at 12 PM** via email at

denrlo@denr.gov.ph. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the meeting so we may include him/her/them as resource person/s. The representative is preferably the same one who attended and officially represented your office at the previous TWG meetings.

Attached herewith are the Letter Invitation, the Draft Substitute Bill, and the House Bills for your reference.

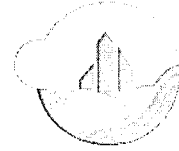

ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs



Republic of the Philippines
HOUSE OF REPRESENTATIVES
COMMITTEE ON ECOLOGY

Committee Affairs Department, CTSS-2, 3/F Mitra Building, Constitution Hills, Quezon City
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Email address:hrep.ecology@gmail.com



23 January 2024

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 **4th 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>	24 January 2024 (Wednesday), 1:30 PM
<i>Zoom Link</i>	https://zoom.us/j/93594781137?pwd=LzRZYkRlVDBYQWFSMGN3V1BCZTFyZz09
<i>Meeting ID</i>	935 9478 1137
<i>Password</i>	Eco012424

Likewise, to facilitate admission to the meeting room, kindly rename yourself using the format: Agency or Organization – Name of Participant.

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

Working draft

Output of 2023.08.02 TWG3

Working draft for 2024.01.24 TWG4

-for continuation of TWG starting Sec. 31

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 *Hazardous healthcare waste* refers to all the solid and liquid waste generated as a result of
32 diagnosis, treatment, or immunization of human beings; research using laboratory animals
33 for the improvement of human health; production or testing of biological products; and other
34 activities performed by a hospital and other health facilities. This includes waste from
35 sharps, infectious, pathological, anatomical, pharmaceutical, genotoxic, chemical,
36 radioactive, and pressurized containers.

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

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

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

- 29 (a) hazardous waste, in general;
30 (b) household hazardous waste;
31 (c) hazardous healthcare waste; and,
32 (d) E-waste.

33 **CHAPTER II**
34 **MANAGEMENT SYSTEM**

35
36 **Article One**
37 **General Provisions**
38

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

7 **SEC. 6. Registration of Hazardous Waste Generators.** – Within twelve (12) months upon the
8 effectivity of this Act, any hazardous waste generator shall be required to register its entity and the
9 types and quantities of waste generated with the Department [individually or clustered? Small and micro
10 generators to register with LGUs]. A Materials Recovery Facility (MRF), established pursuant to RA
11 9003, consolidating household hazardous wastes prior to its transport, treatment and disposal, shall be
12 considered as hazardous waste generator. [mandate City/Municipality to register]

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

- 19 (a) Inventory of existing hazardous waste and their depots and facilities;
- 20 (b) General waste characterization, taking into account the source, type, and quantity of
21 hazardous waste generated and other factors;
- 22 (c) Listing of hazardous waste service providers; ~~treatment, storage, disposal (TSD) facilities,~~
23 ~~including transporters of hazardous waste;~~ and,
- 24 (d) Listing of identified contaminated sites.

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

- 31 (a) Strategies and techniques for hazardous waste management;
- 32 (b) Systems for the proper HANDLING, SEGREGATION, collection, transport, treatment,
33 storage, and disposal of hazardous waste;
- 34 (c) Goals and targets for waste reduction and recovery;
- 35 (d) Roles and responsibilities of relevant government agencies; and
- 36 (e) Monitoring and evaluation.

1 for the owners of hazardous waste service providers, for the protection of human health and the
2 environment. For this purpose, the following shall be considered:

3 (a) Transporters of Hazardous Waste - The establishment (formulation?) of the list of
4 responsibilities and guidelines for the transport of hazardous waste shall be coordinated with
5 the Department of Health (DOH) and the Department of Transportation (DOTr). The
6 responsibilities shall include appropriate system, documentation, and safety standards,
7 including on transport vehicle, garage or holding facility, labeling, compatibility of wastes,
8 training, emergency preparedness and response.

9 (b) Owners of TSD Facilities - The list of responsibilities shall ensure that hazardous waste is
10 managed in an environmentally sound manner. The list shall include standards of
11 performance in operation, maintenance, monitoring, decommissioning, abandonment and
12 closure of _____. The Department shall, whenever applicable, distinguish the respective
13 standards to be observed by new and existing facilities at the time of the effectivity of this
14 Act.

15 [MERGE SECTIONS 13 AND 14]

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

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

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

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

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

- 1 (a) Facilities that employ fixed or mobile equipment to conduct on-site treatment and disposal
2 of hazardous waste generated or produced at the premises for noncommercial purposes;
- 3 (b) Facilities that conduct treatment of hazardous waste;
- 4 (c) Facilities that recycle or reprocess hazardous waste that is not generated or produced at the
5 premises;
- 6 (d) Facilities that receive hazardous waste off-site or outside of the premises where the waste is
7 generated or produced, and transforms the physical or chemical characteristics of the
8 hazardous waste, for disposal into landfills and other disposal sites;
- 9 (e) Facilities that store, within an ~~allowable~~ reasonable period, hazardous waste that is not
10 generated or produced within its premises;
- 11 (f) Other engineered land disposal facilities that include deep injection wells, borehole
12 facilities, near surface facilities, surface impoundments, land farming, and abandoned
13 underground mines; ~~and~~
- 14 (g) Facilities that undertake shipbreaking, as defined in international ~~as defined in the Hong Kong~~
15 ~~and Basel~~ treaties or conventions, for the purpose of recovering components and which
16 generate hazardous waste in the process;
- 17 (h) TSD and reception facilities in ports; and
- 18 (i) Landfills that accept hazardous waste for disposal.

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

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

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

29 **Article Three**

30 **Registration of Hazardous Waste Service Providers and Fees**

31
32 **SEC. 18. Registration of Hazardous Waste Service Providers.** ~~No~~ hazardous waste service
33 provider ~~of hazardous waste~~ shall be allowed to operate unless the same is duly registered with the
34 Department: *Provided, That* a transporter of hazardous waste shall not be registered unless it has a
35 service agreement with a TSD facility.

36 [Note: place “hazardous waste” before “service provider” for consistency]

1 Upon effectivity of the law, [a] hazardous waste service providers shall secure annual
2 registration certificates from the Department. The Department shall issue a registration certificate with
3 a validity of five (5) years to a hazardous waste service provider that has been in operation for three
4 (3) years in compliance with the Implementing Rules and Regulations established pursuant to this Act.
5 The Department shall prescribe reasonable fees for the issuance of the said registration certificates.

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

9 **SEC. 19. Hazardous Waste Transport Via Ships.** The DOTr-PCG, in coordination with the
10 Department and MARINA, shall establish a permitting system to ensure safety in the transport of
11 hazardous waste via ships/vessels in the Philippines. The DOTr-PCG shall ensure that the packaging
12 requirements established pursuant to the International Maritime and Dangerous Goods (IMDG) Code
13 are complied with by the duly registered transporter. Vessels transporting or carrying hazardous waste
14 shall only be intended for the said purpose.
15
16

17 **Article Four**
18 **Hazardous Healthcare Waste**
19

20 **SEC. 20. Listing of Hazardous Healthcare Waste Categories.** – Within twelve (12) months
21 from the effectivity of this Act, the DOH, in coordination with the Department, shall formulate the
22 criteria for the classification and listing of the categories of hazardous healthcare waste to be regulated
23 and monitored. In the formulation of the criteria, the DOH shall take into account relevant factors such
24 as the presence of infectious agents, toxicity, reactivity, ignitability, and corrosivity. For radioactive
25 healthcare waste, the rules and regulations issued by the agency principally mandated to regulate
26 radioactive and nuclear wastes. ~~Philippine Nuclear Research Institute shall apply.~~

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

33 [Note: impose stiffer penalties for TSD facilities]

34 **Article Five**
35 **Household Hazardous Waste**
36

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

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

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

9
10 **CHAPTER III**
11 **INSTITUTIONAL MECHANISM**

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

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

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

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

- 26 (a) Share the responsibility for the implementation, enforcement, and monitoring of the
27 provisions of this Act within their territorial jurisdiction;
- 28 (b) Within twelve (12) months after effectivity of this Act, develop and implement a household
29 hazardous waste management program as part of their Ten-Year Solid Waste Management
30 Plan under Republic Act No. 9003 otherwise known as the “Ecological Solid Waste
31 Management Act of 2000”;
- 32 (c) Prepare a compliance scheme in accordance with their household hazardous waste
33 management program;
- 34 (d) Ensure the proper segregation, collection of household hazardous waste, and
35 operationalization of the Materials Recovery Facility pursuant to Republic Act No. 9003;

- 1 (e) Develop and enhance the plans and programs of local governments on community
2 preparedness and response to hazardous waste emergencies;
- 3 (f) Participate in all efforts concerning hazardous waste management; and,
- 4 (g) Enact appropriate ordinances to implement their role in pursuance of this Act.

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

- 10 (a) Department of Environment and Natural Resources, as Chairperson;
- 11 (b) Department of Health, as Co-chairperson;
- 12 (c) Department of Science and Technology, as Co-chairperson;
- 13 (d) Department of Agriculture;
- 14 (e) Department of Finance;
- 15 (f) Department of Trade and Industry;
- 16 (g) Department of Foreign Affairs;
- 17 (h) Department of Transportation;
- 18 (i) Department of the Interior and Local Government;
- 19 (j) Department of Labor and Employment;
- 20 (k) Department of Energy;
- 21 (l) Department of Justice;
- 22 (m) National Economic Development Authority; and
- 23 (n) Department of Philippine Economic Zone Authority, in representation of and in consultation
24 with other economic and freeport zones.

25 The private sector shall be represented by the following:

- 26 (o) One (1) representative from civil society;
- 27 (p) One (1) representative from business and industry;
- 28 (q) One (1) representative from TSD facility operators;
- 29 (r) One (1) representative from hazardous waste transporters; and

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

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

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

- 7 (a) Environmental Management Bureau of the DENR;
- 8 (b) Disease Prevention and Control Bureau of the DOH;
- 9 (c) Industrial Technology Development Institute of the DOST;
- 10 (d) Fertilizer and Pesticide Authority of the DA;
- 11 (e) Bureau of Soils and Water Management of the DA;
- 12 (f) Bureau of Customs of the Department of Finance;
- 13 (g) Board of Investments of the DTI;
- 14 (h) Bureau of Import Services of the DTI;
- 15 (i) Land Transportation Office of the DOTr;
- 16 (j) Occupational Health and Safety Center of the Department of Labor and Employment;
- 17 (k) Philippine Coast Guard(PCG);
- 18 (l) Civil society organizations;
- 19 (m) Business and Industry;
- 20 (n) Academe; and,
- 21 (o) Other agencies and sectors as may be necessary.

22 Representatives from the private sector appointed as members of the IATAC shall be automatic
23 members of the IATAC TWG.

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

25 **SEC. 29. Visitorial Powers.** –The Secretaries of the Department and the DOH insofar as
26 healthcare facilities and healthcare TSD providers are concerned, or their authorized representatives,
27 and the DOTr insofar as ships and ports are concerned, shall have the right to visit the premises and
28 inspect the documents of any generator, transporter, TSD facility, or port reception facility, to determine
29 any violation or to aid in the effective enforcement of this Act and its implementing rules and
30 regulations. Likewise, these authorities shall have access and right to copy therefrom, the records

1 required, pursuant to the provisions of this Act. This section shall not apply to private dwellings,
2 unless the visitorial power is otherwise judicially authorized.

3 **CHAPTER IV**
4 **FINANCING HAZARDOUS WASTE MANAGEMENT**


5 **SEC. 30. Financial Liability for Environmental Rehabilitation.** – The Department shall
6 require the generators and service providers of hazardous waste and owners of TSD facilities to establish
7 their respective an Environmental Guarantee Fund (EGF). The EGF of the owner of TSD facilities
8 shall form part of the environmental documents required by the Department pursuant to Presidential
9 Decree No. 1586 as part Environmental Management Plan submitted, in line with the application for
10 an Environmental Compliance Certificate (ECC) as required under Presidential Decree No. 1586 and
11 its implementing rules and regulations (for transporters as may be required by the DENR, transporters
12 have no ECC). The EGF shall be used for emergency response, cleanup, rehabilitation, and
13 remediation of areas that may be damaged during the generation, transport, treatment, storage, or
14 disposal of hazardous waste, and post-closure activities of the facility. EGF may be used for treatment,
15 storage, disposal and transportation of hazardous waste to address urgent clean-up. The liability for
16 damages shall continue even after the termination of the project and until the lapse of a given period
17 indicated in the ECC, as determined by the Department.

18 The Department shall issue appropriate rules or guidelines for the implementation of this
19 provision, including the identification of the bond, insurance, or other instruments, in combination with
20 bank guarantee certification that shall be required to comply with the EGF requirements. The
21 instruments and bank guarantee certification, including the amount thereof, shall be obligated with due
22 consideration of the environmental risks involved, and relevant economic factors. ~~EGF may be in the~~
23 ~~form of a trust fund, environmental insurance, surety bonds, letter of credit, self insurance or, and any~~
24 ~~other instrument in combination of bank guarantee certification as may be identified by the Department.~~
25 ~~Consideration of the guarantee instrument or combinations thereof shall include an assessment of the~~
26 ~~risks involved. Generators and owners of TSD facilities required to put up guarantee instruments shall~~
27 ~~furnish the Department with evidence of availment of such instruments. w~~

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

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

35 The HWMF shall be utilized for the following activities:

- 36 (a) Research, capacity-building, enforcement and monitoring activities; 
37 (b) Information, education and communication campaigns;
38 (c) Whenever necessary, provisional payment of expenses for containment; removal; and
39 clean-up of abandoned, accidentally spilled, or illegally dumped hazardous wastes, including
40 repatriation or return of illegal waste shipments to the country of origin; and

1 (d) Granting of rewards and incentives

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

5 **CHAPTER V**
6 **INCENTIVES**

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

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

16 **Fiscal Incentives –**

17 (a) Tax incentives – Any provision of law to the contrary withstanding, registered business
18 enterprises may apply for incentives following the approval process provided under Title
19 XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended, for
20 eligible activities: *Provided, That* such activities shall undergo the standard processes in the
21 identification of qualified activities under the Strategic Investment Priority Plan (SIPP).

22
23 (b) Tax and Duty Exemption of Donations, Legacies, and Gifts – All donations, legacies, and
24 gifts to LGUs, enterprises or private entities including NGOs, for the support and
25 maintenance of programs for the effective management of hazardous waste, shall be exempt
26 from all internal revenue taxes and customs duties, and shall be deductible in full from the
27 gross income of the donor for income tax purposes.

28
29 (c) Financial Assistance Program – Government and private financial institutions, in accordance
30 with, and to the extent allowed by the enabling provisions of their respective charters or
31 applicable laws, may accord high priority to individuals, enterprises, or private entities
32 engaged in hazardous, medical, and special hazardous waste management by providing
33 special financial services, including the grant of preferential rates; and,

34
35 (d) Extension of Grants to LGUs. - Cities or municipalities that opt to develop special household
36 hazardous waste management plans, or have adopted innovative waste management
37 programs, may be entitled to receive grants in order to develop their technical capacities and
38 efficiently implement their plans.

39 **CHAPTER VI**
40 **CIVIL LIABILITY AND PENAL PROVISIONS**

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

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

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

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

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

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

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

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

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

25 (f) Owning or operating a TSD facility without the permits and registration required under this
26 Act;

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

28 (h) Open burning of hazardous waste;

29 (i) Importing, causing, or permitting the entry of any hazardous waste into Philippine territory
30 in the absence of an importation clearance secured from the Department, pursuant to the
31 implementing rules and regulations of this Act and the relevant international agreements
32 and protocols;

33 (j) Mixing of source-separated recyclable material with other hazardous waste in any vehicle,
34 container, or receptacle used in hazardous waste collection, transportation or disposal;

35 (k) Non-submission of the abandonment plan or non-implementation of the post-closure
36 activities as one of the conditions of the ECC required pursuant to PD 1586;

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- 1 (l) Operating a seaport or airport without a hazardous waste reception facility or collection
2 system required pursuant to Section 16;
3
4 (m) Transporting any hazardous waste to a TSD facility that is not authorized to receive such
5 waste pursuant to this Act;
6
7 (n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data required
8 under this Act or its rules and regulations; and
9
10 (p) Making any false statement, representation, or certification in any application, label,
11 permit, record, report, manifest, or other relevant documents, or willfully destroying, or
12 concealing any record required under this Act or its rules and regulations.
13

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

- 15 (a) Unless otherwise provided herein, any person who commits any of the prohibited acts
16 described under Section 35, or violates any of the provisions of this Act, the standards
17 established pursuant to this Act, or its implementing rules and regulations, shall be fined by
18 the Pollution Adjudication Board (PAB), after due hearing conducted thereon, in the amount
19 of not less than One hundred thousand pesos (₱100,000.00) but not more than Five million
20 pesos (₱5,000,000.00) for every violation: *Provided, however, That* for violation of Section
21 35 involving the prohibited acts under paragraphs(a), (d), (e), (f), (g), and (l) thereof, the fine
22 shall be imposed for each day of violation. *Provided, further, That* when the violation of the
23 paragraph (e) is committed by an owner of TSD facilities, insofar as the treatment, storage,
24 or disposal of any hazardous waste in violation of the rules and regulations promulgated
25 pursuant to this Act, a stiffer penalty of not less than Five hundred thousand pesos
26 (₱500,000.00) shall be imposed.

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

- 32 (b) The PAB may order the suspension of development or construction, cessation of operations,
33 or closure of the facility, until such time that proper environmental safeguards are in place,
34 or are in compliance with this Act, or its rules and regulations are undertaken by the
35 offender, without prejudice to the issuance of an *ex parte* order for such closure, suspension
36 of development or construction, or cessation of operations during the pendency of the case:
37 *Provided, That* if the prohibited act shall require a cleanup and rehabilitation of the
38 environment, the offender shall also be required to restore the area or pay for the restoration
39 thereof. Whenever applicable, the PAB may award such damages as it may deem just and
40 fair under the circumstances in favor of a private complainant.
41
42 (c) The PAB shall issue a resolution recommending that the proper government agencies file
43 criminal charges against any person who commits a gross violation of this Act. Gross
44 violation shall mean any of the following:
45

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

9 (d) In case of gross violation of this Act, the offender shall pay a fine of not less than Five
10 hundred thousand pesos (P500,000.00) but not more than Ten million pesos. (P
11 10,000,000.00), or be punished with imprisonment of not less than three (3) years but not
12 more than ten (10) years, or both, at the discretion of the court. If the offender is a juridical
13 person, the chief executive officer and the pollution control officer or its equivalent, shall
14 suffer the penalty herein provided: *Provided, That* the officers and incorporators of TSD
15 facilities that violated the post-closure requirements issued pursuant to Section 16 hereof,
16 shall be banned from setting up any TSD facility and hazardous waste transport company,
17 and engaging in the operation of the same.

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

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

22
23 **SEC. 37. Administrative Sanctions.** – Local government officials and officials of concerned
24 government agencies who fail to comply with and enforce the rules and regulations promulgated
25 relative to this Act, shall be charged administratively in accordance with Republic Act No. 7160 or the
26 “Local Government Code of 1991” and Executive Order No. 292 or the “Administrative Code of
27 1987” and other existing laws, rules, and regulations.

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

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

37 **CHAPTER VII**
38 **MISCELLANEOUS PROVISIONS**

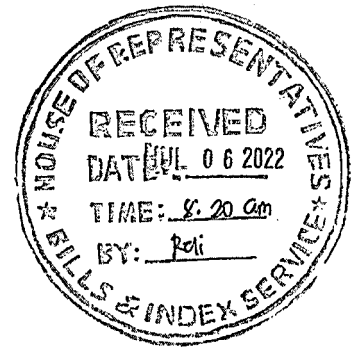
1 There shall be a regular mandatory review of the rules and regulations issued to implement this
2 Act, including the standards set pursuant to the provisions of this Act.

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

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

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

13 Approved,



HOUSE OF REPRESENTATIVES

House Bill No. 1347

Introduced by Representative Christian Tell A. Yap

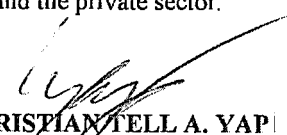
EXPLANATORY NOTE

Hazardous wastes are substances, or electrical and electronic equipment, discarded from households, commercial and industrial establishments, institutions and healthcare facilities, or from any person, which, because of its concentration or its physical, chemical, or infectious characteristics, may cause or significantly contribute to increase in mortality or serious illnesses, or pose an unreasonable risk and potential threat to human health and the environment. Radioactive wastes are waste materials that contain or are contaminated with radio nuclides at concentrations or activities greater than clearance levels as established by the Philippine Nuclear Research Institute (PNRI) and for which no use is foreseen.

Hazardous and radioactive wastes can harm humans, animals, and plants if they encounter these toxins buried in the ground, in groundwater that supplies drinking water, in other bodies of water, or in floodwaters. Some toxins, such as mercury, persist in the environment and accumulate. Humans or animals often absorb them when they eat fish. They can cause death, injury or birth defects to living creatures. They spread quite easily and can contaminate lakes, rivers, and the atmosphere.

Although there are already laws dealing with the proper treatment, storage, and disposal of radioactive and hazardous wastes, they are not comprehensive enough and are scattered in different republic acts and presidential decrees. The different government agencies tasked in implementing these laws are not coordinated with each other.

The bill seeks to institute a framework of safe, proper and comprehensive management of hazardous and radioactive wastes including effective inter-agency coordination from the national government that would serve as guidance for the local government and the private sector.


CHRISTIAN TELL A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. **1347**

Introduced by Representative CHRISTIAN TELL A. YAP

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
2 Management Act”.

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

7 (a) Develop and implement an integrated and comprehensive national and local hazardous
8 waste management program, focusing on pollution prevention, control and resource
9 conservation and recovery, that shall:

10 1. Improve waste management techniques, organizational arrangements, and
11 methods of collection, separation, and recovery of hazardous waste:

12 2. Minimize the generation of waste by encouraging cleaner production, process
13 substitution, resource recovery, recycling, and treatment:

14 3. Promote environmentally safe disposal of residue; and

15 4. Raise public awareness and integrate public participation on the development and
16 implementation of hazardous waste programs:

17 (b) Promulgate guidelines for the generation, collection, segregation, transport, recovery,
18 storage, treatment, and disposal of hazardous waste, including safeguards, emergency,
19 and contingency plans for accidents involving such waste:

20 (c) Establish measures to determine if imported reusable raw materials are hazardous or
21 contain hazardous substances:

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

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

- 12 (a) *Best available technique* refers to any state-of-the-art technology or technological
13 method, which is attainable, accessible, and necessary to meet the standards
14 promulgated pursuant to this Act, and other relevant environmental laws;
- 15 (b) *Best environmental practice* refers to application of the most appropriate combination
16 of environmental control measures and strategies;
- 17 (c) *Contaminated site* refers to an area where the presence of soil contamination presents a
18 potential risk to humans, water, ecosystems, or other receptors based on the standards
19 to be set pursuant to Section 17 hereof;
- 20 (d) *Disposal* refers to the discharge, deposit, injection, dumping, spilling, leaking or placing
21 of any hazardous waste into the environment;
- 22 (e) *E-waste* refers to discarded electrical and electronic equipment, units, devices, or any
23 part thereof destined for recovery, recycling, treatment, or disposal;
- 24 (f) *Hazardous waste* refers to any equipment, device, material, or substance, discarded
25 from any household, commercial or industrial establishment, institution, or healthcare
26 facility, which waste may significantly contribute or pose an unreasonable risk or
27 potential threat to human health and the environment due to its concentration or
28 physical, chemical, or infectious characteristic, including its toxicity, reactivity,
29 ignitability, and corrosivity;
- 30 (g) *Hazardous waste management* refers to the systematic administration of activities
31 which provide for the identification, listing, collection, segregation at source, storage,
32 transport, recovery, processing, reprocessing, treatment, and disposal of hazardous
33 waste;
- 34 (h) *Healthcare waste* refers to the pathological and non-pathological infectious waste
35 generated from any healthcare facility, including those generated from any household,
36 commercial, or industrial establishment;
- 37 (i) *Manifest or consignment note* refers to a record prescribed by the Department of
38 Environment and Natural Resources (DENR) accompanying the hazardous waste from
39 the point of generation to final disposition thereof;
- 40 (j) *Open burning* refers to the destruction of waste by means of direct exposure to fire;

- 1 (k) *Resource recovery* refers to the collection, extraction or recovery of recyclable materials
 2 from the waste stream for the purpose of recycling, generating energy or producing a
 3 product suitable for beneficial use, provided that the recovery excludes incineration as
 4 defined under Republic Act No. 8749, otherwise known as the "Clean Air Act of 1999";
- 5 (l) *Segregation* refers to a waste management practice of separating different materials
 6 found in hazardous waste, in order to promote recycling of resources and to reduce the
 7 volume of waste for more efficient collection and disposal;
- 8 (m) *Special household hazardous waste* refers to consumer or industrial goods or products
 9 discarded from households, including E-waste and healthcare waste which, by their
 10 hazardous content or substance can, at the end of their shelf life, become hazardous
 11 when indiscriminately disposed and released to the environment;
- 12 (n) *Storage* refers to the containment of hazardous waste, either on a temporary basis or for
 13 a period of years, consistent with the guidelines prescribed by the DENR and in such a
 14 manner as not to constitute disposal of the waste;
- 15 (o) *Surface impoundments* refer to pits, ponds, lagoons, and dike areas that are either
 16 natural topographic depression or man-made excavations that are primarily of earthen
 17 materials. These are designed and constructed to hold or store and treat liquid waste or
 18 waste containing free liquids through processes such as evaporation, cooling, aeration,
 19 photo decomposition, and settling; and,
- 20 (p) *Treatment* refers to any method, technique, or process designed to change the physical,
 21 chemical or biological character or composition of any hazardous waste so as to render
 22 such waste nonhazardous, safe for transport, feasible for recovery and storage, or
 23 reduced in volume.

24 **SEC. 4. Coverage of this Act.** – This Act shall apply to the generation, possession,
 25 collection, recycling, recovery, storage, transport, treatment, and disposal of hazardous waste in
 26 the country.

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

- 28 (a) hazardous waste, in general;
 29 (b) special household hazardous waste;
 30 (c) healthcare waste; and,
 31 (d) E-waste.

32 This Act shall likewise cover the entry into or transit through Philippine territory of
 33 hazardous waste.

34 **CHAPTER II**
 35 **MANAGEMENT SYSTEM**

36 **Article One**
 37 **General Provisions**

38 **SEC. 5. Identification and Listing of Hazardous Waste.** – Within six (6) months from the
 39 effectivity of this Act, the DENR shall, after notice and public consultation, develop, formulate
 40 and publish the criteria for identifying and listing the characteristics of hazardous waste, taking
 41 into account relevant factors such as toxicity, reactivity, ignitability, corrosivity, degradability in
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1 nature, and potential for accumulation in tissue. The criteria shall be reviewed and revised every
2 five (5) years thereafter, or as the need arises.

3 **SEC. 6. Notification of Hazardous Waste Activity.** – Upon the effectivity of this Act, any
4 person generating or managing hazardous waste is required to notify, in writing, the DENR and
5 the Department of Health (DOH) of their hazardous waste activities, and register the same
6 therewith, specifying the types of waste, quantities, and incidents involving hazardous waste,
7 among others.

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

- 14 (a) Inventory of existing hazardous waste and their depots and facilities:
- 15 (b) General waste characterization, taking into account the source, type, and quantity of
16 hazardous waste generated and other factors:
- 17 (c) Projection of hazardous waste generation, including quantity for reduction, and
18 recovery:
- 19 (d) Listing of treatment, storage, disposal (TSD) facilities, including transporters of
20 hazardous waste: and.
- 21 (e) Listing of identified contaminated sites.

22 **SEC. 8. National Hazardous Waste Management Framework.** – Within eighteen (18)
23 months from the effectivity of this Act, the DENR, in coordination with the DOH and other
24 appropriate agencies and entities, shall prepare and formulate a National Hazardous Waste
25 Management Framework, herein referred to as the “Framework”, which shall be updated every
26 five (5) years thereafter. It shall embody policies established pursuant to this Act, and shall
27 specifically contain the following:

- 28 (a) Goals and targets for waste reduction:
- 29 (b) Strategies and techniques for hazardous waste control;
- 30 (c) Systems for the proper transport, treatment, storage, and disposal of hazardous waste;
- 31 (d) Period of compliance for waste reduction;
- 32 (e) Monitoring and evaluation;
- 33 (f) Information and education campaign;
- 34 (g) Human resource welfare and development; and.
- 35 (h) Roles and responsibilities of relevant government agencies.

36 The Framework shall be adopted as the official blueprint for hazardous waste management
37 and shall be complied with by all relevant government agencies.

1 (g) Employ the services of transporters and TSD facilities that have been issued permits
2 pursuant to this Act; and.

3 (h) Submit relevant data to the DENR and other relevant agencies, as may be required.

4 **SEC. 13. Responsibilities of Transporters of Hazardous Waste.** – Within six (6) months
5 after the effectivity of this Act, the DENR, in coordination with the DOH and the Department of
6 Transportation (DOTr), shall establish the responsibilities of waste transporters and prescribe
7 guidelines for the transport of hazardous waste to protect human health and the environment. The
8 responsibilities of hazardous waste transporters shall include the following:

9 (a) Keep a record of waste transportation activities, indicating therein the sources of
10 transported waste and the points where the same were delivered:

11 (b) Register carriers following safety standards that prioritize public health and protection
12 of the environment.

13 (c) Transport waste only if properly labeled, consistent with international standards;

14 (d) Transport waste to the TSD facility designated by the generator;

15 (e) Establish emergency and contingency plans to minimize damage in case of accidents,
16 and to contain and mitigate the effects of spills and accidents that may occur in
17 connection with the transport of such waste; and,

18 (f) Coordinate with other concerned government agencies in connection with the transport
19 of hazardous waste to designated TSD facilities.

20 **SEC. 14. Responsibilities and Standards of Performance for Owners of Hazardous**
21 **Waste TSD Facilities.** – Within six (6) months after the effectivity of this Act, the DENR, in
22 coordination with the DOH, shall establish the responsibilities of the owners of TSD facilities for
23 hazardous waste: *Provided, That* the DENR, and the DOH where applicable, shall distinguish the
24 respective standards to be observed by new and existing facilities at the time of the effectivity of
25 this Act. These standards shall include the following:

26 (a) Performance standards for the design, construction, operation, maintenance, and
27 monitoring of the facility;

28 (b) Financial and personnel requirements and standards to ensure adequate resources
29 throughout the life cycle of the facility;

30 (c) Requirements, standards, procedures, and permits necessary for the closure,
31 decommissioning and post-closure care, monitoring and maintenance and use of the
32 facility;

33 (d) Waste acceptance requirements and procedures for different types of hazardous waste
34 packages; and,

35 (e) Management, engineering controls, medical surveillance, and use of personnel
36 protective equipment to minimize the exposure of workers to the hazards associated
37 with the collection, transport, storage, treatment, and disposal of hazardous waste.

38 **SEC. 15. Categories of TSD Facilities.** – Within six (6) months from the effectivity of this
39 Act, the DENR shall formulate specific, relevant, and appropriate criteria for waste acceptance and
40 standards for the different categories of TSD facilities as follows:

1 (a) *Facilities that employ fixed or mobile equipment to conduct on-site treatment and*
2 *disposal of hazardous waste generated or produced at the premises for noncommercial*
3 *purposes.* - The DENR shall encourage on-site treatment of hazardous waste by,
4 providing for incentives pursuant to Chapter V of this Act, among other things:
5 *Provided, That* generators that undertake partial treatment of waste shall not be placed
6 under this category;

7 (b) *Facilities that conduct treatment of hazardous waste;*

8 (c) *Landfills that accept hazardous waste for disposal.* - The DENR, after due review and
9 public consultation, shall promulgate criteria and regulations on the disposal of
10 hazardous waste in landfills, taking into account the following factors:

- 11 1. Long-term environmental uncertainties associated with land disposal of hazardous
12 waste;
- 13 2. Prioritization of appropriate management of hazardous waste; and,
- 14 3. Persistence, toxicity, mobility of hazardous waste and its hazardous components,
15 and their propensity to bioaccumulate.

16 For this purpose, utmost care shall be exercised to ensure that the hazardous constituents
17 of waste disposed in landfills do not migrate to the environment. The disposal in waste
18 landfills containing hazardous solvents, pesticides, and polycyclic hydrocarbons as
19 determined by the DENR after public consultation, is prohibited.

20 (d) *Facilities that recycle or reprocess hazardous waste that is not generated or produced*
21 *at the premises.* - These are facilities that receive and undertake off-site treatment of
22 hazardous waste, including the recovery of valuable materials from it, use of it as input
23 material or as fuel for production, or its production into compost through biological
24 treatment. This category includes facilities for recycling of used lead-acid batteries,
25 precious and non-precious metals, and oil. The DENR, in coordination with the DOST,
26 shall promulgate standards for this category:

27 (e) *Facilities that receive hazardous waste off-site or outside of the premises where the*
28 *waste is generated or produced, and transforms the physical or chemical characteristics*
29 *of the hazardous waste, for disposal into landfills and other disposal sites;*

30 (f) *Facilities that store, within an allowable period, hazardous waste that is not generated*
31 *or produced within its premises.* - In these facilities, the storage of any hazardous waste
32 is prohibited unless such storage is undertaken solely for the purpose of consolidation
33 prior to proper recovery, treatment or disposal, but which consolidation shall not take
34 longer than the period prescribed by the DENR; and.

35 (g) *Other land disposal facilities.* - Engineered facilities under this category include deep
36 injection wells, borehole facilities, near surface facilities, surface impoundments, land
37 farming, and abandoned underground mines.

38 The DENR shall, as the need arises, revise the regulations, standards, guidelines, and
39 categories of TSD facilities, taking into account improvements in the technology of control and
40 measurement.

41 **SEC. 16. Closure Plan and Post-Closure of Facility.** - The owner of a TSD facility shall
42 submit a closure plan to address the potential environmental impact and health risk arising from

1 the facility. The plan shall include rehabilitation, remediation, and monitoring measures and
2 processes, as well as the budgetary, resource, and personnel requirements necessary to implement
3 the closure. Submission of the plan shall be required prior to the operation of new facilities. For
4 existing facilities, the plan shall be submitted within six (6) months after the effectivity of this Act.
5 The plan shall be reviewed and approved by the DENR.

6 Prior to the closure or termination of the TSD operation, the owner of the facility shall secure
7 a hazardous waste post-closure permit from the DENR. The permit shall be maintained during the
8 period of strict implementation of the approved post-closure plan.

9 **SEC. 17. Guidelines for the Management of Contaminated Sites.** – Within six (6) months
10 from the effectivity of this Act, the DENR, in coordination with other relevant government
11 agencies, shall formulate the identification, characterization, remediation, clean up, and site
12 control guidelines for the determination and management of contaminated sites. The DENR shall
13 update these guidelines as the need arises.

14 The DENR shall maintain a Registry of contaminated sites and make this information
15 accessible to the public.

16 **Article Three**
17 **Registration Certificate and Fees**
18

19 **SEC. 18. Registration Certificate for Treatment, Storage, or Disposal of Hazardous**
20 **Waste.** – Any person or entity who is operating or intends to operate a TSD facility for hazardous
21 waste pursuant to this Act, shall secure a registration certificate as prescribed under this section.
22 The DENR shall prescribe reasonable fees for the issuance of the said registration certificate.

23 The registration certificate shall be issued annually during the first three (3) years of
24 operation of a TSD facility. Thereafter, the DENR may issue a registration certificate with a
25 validity of five (5) years to a TSD facility that has satisfactorily complied with the rules and
26 regulations issued pursuant to this Act for the first three (3) years of its operation: *Provided, That*
27 *the TSD facility shall undergo an annual audit to be conducted by a multidisciplinary body*
28 *constituted and authorized by the IATAC.*

29 The DENR shall modify, suspend, or revoke such registration for noncompliance by a TSD
30 facility with the relevant provisions of this Act, or with the terms and conditions of such
31 registration.

32 **SEC. 19. Registration Certificate for Hazardous Waste Transporter.** – The hazardous
33 waste transporter that has a service agreement with a TSD facility shall be required to secure a
34 hazardous waste transport registration certificate from the DENR. The validity of a transport
35 registration certificate shall coincide with the validity of the registration certificate issued to the
36 TSD facility.

37 The DENR shall modify, suspend, and revoke the registration for noncompliance by a
38 transporter with the provisions of this Act or with the terms and conditions of such registration.

39 **Article Four**
40 **Hazardous Healthcare Waste**
41

42 **SEC. 20. Listing of Hazardous Healthcare Waste Categories.** – Within six (6) months
43 from the effectivity of this Act, the DOH, in coordination with the DENR and the Department of
44 Interior and Local Government (DILG), and after public consultation, shall formulate the criteria
45 for identifying and listing the categories of hazardous healthcare waste to be tracked and regulated.

1 In the formulation of the criteria, the DOH shall take into account relevant factors such as the
2 presence of infectious agents, toxicity, reactivity, ignitability, and corrosivity.

3 For radioactive healthcare waste, the rules and regulations issued by the Philippine Nuclear
4 Research Institute shall apply.

5 **SEC. 21. Management of Hazardous Healthcare Waste in Hospitals and Other**
6 **Healthcare Facilities.** – For the safe and environmentally sound management of hazardous
7 healthcare waste in hospitals and other healthcare facilities, the DOH shall promulgate rules and
8 regulations applicable to generators, transporters, and owners of TSD facilities established
9 pursuant to Sections 12, 13, and 14 hereof. These shall include the effective and proper handling,
10 collection, transport, treatment, storage, and disposal of such waste. The rules and regulations shall
11 include guidelines that will prevent significant adverse impacts on health and the environment. For
12 this purpose, the rules and regulations shall include the following:

13 (a) Waste minimization and segregation at source practices in hospitals and other healthcare
14 facilities:

15 (b) Provision of appropriately labeled storage, receptacle, or bin for each healthcare waste
16 category:

17 (c) Collection and storage of all hazardous healthcare waste in designated on-site storage
18 areas until transported to a TSD facility:

19 (d) On-site treatment of hazardous healthcare waste through appropriate treatment methods;

20 (e) On-site treatment by healthcare facilities with the capacity to manage the hazardous
21 healthcare waste of other healthcare facilities. Services to other healthcare facilities shall
22 be approved by the DENR. For the off-site treatment, storage, and disposal requirements
23 of the hazardous waste, the standards established for facilities under paragraphs (b) to
24 (f) of Section 15 of this Act shall apply:

25 (f) Treatment of hazardous liquid waste by all healthcare facilities in compliance with the
26 provisions of Republic Act No. 9275, otherwise known as the “Philippine Clean Water
27 Act of 2004”, and disposal of treated sludge in conformity with this Act; and,

28 (g) Creation of a committee on hazardous healthcare waste management in all healthcare
29 facilities that shall develop and implement an action plan for the proper management of
30 healthcare waste. The plan shall include strategies to ensure immediate and appropriate
31 action in emergencies arising from hazardous waste. The creation of this committee
32 shall be mandatory in all hospitals. For other healthcare establishments, a hazardous
33 waste management officer shall be designated.

34 **Article Five**
35 **Special Household Hazardous Waste**
36

37 **SEC. 22. Collection of Special Household Hazardous Waste.** – The local government
38 units (LGUs) shall be responsible for the collection of special household hazardous waste
39 characterized as such pursuant to Section 5 hereof. The LGUs may enter into agreements with
40 entities duly accredited by the DENR for the collection of special household hazardous waste.

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

- 1 (p) Issue an order against any person or entity, and impose fines or other administrative
2 penalties under this Act:
- 3 (q) Recommend to the Department of Justice (DOJ) the filing of appropriate criminal
4 charges for violation of this Act: and.
- 5 (r) Exercise such powers and perform such other functions, as may be necessary to carry
6 out the objectives of this Act.

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

- 9 (a) Develop, promulgate, and publish criteria in identifying and listing the categories of
10 hazardous healthcare waste to be monitored and regulated:
- 11 (b) Develop and promulgate the rules and regulations for the effective management of
12 hazardous healthcare waste in hospitals and other healthcare facilities: and.
- 13 (c) Exercise such powers and perform such other functions as may be necessary to carry
14 out the provisions of this Act.

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

- 16 (a) Share the responsibility for the implementation, enforcement, and monitoring of the
17 provisions of this Act within their territorial jurisdiction, such as the registration and
18 compliance monitoring of hazardous waste generators, transporters, and TSD facilities:
- 19 (b) Develop and implement a special household hazardous waste management program as
20 part of their Ten-Year Solid Waste Management Plan under Republic Act No. 9003
21 otherwise known as the “Ecological Solid Waste Management Act of 2000”;
- 22 (c) Prepare a compliance scheme in accordance with their special household hazardous
23 waste management program;
- 24 (d) Ensure the proper segregation and collection of special household hazardous waste:
- 25 (e) Develop and enhance the plans and programs of local governments on community
26 preparedness and response to hazardous waste emergencies;
- 27 (f) Participate in all efforts concerning hazardous waste management; and,
- 28 (g) Enact appropriate ordinances to implement their role in pursuance of this Act.

29 **SEC. 27. The Inter-Agency Technical Advisory Council.** – For purposes of policy
30 integration and harmonization and coordination of functions, there is hereby created an Inter-
31 Agency Technical Advisory Council (IATAC), to be composed of the following officials or their
32 duly authorized representatives:

- 33 (a) Secretary of Environment and Natural Resources, as Chairperson;
- 34 (b) Secretary of Health, as Co-chairperson;
- 35 (c) Secretary of Science and Technology, as Co-chairperson;
- 36 (d) Secretary of Agriculture;

- 1 (e) Secretary of Finance;
- 2 (f) Secretary of Trade and Industry;
- 3 (g) Secretary of National Defense;
- 4 (h) Secretary of Foreign Affairs;
- 5 (i) Secretary of Transportation;
- 6 (j) Secretary of Interior and Local Government;
- 7 (k) Secretary of Labor and Employment;
- 8 (l) Secretary of Energy;
- 9 (m) Director General of the Philippine Economic Zone Authority, in representation of and
10 in consultation with other economic and freeport zones;
- 11 (n) Representative of civil society;
- 12 (o) Representative of business and industry;
- 13 (p) Representative of TSD facility operators; and,
- 14 (q) Representative of the academe.

15 The representatives of civil society organizations, the academe, TSD facility operators, and
16 the industry shall be nominated through a process designed by the IATAC and shall be appointed
17 by the President for a term of three (3) years.

18 The IATAC shall constitute and authorize a multidisciplinary body to conduct an annual
19 audit and to determine the compliance of TSD facility operators with the terms and conditions
20 stipulated in the permits and licenses issued pursuant to this Act.

21 **SEC. 28. The IATAC Technical Working Group.** – The IATAC shall be supported by a
22 technical working group, which shall be composed of representatives from the following agencies
23 and institutions:

- 24 (a) Environmental Management Bureau of the DENR;
- 25 (b) Disease Prevention and Control Bureau of the DOH;
- 26 (c) Industrial Technology Development Institute of the DOST;
- 27 (d) Bureau of Soil and Water Management of the Department of Agriculture (DA);
- 28 (e) Fertilizer and Pesticide Authority of the DA;
- 29 (f) Bureau of Customs of the Department of Finance;
- 30 (g) Bureau of International Trade Relations of the Department of Trade and Industry (DTI);
- 31 (h) Board of Investments of the DTI;
- 32 (i) Bureau of Import Services of the DTI;
- 33 (j) Department of National Defense;

- 1 (k) Land Transportation Office of the DOTr;
- 2 (l) Occupational Health and Safety Center of the Department of Labor and Employment;
- 3 (m) Philippine Coast Guard;
- 4 (n) Civil society organizations;
- 5 (o) Business and Industry;
- 6 (p) Academe; and.
- 7 (q) Other agencies and sectors as may be necessary.

8 Representatives of civil society organizations, industry, and the academe shall be nominated
9 through a process designed by the IATAC.

10 **SEC. 29. Linkage Mechanism.** – The DENR and its concerned agencies may coordinate
11 and enter into formal agreements with other government agencies, civil society, industrial sector
12 and other concerned sectors in the furtherance of the policies of this Act: *Provided, That* the DENR
13 shall coordinate with the DILG and the Philippine National Police (PNP) in the enforcement of the
14 guidelines, rules, and regulations on the transport of hazardous waste pursuant to this Act.

15 **SEC. 30. Visitorial Powers.** –The Secretaries of the DENR, and the DOH insofar as
16 healthcare facilities and healthcare TSD providers are concerned, or their authorized
17 representatives, shall have the right to visit the premises and inspect the documents of any
18 generator, transporter, or TSD facility, to determine any violation or to aid in the effective
19 enforcement of this Act and its implementing rules and regulations. Likewise, these authorities
20 shall have access and right to copy therefrom, the records required, pursuant to the provisions of
21 this Act. This section shall not apply to private dwellings, unless the visitorial power is otherwise
22 judicially authorized.

23 **CHAPTER IV**
24 **FINANCING HAZARDOUS WASTE MANAGEMENT**

25 **SEC. 31. Financial Liability for Environmental Rehabilitation.** – The DENR shall
26 require the generators and owners of TSD facilities to establish an Environmental Guarantee Fund
27 (EGF) as part of the Environmental Management Plan submitted, in line with the application for
28 an Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586 and
29 its implementing rules and regulations. The EGF shall be used for emergency response, cleanup,
30 rehabilitation, and remediation of areas that may be damaged during the generation, transport,
31 treatment, storage, or disposal of hazardous waste, and post-closure activities of the facility. The
32 liability for damages shall continue even after the termination of the project and until the lapse of
33 a given period indicated in the ECC, as determined by the DENR.

34 The EGF may be in the form of a trust fund, environmental insurance, surety bonds, letters
35 of credit, self-insurance, and any other instrument as may be identified by the DENR.
36 Consideration of the guarantee instrument or combinations thereof shall include an assessment of
37 the risks involved. Generators and owners of TSD facilities required to put up guarantee
38 instruments shall furnish the DENR with evidence of availment of such instruments.

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CHAPTER V
INCENTIVES

SEC. 32. Rewards. – Rewards, monetary or otherwise, shall be granted to individuals, private organizations and entities, including non-government organizations (NGOs) that have undertaken outstanding and innovative projects, technologies, processes, and techniques, or activities for the management of hazardous waste.

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

(a) Tax, Duty Exemption, and other incentives under Republic Act No. 11534, otherwise known as the “Corporate Recovery and Tax Incentives for Enterprises Act” or the “CREATE” Law. – Upon the effectivity of this Act, registered business enterprises that use, acquire, and import machinery, equipment, technology, spare parts and specialized types of vehicles used for the transport, processing, storage, and treatment of hazardous waste, including cleaner production and waste minimization technologies, may avail of the incentives of at least Tier II provided under Title XIII of the National Internal Revenue Code, as amended:

(b) Exemption from Value-Added Tax (VAT) on the Sale of Domestic Capital Equipment – Within five (5) years from the effectivity of this Act, the sale of domestic capital equipment, including its spare parts, to registered enterprises, LGUs, and NGOs, to be used for the processing, storage, and treatment of hazardous waste, shall be exempted from the VAT imposed under the National Internal Revenue Code of 1997, as amended: *Provided, That* the said incentive shall be subject to the same conditions and prohibitions cited in the preceding paragraph.

(c) Tax Exemption of Donations, Legacies, and Gifts – All donations, legacies, and gifts made by any person or entity in favor of LGUs and NGOs for the support and maintenance of programs for the effective hazardous waste management, shall be exempt from donor’s tax pursuant to the National Internal Revenue Code of 1997, as amended.

(d) Financial Assistance Program – Government and private financial institutions, in accordance with, and to the extent allowed by the enabling provisions of their respective charters or applicable laws, may accord high priority to individuals, enterprises, or private entities engaged in hazardous, medical, and special hazardous waste management by providing special financial services, including the grant of preferential rates; and.

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

CHAPTER VI
CIVIL LIABILITY AND PENAL PROVISIONS

SEC. 34. Generator’s Liability. – A generator is primarily responsible for the management of hazardous waste until said waste has been certified as properly treated or disposed by a duly

1 accredited TSD facility: *Provided, That* for exported waste that is treated and disposed of in
2 accordance with international agreements, the TSD facilities in the country of destination shall
3 issue the certificate of treatment and disposal. All other environmental service providers involved
4 in the transport, treatment, storage, and disposal of said waste shall be jointly and severally liable
5 with the generator for any adverse environmental impact that results from the improper
6 management of the waste.

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

- 8 (a) Discarding, throwing, dumping, or storing of hazardous waste listed pursuant to this
9 Act, or causing or permitting the commission of same acts, in public places, in municipal
10 solid waste facilities, or in other areas or facilities not designed therefor;
- 11 (b) Undertaking activities involving the collection or transport of hazardous waste in
12 violation of the standards and other requirements or permits set forth in this Act;
- 13 (c) Causing or permitting the collection of unsegregated or unsorted hazardous waste;
- 14 (d) Operating a TSD facility without the permit required under this Act;
- 15 (e) Transporting hazardous waste without the permit or license required under this Act;
- 16 (f) Mixing of source-separated recyclable material with other hazardous waste in any
17 vehicle, container, or receptacle used in hazardous waste collection, transportation or
18 disposal;
- 19 (g) Disposing of hazardous waste in open and controlled dumps as enjoined in this Act, or
20 causing and permitting the same;
- 21 (h) Establishing and operating of open and controlled dumps for hazardous waste;
- 22 (i) Transporting and dumping of collected hazardous waste in areas other than the facilities
23 prescribed under this Act;
- 24 (j) Open burning of hazardous waste;
- 25 (k) Transporting any hazardous waste to a TSD facility that is not authorized to receive such
26 waste pursuant to this Act;
- 27 (l) Treating, storing, or disposing of any hazardous waste without proper permit or license,
28 or in knowing violation of any material condition or requirement of such permit or
29 license, or in violation of any standard promulgated pursuant to this Act;
- 30 (m) Making any false material statement, representation, or certification in any application,
31 label, permit, record, report, manifest, or other document filed, or required to be
32 maintained under this Act;
- 33 (n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data
34 required under this Act;
- 35 (o) Generating, treating, storing, transporting, disposing, or handling of any hazardous
36 waste, and in connection therewith, willfully destroying, altering or concealing any
37 record required to be maintained under this Act;

- 1 (p) Owning, maintaining, or operating any hazardous waste disposal facility in violation of
2 the hazardous waste management standards or the rules and regulations issued pursuant
3 to this Act;
- 4 (q) Failing to notify the DENR and the DOH of hazardous waste activities pursuant to
5 Section 6 hereof;
- 6 (r) Importing, causing, or permitting the entry, even in transit, of any hazardous waste into
7 Philippine territory in violation of the provisions of this Act, its implementing rules and
8 regulations, and relevant international agreements and protocols;
- 9 (s) Constructing, substantially altering, or operating a hazardous waste TSD facility,
10 including all post-closure activities and operations specified in the rules and regulations,
11 without first obtaining a permit as specified in this Act; and,
- 12 (t) Site preparation, construction, expansion, or operation of TSD facilities without an
13 Environmental Compliance Certificate (ECC) required under Presidential Decree No.
14 1586 and this Act.

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

- 16 (a) Unless otherwise provided herein, any person who commits any of the prohibited acts
17 described under Section 35, or violates any of the provisions of this Act, the standards
18 established pursuant to this Act, or its implementing rules and regulations, shall be fined
19 by the Pollution Adjudication Board (PAB), after due hearing conducted thereon, in the
20 amount of not less than Fifty thousand pesos (P 50,000.00) but not more than One
21 million pesos (P 1,000,000.00) for every violation: *Provided, That* for violation of
22 Section 35 involving the prohibited acts under paragraphs (a), (g), (h), (i), (l), (p), (s)
23 and (t) thereof, the fine shall be imposed for each day of violation.

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

- 29 (b) The PAB may order the suspension of development or construction, cessation of
30 operations, or closure of the facility, until such time that proper environmental
31 safeguards are in place, or are in compliance with this Act, or its rules and regulations
32 are undertaken by the offender, without prejudice to the issuance of an *ex parte* order
33 for such closure, suspension of development or construction, or cessation of operations
34 during the pendency of the case: *Provided, That* if the prohibited act shall require a
35 cleanup and rehabilitation of the environment, the offender shall also be required to
36 restore the area or pay for the restoration thereof. The PAB may also award such
37 damages as it may deem just and fair under the circumstances in favor of a private
38 complainant.
- 39
- 40 (c) The PAB shall issue a resolution recommending that the proper government agencies
41 file criminal charges against any person who commits a gross violation of this Act. Gross
42 violation shall mean any of the following:
- 43
- 44 1. Deliberate disposal of hazardous waste without the required permit issued pursuant
45 to this Act;

- 1 2. Three (3) or more violations of paragraphs (a), (d), (e), (g), (k), (l) and (m) of
- 2 Section 35 hereof within a period of two (2) years; or,
- 3 3. Blatant disregard of the orders of the PAB such as the nonpayment of fines,
- 4 breaking of seals, or operation of the source of pollution, despite the existence of
- 5 an order for closure, discontinuance or cessation of operation, or the unjustified
- 6 refusal for the entry or access to any premises of an authorized DENR
- 7 representative.
- 8 (d) In case of gross violation of this Act, the offender shall pay a fine of not less than Five
- 9 hundred thousand pesos (P 500,000.00) but not more than Five million pesos (P
- 10 5,000,000.00), or be punished with imprisonment of not less than three (3) years but not
- 11 more than ten (10) years, or both, at the discretion of the court. If the offender is a
- 12 judicial person, the chief executive officer and the pollution control officer or its
- 13 equivalent, shall suffer the penalty herein provided: *Provided, That* the officers and
- 14 incorporators of TSD facilities who violated the post-closure requirements issued
- 15 pursuant to Section 16 hereof, shall be banned from setting up any TSD facility and
- 16 hazardous waste transport company, and engaging in the operation of the same.
- 17 If the offender is an alien, the offender shall, after service of the sentence prescribed
- 18 above, be deported without further administrative proceedings.
- 19 (e) To compensate for inflation and to maintain its deterrent function, the fines prescribed
- 20 herein shall be reviewed and revised every three (3) years, or whenever necessary.

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

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

32 **SEC. 39. Citizen’s Suit.** – For purposes of enforcing the provisions of this Act or the rules
 33 and regulations issued to implement it, any citizen may file an appropriate civil, criminal, or
 34 administrative action in the proper courts or bodies against the following:

- 35 (a) Any person who violates or fails to comply with the provisions of this Act or its
- 36 **implementing rules and regulations;**
- 37 (b) The DENR or other implementing agencies with respect to orders, rules, and regulations
- 38 **issued that are inconsistent with this Act; or**
- 39 (c) Any public officer who willfully or grossly neglects the performance of an act
- 40 specifically enjoined as a duty under this Act or the rules and regulations issued to
- 41 implement it, or abuses the authority vested in them in the performance of duty, or
- 42 improperly conducts the duties under this Act or the rules and regulations issued to
- 43 implement it: *Provided, however, That* a suit can be filed only after a thirty (30)-day

1 notice had been given to the public officer and the alleged violator concerned, and when
2 no appropriate action had been taken thereon.

3 The court shall exempt such action filed from the payment of filing fees, and upon *prima*
4 *facie* evidence showing the non-enforcement or violation complained of. The plaintiff shall also
5 be exempt from the filing of an injunction bond for the issuance of a preliminary injunction.

6 Within thirty (30) days, the court shall determine if a complaint is malicious or baseless, and
7 shall accordingly dismiss the action and award attorney's fees and damages.

8 **SEC. 40. Suits and Strategic Legal Action Against Public Participation (SLAPP) and**
9 **the Enforcement of this Act.** – Where a suit is brought against a person who filed an action as
10 provided for in Section 39 of this Act, or against any person, institution or government agency
11 tasked to implement this Act, it shall be the duty of the investigating prosecutor or the court, as the
12 case may be, to immediately make a determination within a period not exceeding thirty (30) days
13 whether the legal action has been filed to harass, vex, exert undue pressure, or stifle such legal
14 recourses of the person complaining of a violation or enforcing the provisions of this Act. Upon
15 determination thereof, evidence warranting the same, the court shall dismiss the case and award
16 attorney's fees and double damages to the respondent.

17 This provision shall also apply and benefit public officers who are sued for acts committed
18 in their official capacity, there being no grave abuse of authority, and done in the course of
19 enforcing this Act.

20 **CHAPTER VII**
21 **MISCELLANEOUS PROVISIONS**

22 **SEC. 41. Mandatory Public Hearings.** – The DENR shall determine the process by which
23 the public hearings relative to the formulation of the Framework mandated under Section 8 hereof
24 shall be undertaken.

25 **SEC. 42. Research on Hazardous Waste Management.** – The DENR after consultations
26 with the concerned agencies, shall encourage and render financial and other assistance to
27 appropriate government and private agencies, institutions, and individuals in the promotion and
28 conduct of researches, experiments, and other studies on hazardous waste management,
29 particularly those relating to the:

- 30 (a) Adverse effects on health as a result of the release into the environment of hazardous
31 waste, and methods to eliminate said effects or mitigate the health risks related thereto;
- 32 (b) Operation and financing of hazardous waste disposal programs;
- 33 (c) Planning, implementation, and operation of resource recovery and resource
34 conservation systems;
- 35 (d) Production of usable forms of recovered resources, including fuel from hazardous waste;
- 36 (e) Development and application of new and improved methods of collecting, separating,
37 and disposing of hazardous waste, and processing and recovery of materials and energy
38 from hazardous waste;
- 39 (f) Cleaner production technologies;
- 40 (g) Improvements in land disposal practices for hazardous waste; and.

1 (h) Development of new uses of recovered resources and identification of existing or
2 potential markets of recovered resources.

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

6 **SEC. 43. Public Education and Information.** – The DENR and the DOH, in coordination
7 with the Department of Education (DepEd), the Technical Education and Skills Development
8 Authority (TESDA), the Commission on Higher Education (CHED), the DILG, the Philippine
9 Information Agency (PIA), and the LGUs, shall conduct a continuing education and information
10 campaign on hazardous waste management. Such education and information program shall:

11 (a) Aim to create public awareness on the impacts of hazardous waste and methods to
12 prevent or minimize its adverse effects:

13 (b) Focus on activities that are feasible and offer the greatest impact on hazardous waste
14 management; and,

15 (c) Encourage the general public, accredited NGOs, and POs to publicly endorse and
16 patronize environment-friendly products.

17 **SEC. 44. Environmental Education in the Formal and Non-formal Sectors.** – The
18 National Government, through the DepEd and in coordination with concerned government
19 agencies, NGOs, and private institutions, shall strengthen the integration of environmental
20 concerns in school curricula at all levels, with particular emphasis on the principles underlying
21 hazardous waste management, in order to promote environmental awareness and affirmative action
22 among the citizenry.

23 **SEC. 45. Role of Business and Industry.** – The DENR, DTI, and the DOH shall encourage
24 commercial and industrial establishments, through appropriate incentives other than tax incentives,
25 to initiate, participate, and invest in integrated hazardous waste management projects; to
26 manufacture environment-friendly products; to introduce, develop and adopt innovative processes
27 that result in recycling of materials, conservation of raw materials and energy, and reduction of
28 waste and prevention of pollution; and to undertake community activities to promote and
29 propagate effective hazardous waste management practices.

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CHAPTER VIII FINAL PROVISIONS

33 **SEC. 46. Joint Congressional Oversight Committee.** – In addition to its mandated
34 functions, the Joint Congressional Oversight Committee created under Republic Act No. 9003
35 shall also monitor the implementation of this Act.

36 **SEC. 47. Report to Congress.** – The DENR shall render a detailed report to Congress, not
37 later than March 30 of every year, following the approval of this Act, of its accomplishments and
38 progress on hazardous waste management during the previous year, and shall submit the necessary
39 recommendations in areas requiring legislative action.

40 **SEC. 48. Transitory Provision.** – Pending the establishment of the Framework mandated
41 under Section 8 hereof and the promulgation of the implementing rules and regulations of this Act,
42 pertinent existing laws, regulations, programs and projects on hazardous waste management shall

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

3 **SEC. 49. Implementing Rules and Regulations.** – Within one (1) year from the effectivity
4 of this Act, the DENR 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
6 agencies and instrumentalities relative to hazardous waste management consistent with this Act,
7 shall supplement the rules and regulations issued by the DENR and the DOH, pursuant to the
8 provisions of this Act.

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

11 **SEC. 50. Separability Clause.** – If any provision of this Act or the application of such
12 provision to any person or circumstance is declared unconstitutional, the remainder of this Act or
13 the application of such provision to other persons or circumstances shall not be affected by such
14 declaration.

15 **SEC. 51. Repealing Clause.** – Republic Act No. 6969 otherwise known as the “Toxic
16 Substances and Hazardous and Nuclear Wastes Control Act of 1990”, Republic Act No. 9003, and
17 Republic Act No. 7160, as amended, are modified accordingly. All laws, decrees, issuances, rules
18 and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or
19 modified accordingly.

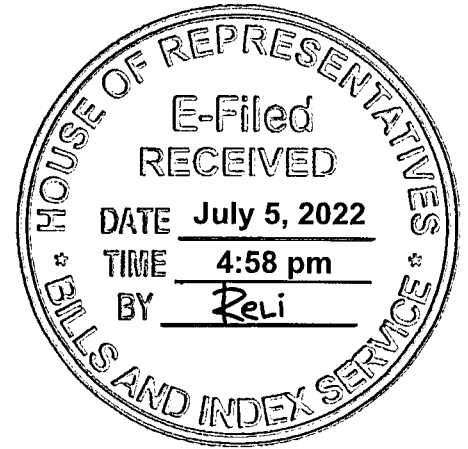
20 **SEC. 52. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the
21 *Official Gazette* or in a newspaper of general circulation.

22 *Approved.*

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1273



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.,
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G.
HORIBATA AND HON. NICOLAS ENCISO VIII**

EXPLANATORY NOTE

The Philippines is a massive consumer of electronic devices. The penetration rate of mobile phones is at 117%, or 119 million mobile phone subscriptions. While the number of phone subscriptions does not automatically translate to an equivalent number of cellphone units, it cannot be denied that millions of mobile phones are being imported, produced, consumed, and disposed within our shores. Apart of mobile phones, a typical Filipino household has numerous electronic gadgets and devices used in different parts of the home. In the United States of America (USA), a typical household has an average of 24 pieces of electronic items. It mortifies one's common sense and belies our national environmental protection drive to note that we have not passed a single law that mandates the proper waste disposal management of these electronic devices.

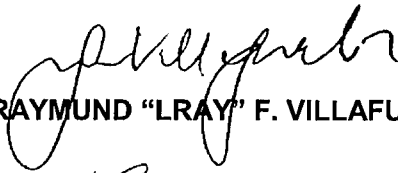
It is high time that we realize the health and environmental risks of improperly and irresponsibly disposing electronic devices, and at the same time, understand that a tremendous amount of resources actually goes to waste each time old electronic gadgets are left to gather dust in storage or mixed with other solid waste in garbage sites. Thus, this bill mandates that electronic devices be recycled or reused, and individuals and waste management facilities that fail to responsibly dispose the same be penalized.


Electronic devices are literally teeming with minerals and precious metals. The US Environmental Protection Agency (EPA) reports that for every one million smartphones recycled, more than 34 kilograms of gold, 350 kilograms of silver, 15 kilograms of palladium and more than 15,000 kilograms of copper can be reused. Along with these valuable metals are toxins that need proper and sensitive handling. For instance, the toxic substance freon found in refrigerators and other cooling devices is disastrous to the ozone layer. Meanwhile, computers, television sets and cell phones contain lead, cadmium and mercury, among many others, that can pollute air and water, and pose serious health risks to human beings and the wildlife when released to the environment.


Internationally, some jurisdictions are already on top of innovative bills that address the disposal of these special hazardous items. In Oregon, their state legislature is working on a bill to require companies selling hazardous household products to fund and manage programs to collect and safely recycle or dispose of those products.

It is enshrined in the Constitution that the State safeguard and promote the health and safety of its people, and protect and preserve its environment and natural resources. This Representation humbly believes that this bill is a significant step towards the right directions.

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


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.


TSUYOSHI ANTHONY G. HORIBATA


MIGUEL LUIS R. VILLAFUERTE


NICOLAS ENCISO VIII

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1273

Introduced by HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.,
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G.
HORIBATA AND HON. NICOLAS ENCISO VIII

**“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**

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

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

(a) Develop and implement an integrated and comprehensive national and local hazardous waste management program, focusing on pollution prevention, control and resource conservation and recovery, that shall:

1. Improve waste management techniques, organizational arrangements, and methods of collection, separation, and recovery of hazardous waste;
2. Minimize the generation of waste by encouraging cleaner production, process substitution, resource recovery, recycling, and treatment;
3. Promote environmentally safe disposal of residue; and,

4. Raise public awareness and integrate public participation on the development and implementation of hazardous waste programs;

(b) Promulgate guidelines for the generation, collection, segregation, transport, recovery, storage, treatment, and disposal of hazardous waste, including safeguards, emergency, and contingency plans for accidents involving such waste;

(c) Establish measures to determine if imported reusable raw materials are hazardous or contain hazardous substances;

(d) Promote a national research and development program for improved hazardous waste management, resource conservation, and cleaner production techniques;

(e) Formulate and enforce a system of accountability for generators, including the promotion of cleaner production techniques, extended producer responsibility, product stewardship, and social responsibility program;

(f) Strengthen the integration of hazardous waste management and resource conservation and recovery topics into the formal and non-formal education academic curricula, in order to promote environmental awareness and action among the citizenry; and,

(g) Regulate the entry and transit of hazardous waste for whatever purpose, consistent with international law, including multilateral or bilateral international agreements.

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

(a) **Best available technique** refers to any state-of-the-art technology or technological method, which is attainable, accessible, and necessary to meet the standards promulgated pursuant to this Act, and other relevant environmental laws;

(b) **Best environmental practice** refers to application of the most appropriate combination of environmental control measures and strategies;

(c) **Contaminated site** refers to an area where the presence of soil contamination presents a potential risk to humans, water, ecosystems, or other receptors based on the standards to be set pursuant to Section 17 hereof;

(d) **Disposal** refers to the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into the environment;

(e) **E-waste** refers to discarded electrical and electronic equipment, units, devices, or any part thereof destined for recovery, recycling, treatment, or disposal;

(f) **Hazardous waste** refers to any equipment, device, material, or substance, discarded from any household, commercial or industrial establishment, institution, or healthcare facility, which waste may significantly contribute or pose an unreasonable risk or potential threat to human health and the environment due to its concentration or physical, chemical, or infectious characteristic, including its toxicity, reactivity, ignitability, and corrosivity;

(g) **Hazardous waste management** refers to the systematic administration of activities which provide for the identification, listing, collection, segregation at source, storage, transport, recovery, processing, reprocessing, treatment, and disposal of hazardous waste;

(h) **Healthcare waste** refers to the pathological and non-pathological infectious waste generated from any healthcare facility, including those generated from any household, commercial, or industrial establishment;

(i) **Manifest or consignment note** refers to a record prescribed by the Department of Environment and Natural Resources (DENR) accompanying the hazardous waste from the point of generation to final disposition thereof;

(j) **Open burning** refers to the destruction of waste by means of direct exposure to fire;

(k) **Resource recovery** refers to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use, provided that the recovery excludes incineration as defined under Republic Act No. 8749, otherwise known as the "Clean Air Act of 1999";

(l) **Segregation** refers to a waste management practice of separating different materials found in hazardous waste, in order to promote recycling of resources and to reduce the volume of waste for more efficient collection and disposal;

(m) **Special household hazardous waste** refers to consumer or industrial goods or products discarded from households, including E-waste and healthcare waste which, by their hazardous content or substance can, at the end of their shelf life, become hazardous when indiscriminately disposed and released to the environment;

(n) **Storage** refers to the containment of hazardous waste, either on a temporary basis or for a period of years, consistent with the guidelines prescribed by the DENR and in such a manner as not to constitute disposal of the waste;

(o) **Surface impoundments** refer to pits, ponds, lagoons, and dike areas that are either natural topographic depression or man-made excavations that are primarily of earthen materials. These are designed and constructed to hold or store and treat liquid waste or waste containing free liquids through processes such as evaporation, cooling, aeration, photo decomposition, and settling; and,

(p) **Treatment** refers to any method, technique, or process designed to change the physical, chemical or biological character or composition of any hazardous waste as to render such waste nonhazardous, safe for transport, feasible for recovery and storage, or reduced in volume.

SEC. 4. Coverage of this Act. – This Act shall apply to the generation, possession, collection, recycling, recovery, storage, transport, treatment, and disposal of hazardous waste in the country.

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

- (a) hazardous waste, in general;
- (b) special household hazardous waste;
- (c) healthcare waste; and,
- (d) E-waste.

This Act shall likewise cover the entry into or transit through Philippine territory of hazardous waste.

CHAPTER II MANAGEMENT SYSTEM

Article One General Provisions

SEC. 5. Identification and Listing of Hazardous Waste. – Within six (6) months from the effectivity of this Act, the DENR shall, after notice and public consultation, develop, formulate and publish the criteria for identifying and listing the characteristics of hazardous waste, taking into account relevant factors such as toxicity, reactivity, ignitability, corrosivity, degradability in nature, and potential for accumulation in tissue. The criteria shall be reviewed and revised every five (5) years thereafter, or as the need arises.

SEC. 6. Notification of Hazardous Waste Activity. – Upon the effectivity of this Act, any person generating or managing hazardous waste is required to notify, in writing, the DENR and the Department of Health (DOH) of their hazardous waste activities, and register the same therewith, specifying the types of waste, quantities, and incidents involving hazardous waste, among others.

SEC. 7. National Hazardous Waste Status Report. - Within six (6) months after the formulation of the criteria for the identification and listing of hazardous waste pursuant to this Act, the DENR, in coordination with the DOH and other concerned agencies, shall prepare an annual National Hazardous Waste Management Status Report, hereinafter referred to as the Status Report, which shall be used as a basis in formulating the National Hazardous Waste

Management Framework as mandated in Section 8 of this Act. The Status Report shall include the following:

- (a) Inventory of existing hazardous waste and their depots and facilities;
- (b) General waste characterization, taking into account the source, type, and quantity of hazardous waste generated and other factors;
- (c) Projection of hazardous waste generation, including quantity for reduction, and recovery;
- (d) Listing of treatment, storage, disposal (TSD) facilities, including transporters of hazardous waste; and,
- (e) Listing of identified contaminated sites.

SEC. 8. National Hazardous Waste Management Framework. – Within eighteen (18) months from the effectivity of this Act, the DENR, in coordination with the DOH and other appropriate agencies and entities, shall prepare and formulate a National Hazardous Waste Management Framework, herein referred to as the “Framework”, which shall be updated every five (5) years thereafter. It shall embody policies established pursuant to this Act, and shall specifically contain the following:

- (a) Goals and targets for waste reduction;
- (b) Strategies and techniques for hazardous waste control;
- (c) Systems for the proper transport, treatment, storage, and disposal of hazardous waste;

- (d) Period of compliance for waste reduction;
- (a) Monitoring and evaluation;
- (b) Information and education campaign;
- (c) Human resource welfare and development; and,
- (d) Roles and responsibilities of relevant government agencies.

The Framework shall be adopted as the official blueprint for hazardous waste management and shall be complied with by all relevant government agencies.

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

SEC. 10. Market-Based Instruments. – Within six (6) months from the effectivity of this Act, the DENR, in coordination with the manufacturers and importers of commercial and industrial products containing regulated hazardous substances, and other relevant stakeholders, shall establish the guidelines for the implementation of market-based instruments that promote cleaner production, waste minimization and resource recovery, and proper treatment and disposal of hazardous waste, which may include extended producer responsibility, buy-back programs, social responsibility, and product stewardship programs.

SEC. 11. Importation of Recyclable Materials Containing Hazardous Substances - The DENR shall promulgate the rules and regulations on the importation of recyclable materials containing hazardous substances, and shall ensure that these are 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 six (6) months after the effectivity of this Act, the DENR, in consultation with other relevant agencies and stakeholders, shall establish the responsibilities of generators of hazardous waste to ensure the proper management of the generated hazardous waste. Waste generators shall bear the cost for the proper storage, transport, treatment, and disposal of waste. Among other responsibilities, hazardous waste generators shall perform the following:

(a) Keep a record of the nature, composition, quantities, and disposition of the hazardous waste generated at their facility, and of the trainings undergone by their personnel in waste handling and emergency procedures;

(b) Use appropriate storage facilities and containers to prevent the release of hazardous substances to the environment;

(c) Allocate funds for the treatment, storage, and disposal of hazardous waste, taking into account the “Polluter Pays” principle and other relevant standards;

(d) Properly label all containers used for the storage, transport, or disposal of hazardous waste;

(e) Use a manifest or consignment note system and any other means necessary to assure that all hazardous waste generated are designated and recorded for treatment, storage, or disposal in registered TSD facilities. The manifest shall also record transportation details of said waste;

(f) Establish emergency and contingency plans to minimize damage in case of accidents, and to contain and mitigate the effects of spills and accidents that may occur in connection with the generation, transport, storage or disposal of such waste;

(g) Employ the services of transporters and TSD facilities that have been issued permits pursuant to this Act; and,

(h) Submit relevant data to the DENR and other relevant agencies, as may be required.

SEC. 13. Responsibilities of Transporters of Hazardous Waste. – Within six (6) months after the effectivity of this Act, the DENR, in coordination with the 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 hazardous waste transporters shall include the following:

(a) Keep a record of waste transportation activities, indicating therein the sources of transported waste and the points where the same were delivered;

(b) Register carriers following safety standards that prioritize public health and 15 protection of the environment.

(c) Transport waste only if properly labeled, consistent with international standards; (d) Transport waste to the TSD facility designated by the generator;

(e) Establish emergency and contingency plans to minimize damage in case of accidents, and to contain and mitigate the effects of spills and accidents that may occur in connection with the transport of such waste; and,

(f) Coordinate with other concerned government agencies in connection with the transport of hazardous waste to designated TSD facilities.

SEC. 14. Responsibilities and Standards of Performance for Owners of Hazardous Waste TSD Facilities. – Within six (6) months after the effectivity of this Act, the DENR, in coordination with the DOH, shall establish the responsibilities of the owners of TSD facilities for hazardous waste: Provided, That the DENR, and the DOH where applicable, shall distinguish the respective standards to be observed by new and existing facilities at the time of the effectivity of this Act. These standards shall include the following:

(a) Performance standards for the design, construction, operation, maintenance, and monitoring of the facility;

(b) Financial and personnel requirements and standards to ensure adequate resources throughout the life cycle of the facility;

(c) Requirements, standards, procedures, and permits necessary for the closure, decommissioning and post-closure care, monitoring and maintenance and use of the facility;

(d) Waste acceptance requirements and procedures for different types of hazardous waste packages; and,

(e) Management, engineering controls, medical surveillance, and use of personnel protective equipment to minimize the exposure of workers to the hazards associated with the collection, transport, storage, treatment, and disposal of hazardous waste.

SEC. 15. Categories of TSD Facilities. – Within six (6) months from the effectivity of this Act, the DENR shall formulate specific, relevant, and appropriate criteria for waste acceptance and standards for the different categories of TSD facilities as follows:

(a) Facilities that employ fixed or mobile equipment to conduct on-site treatment and disposal of hazardous waste generated or produced at the premises for noncommercial purposes. - The DENR shall encourage on-site treatment of hazardous waste by, providing for incentives pursuant to Chapter V of this Act, among other things: Provided, That generators that undertake partial treatment of waste shall not be placed under this category;

(b) Facilities that conduct treatment of hazardous waste;

(c) Landfills that accept hazardous waste for disposal. - The DENR, after due review and public consultation, shall promulgate criteria and regulations on the disposal of hazardous waste in landfills, taking into account the following factors:

1. Long-term environmental uncertainties associated with land disposal of hazardous waste;

2. Prioritization of appropriate management of hazardous waste; and,

3. Persistence, toxicity, mobility of hazardous waste and its hazardous components, and their propensity to bioaccumulate.

For this purpose, utmost care shall be exercised to ensure that the hazardous constituents of waste disposed in landfills do not migrate to the environment. The disposal in waste landfills containing hazardous solvents, pesticides, and polycyclic hydrocarbons as determined by the DENR after public consultation, is prohibited.

(d) Facilities that recycle or reprocess hazardous waste that is not generated or produced at the premises. -. These are facilities that receive and undertake off-site treatment of hazardous waste, including the recovery of valuable materials from it, use of it as input material or as fuel for production, or its production into compost through biological treatment. This category includes facilities for recycling of used lead-acid

batteries, precious and non-precious metals, and oil. The DENR, in coordination with the DOST, shall promulgate standards for this category;

(e) Facilities that receive hazardous waste off-site or outside of the premises where the waste is generated or produced, and transforms the physical or chemical characteristics of the hazardous waste, for disposal into landfills and other disposal sites;

(f) Facilities that store, within an allowable period, hazardous waste that is not generated or produced within its premises. – In these facilities, the storage of any hazardous waste is prohibited unless such storage is undertaken solely for the purpose of consolidation prior to proper recovery, treatment or disposal, but which consolidation shall not take longer than the period prescribed by the DENR; and,

(g) Other land disposal facilities. - Engineered facilities under this category include deep injection wells, borehole facilities, near surface facilities, surface impoundments, land farming, and abandoned underground mines.

The DENR shall, as the need arises, revise the regulations, standards, guidelines, and categories of TSD facilities, taking into account improvements in the technology of control and measurement.

SEC. 16. Closure Plan and Post-Closure of Facility. – The owner of a TSD facility shall submit a closure plan to address the potential environmental impact and health risk arising from the facility. The plan shall include rehabilitation, remediation, and monitoring measures and processes, as well as the budgetary, resource, and personnel requirements necessary to implement the closure. Submission of the plan shall be required prior to the operation of new facilities. For existing facilities, the plan shall be submitted within six (6) months after the effectivity of this Act. The plan shall be reviewed and approved by the DENR.

Prior to the closure or termination of the TSD operation, the owner of the facility shall secure a hazardous waste post-closure permit from the DENR. The permit shall be maintained during the period of strict implementation of the approved post-closure plan.

SEC. 17. Guidelines for the Management of Contaminated Sites. – Within six (6) months from the effectivity of this Act, the DENR, in coordination with other relevant government agencies, shall formulate the identification, characterization, remediation, clean up, and site control guidelines for the determination and

management of contaminated sites. The DENR shall update these guidelines as the need arises.

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

Article Three

Registration Certificate and Fees

SEC. 18. Registration Certificate for Treatment, Storage, or Disposal of Hazardous Waste. – Any person or entity who is operating or intends to operate a TSD facility for hazardous waste pursuant to this Act, shall secure a registration certificate as prescribed under this section. The DENR shall prescribe reasonable fees for the issuance of the said registration certificate.

The registration certificate shall be issued annually during the first three (3) years of operation of a TSD facility. Thereafter, the DENR may issue a registration certificate with a validity of five (5) years to a TSD facility that has satisfactorily complied with the rules and regulations issued pursuant to this Act for the first three (3) years of its operation: Provided,

That the TSD facility shall undergo an annual audit to be conducted by a multidisciplinary body constituted and authorized by the IATAC.

The DENR shall modify, suspend, or revoke such registration for noncompliance by a TSD facility with the relevant provisions of this Act, or with the terms and conditions of such registration.

SEC. 19. Registration Certificate for Hazardous Waste Transporter. – The hazardous waste transporter that has a service agreement with a TSD facility shall be required to secure a hazardous waste transport registration certificate from the DENR. The validity of a transport registration certificate shall coincide with the validity of the registration certificate issued to the TSD facility.

The DENR shall modify, suspend, and revoke the registration for noncompliance by a transporter with the provisions of this Act or with the terms and conditions of such registration.

Article Four
Hazardous Healthcare Waste

SEC. 20. Listing of Hazardous Healthcare Waste Categories. – Within six (6) months from the effectivity of this Act, the DOH, in coordination with the DENR and the Department of Interior and Local Government (DILG), and after public consultation, shall formulate the criteria for identifying and listing the categories of hazardous healthcare waste to be tracked and regulated. In the formulation of the criteria, the DOH shall take into account relevant factors such as the presence of infectious agents, toxicity, reactivity, ignitability, and corrosivity. For radioactive healthcare waste, the rules and regulations issued by the Philippine Nuclear Research Institute shall apply.

SEC. 21. Management of Hazardous Healthcare Waste in Hospitals and Other Healthcare Facilities. – For the safe and environmentally sound management of hazardous healthcare waste in hospitals and other healthcare facilities, the DOH shall promulgate rules and regulations applicable to generators, transporters, and owners of TSD facilities established pursuant to Sections 12, 13, and 14 hereof. These shall include the effective and proper handling, collection, transport, treatment, storage, and disposal of such waste. The rules and regulations shall include guidelines that will prevent significant adverse impacts on health and the environment. For this purpose, the rules and regulations shall include the following:

(a) Waste minimization and segregation at source practices in hospitals and other healthcare facilities;

(b) Provision of appropriately labeled storage, receptacle, or bin for each healthcare waste category;

(c) Collection and storage of all hazardous healthcare waste in designated on-site storage areas until transported to a TSD facility;

(d) On-site treatment of hazardous healthcare waste through appropriate treatment methods;

(e) On-site treatment by healthcare facilities with the capacity to manage the hazardous healthcare waste of other healthcare facilities. Services to other healthcare facilities shall be approved by the DENR. For the off-site treatment, storage, and

disposal requirements of the hazardous waste, the standards established for facilities under paragraphs (b) to (f) of Section 15 of this Act shall apply;

(f) Treatment of hazardous liquid waste by all healthcare facilities in compliance with the provisions of Republic Act No. 9275, otherwise known as the “Philippine Clean Water Act of 2004”, and disposal of treated sludge in conformity with this Act; and,

(g) Creation of a committee on hazardous healthcare waste management in all healthcare facilities that shall develop and implement an action plan for the proper management of healthcare waste. The plan shall include strategies to ensure immediate and appropriate action in emergencies arising from hazardous waste. The creation of this committee shall be mandatory in all hospitals. For other healthcare establishments, a hazardous waste management officer shall be designated.

Article Five

Special Household Hazardous Waste

SEC. 22. Collection of Special Household Hazardous Waste. – The local government units (LGUs) shall be responsible for the collection of special household hazardous waste characterized as such pursuant to Section 5 hereof. The LGUs may enter into agreements with entities duly accredited by the DENR for the collection of special household hazardous waste.

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

SEC. 23. Management of Special Household Hazardous Waste. –The management of special household hazardous waste shall be undertaken by the LGUs pursuant to Section 26 hereof. This shall include the segregation, collection, transport, treatment, storage, and disposal of special hazardous waste, which shall be regulated in accordance with this Act.

CHAPTER III
INSTITUTIONAL MECHANISM

SEC. 24. Lead Agency. – The DENR shall be the primary government agency responsible for the implementation and enforcement of this Act, including in special economic and freeport zone areas, unless otherwise provided herein. As such, it shall have the following functions, powers, and responsibilities:

(a) Develop and implement programs to achieve the goals and objectives set under this Act;

(b) Prepare an annual National Hazardous Waste Status Report;

(c) Prepare a National Hazardous Waste Management Framework every five (5) years;

(d) Develop and promulgate the criteria for identifying and listing the characteristics of hazardous waste;

(e) Establish, enforce, review, and revise standards for generators, transporters, owners, and operators of hazardous waste TSD facilities;

(f) Exercise jurisdiction over all aspects of hazardous waste including its generation, possession, collection, destruction, recovery, use, storage, transportation, treatment, disposal and entry, even in transit, into Philippine territory;

(g) Evaluate applications and issue permits and licenses pursuant to this Act;

(h) Revoke, modify, or deny, in accordance with standards, rules, and regulations, the hazardous waste transporter licenses, TSD facility permits, or other licenses issued in accordance with this Act;

(i) Collaborate with other national government agencies, LGUs, academic institutions, civil society, and the private sector to attain the objectives of this Act;

(j) Accept, receive, and administer grants, funds, or gifts from public and private agencies, for the purpose of carrying out government programs for hazardous waste management;

(k) Encourage, coordinate, participate in, or conduct studies, investigations, research, and technical demonstrations relating to hazardous waste management as it may deem advisable and necessary for the discharge of its duties pursuant to this Act;

(l) Encourage waste reduction, resource recovery and exchange, and energy conservation in hazardous waste management;

(m) Oversee any corrective action undertaken pursuant to the rules and regulations issued in accordance with this Act;

(n) Formulate and undertake the appropriate protocol with other concerned agencies for an immediate and coordinated response to hazardous waste-related emergency incidents;

(o) Formulate and implement rules and regulations that will enable the country to comply with international agreements on hazardous waste management;

(p) Issue an order against any person or entity, and impose fines or other administrative penalties under this Act;

(q) Recommend to the Department of Justice (DOJ) the filing of appropriate criminal charges for violation of this Act; and,

(r) Exercise such powers and perform such other functions, as may be necessary to carry out the objectives of this Act.

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

(a) Develop, promulgate, and publish criteria in identifying and listing the categories of hazardous healthcare waste to be monitored and regulated;

(b) Develop and promulgate the rules and regulations for the effective management of hazardous healthcare waste in hospitals and other healthcare facilities; and,

(c) Exercise such powers and perform such other functions as may be necessary to carry out the provisions of this Act.

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

(a) Share the responsibility for the implementation, enforcement, and monitoring of the provisions of this Act within their territorial jurisdiction, such as the registration and compliance monitoring of hazardous waste generators, transporters, and TSD facilities;

(b) Develop and implement a special household hazardous waste management program as part of their Ten-Year Solid Waste Management Plan under Republic Act

No. 21 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”;

(c) Prepare a compliance scheme in accordance with their special household hazardous waste management program;

(d) Ensure the proper segregation and collection of special household hazardous waste;

(e) Develop and enhance the plans and programs of local governments on community preparedness and response to hazardous waste emergencies;

(f) Participate in all efforts concerning hazardous waste management; and,

(g) Enact appropriate ordinances to implement their role in pursuance of this Act.

SEC. 27. The Inter-Agency Technical Advisory Council. – For purposes of policy integration and harmonization and coordination of functions, there is hereby created an Inter Agency Technical Advisory Council (IATAC), to be composed of the following officials or their duly authorized representatives:

(a) Secretary of Environment and Natural Resources, as Chairperson;

(b) Secretary of Health, as Co-chairperson;

(c) Secretary of Science and Technology, as Co-chairperson;

(d) Secretary of Agriculture;

(e) Secretary of Finance;

(f) Secretary of Trade and Industry;

(g) Secretary of National Defense;

(h) Secretary of Foreign Affairs;

(i) Secretary of Transportation;

(j) Secretary of Interior and Local Government;

(k) Secretary of Labor and Employment;

(l) Secretary of Energy;

(m) Director General of the Philippine Economic Zone Authority, in representation of 13 and in consultation with other economic and Freeport zones;

(n) Representative of civil society;

(o) Representative of business and industry;

(p) Representative of TSD facility operators; and,

(q) Representative of the academe.

The representatives of civil society organizations, the academe, TSD facility operators, and the industry shall be nominated through a process designed by the IATAC and shall be appointed by the President for a term of three (3) years.

The IATAC shall constitute and authorize a multidisciplinary body to conduct an annual audit and to determine the compliance of TSD facility operators with the terms and conditions stipulated in the permits and licenses issued pursuant to this Act.

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

- a) Environmental Management Bureau of the DENR;
- (b) Disease Prevention and Control Bureau of the DOH;
- (c) Industrial Technology Development Institute of the DOST;
- (d) Bureau of Soil and Water Management of the Department of Agriculture (DA);
- (e) Fertilizer and Pesticide Authority of the DA;
- (f) Bureau of Customs of the Department of Finance;
- (g) Bureau of International Trade Relations of the Department of Trade and Industry (DTI);
- (h) Board of Investments of the DTI;
- (i) Bureau of Import Services of the DTI;
- (j) Department of National Defense;
- (k) Land Transportation Office of the DOTr;
- (l) Occupational Health and Safety Center of the Department of Labor and Employment;
- (m) Philippine Coast Guard;
- (n) Civil society organizations;
- (o) Business and Industry;
- (p) Academe; and,
- (q) Other agencies and sectors as may be necessary.

Representatives of civil society organizations, industry, and the academe shall be nominated through a process designed by the IATAC.

SEC. 29. Linkage Mechanism. – The DENR and its concerned agencies may coordinate and enter into formal agreements with other government agencies, civil society, industrial sector and other concerned sectors in the furtherance of the policies of this Act: Provided, That the DENR shall coordinate with the DILG and the Philippine National Police (PNP) in the enforcement of the guidelines, rules, and regulations on the transport of hazardous waste pursuant to this Act.

SEC. 30. Visitorial Powers. –The Secretaries of the DENR, and the DOH insofar as healthcare facilities and healthcare TSD providers are concerned, or their authorized representatives, shall have the right to visit the premises and inspect the documents of any generator, transporter, or TSD facility, to determine any violation or to aid in the effective enforcement of this Act and its implementing rules and regulations. Likewise, these authorities shall have access and right to copy therefrom, the records required, pursuant to the provisions of this Act. This section shall not apply to private dwellings, unless the visitorial power is otherwise judicially authorized.

CHAPTER IV FINANCING HAZARDOUS WASTE MANAGEMENT

SEC. 31. Financial Liability for Environmental Rehabilitation. – The DENR shall require the generators and owners of TSD facilities to establish an Environmental Guarantee Fund (EGF) as part of the Environmental Management Plan submitted, in line with the application for an Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586 and its implementing rules and regulations. The EGF shall be used for emergency response, cleanup, rehabilitation, and remediation of areas that may be damaged during the generation, transport, treatment, storage, or disposal of hazardous waste, and post-closure activities of the facility. The liability for damages shall continue even after the termination of the project and until the lapse of a given period indicated in the ECC, as determined by the DENR.

The EGF may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, self-insurance, and any other instrument as may be identified by the DENR. Consideration of the guarantee instrument or combinations thereof shall

include an assessment of the risks involved. Generators and owners of TSD facilities required to put up guarantee instruments shall furnish the DENR with evidence of availment of such instruments.

CHAPTER V INCENTIVES

SEC. 32. Rewards. – Rewards, monetary or otherwise, shall be granted to individuals, private organizations and entities, including non-government organizations (NGOs) that have undertaken outstanding and innovative projects, technologies, processes, and techniques, or activities for the management of hazardous waste.

SEC. 33. Incentives Scheme. - An incentive scheme is hereby provided for the purpose of encouraging enterprises, private entities, LGUs, and NGOs, to develop or undertake effective hazardous waste management, or actively participate in any program geared towards the promotion thereof, consistent with the objectives of this Act.

(a) Tax, Duty Exemption, and other incentives under Republic Act No. 11534, 29 otherwise known as the “Corporate Recovery and Tax Incentives for Enterprises Act” or the “CREATE” Law. – Upon the effectivity of this Act, registered business enterprises that use, acquire, and import machinery, equipment, technology, spare parts and specialized types of vehicles used for the transport, processing, storage, and treatment of hazardous waste, including cleaner production and waste minimization technologies, may avail of the incentives of at least Tier II provided under Title XIII of the National Internal Revenue Code, as amended;

(b) Exemption from Value-Added Tax (VAT) on the Sale of Domestic Capital Equipment – Within five (5) years from the effectivity of this Act, the sale of domestic capital equipment, including its spare parts, to registered enterprises, LGUs, and NGOs, to be used for the processing, storage, and treatment of hazardous waste, shall be exempted from the VAT imposed under the National Internal Revenue Code of 1997, as amended: Provided, That the said incentive shall be subject to the same conditions and prohibitions cited in the preceding paragraph.

(c) Tax Exemption of Donations, Legacies, and Gifts – All donations, legacies, and gifts made by any person or entity in favor of LGUs and NGOs for the support and maintenance of programs for the effective hazardous waste management, shall be exempt from donor's tax pursuant to the National Internal Revenue Code of 1997, as amended.

(d) Financial Assistance Program – Government and private financial institutions, in accordance with, and to the extent allowed by the enabling provisions of their respective charters or applicable laws, may accord high priority to individuals, enterprises, or private entities engaged in hazardous, medical, and special hazardous waste management by providing special financial services, including the grant of preferential rates; and,

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

CHAPTER VI CIVIL LIABILITY AND PENAL PROVISIONS

SEC. 34. Generator's Liability. – A generator is primarily responsible for the management of hazardous waste until said waste has been certified as properly treated or disposed by a duly accredited TSD facility: Provided, That for exported waste that is treated and disposed of in accordance with international agreements, the TSD facilities in the country of destination shall issue the certificate of treatment and disposal. All other environmental service providers involved in the transport, treatment, storage, and disposal of said waste shall be jointly and severally liable with the generator for any adverse environmental impact that results from the improper management of the waste.

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

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

(b) Undertaking activities involving the collection or transport of hazardous waste in violation of the standards and other requirements or permits set forth in this Act;

(c) Causing or permitting the collection of unsegregated or unsorted hazardous waste;

(d) Operating a TSD facility without the permit required under this Act;

(e) Transporting hazardous waste without the permit or license required under this Act;

(f) Mixing of source-separated recyclable material with other hazardous waste in any vehicle, container, or receptacle used in hazardous waste collection, transportation or disposal;

(g) Disposing of hazardous waste in open and controlled dumps as enjoined in this Act, 5 or causing and permitting the same;

(h) Establishing and operating of open and controlled dumps for hazardous waste;

(i) Transporting and dumping of collected hazardous waste in areas other than the facilities prescribed under this Act;

(j) Open burning of hazardous waste;

(k) Transporting any hazardous waste to a TSD facility that is not authorized to receive such waste pursuant to this Act;

(l) Treating, storing, or disposing of any hazardous waste without proper permit or license, or in knowing violation of any material condition or requirement of such permit or license, or in violation of any standard promulgated pursuant to this Act;

(m) Making any false material statement, representation, or certification in any application, label, permit, record, report, manifest, or other document filed, or required to be maintained under this Act;

(n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data required under this Act;

(o) Generating, treating, storing, transporting, disposing, or handling of any hazardous waste, and in connection therewith, willfully destroying, altering or concealing any record required to be maintained under this Act;

(p) Owning, maintaining, or operating any hazardous waste disposal facility in violation of the hazardous waste management standards or the rules and regulations issued pursuant to this Act;

(q) Failing to notify the DENR and the DOH of hazardous waste activities pursuant to Section 6 hereof;

(r) Importing, causing, or permitting the entry, even in transit, of any hazardous waste into Philippine territory in violation of the provisions of this Act, its implementing rules and regulations, and relevant international agreements and protocols;

(s) Constructing, substantially altering, or operating a hazardous waste TSD facility, including all post-closure activities and operations specified in the rules and regulations, without first obtaining a permit as specified in this Act; and,

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

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

(a) Unless otherwise provided herein, any person who commits any of the prohibited acts described under Section 35, or violates any of the provisions of this Act, the standards established pursuant to this Act, or its implementing rules and regulations, shall be fined by the Pollution Adjudication Board (PAB), after due hearing conducted thereon, in the amount of not less than Fifty thousand pesos (P 50,000.00) but not more than One million pesos (P 1,000,000.00) for every violation: Provided, That for violation of Section 35 involving the prohibited acts under paragraphs (a), (g), (h), (i), (l), (p), (s) and (t) thereof, the fine shall be imposed for each day of violation.

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

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

prohibited act shall require a cleanup and rehabilitation of the environment, the offender shall also be required to restore the area or pay for the restoration thereof. The PAB may also award such damages as it may deem just and fair under the circumstances in favor of a private complainant.

(c) The PAB shall issue a resolution recommending that the proper government agencies file criminal charges against any person who commits a gross violation of this Act. 32 Gross violation shall mean any of the following:

1. Deliberate disposal of hazardous waste without the required permit issued pursuant to this Act;

2. Three (3) or more violations of paragraphs (a), (d), (e), (g), (k), (l) and (m) of 37 Section 35 hereof within a period of two (2) years; or,

3. Blatant disregard of the orders of the PAB such as the nonpayment of fines, breaking of seals, or operation of the source of pollution, despite the existence of an order for closure, discontinuance or cessation of operation, or the unjustified refusal for the entry or access to any premises of an authorized DENR representative.

(d) In case of gross violation of this Act, the offender shall pay a fine of not less than Five hundred thousand pesos (P 500,000.00) but not more than Five million pesos (P 5,000,000.00), or be punished with imprisonment of not less than three (3) years but not more than ten (10) years, or both, at the discretion of the court. If the offender is a juridical person, the chief executive officer and the pollution control officer of its equivalent, shall suffer the penalty herein provided: Provided, That the officers and incorporators of TSD facilities who violated the post-closure requirements issued pursuant to Section 16 hereof, shall be banned from setting up any TSD facility and hazardous waste transport company, and engaging in the operation of the same.

If the offender is an alien, the offender shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

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

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

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

SEC. 39. Citizen’s Suit. – For purposes of enforcing the provisions of this Act or the rules and regulations issued to implement it, any citizen may file an appropriate civil, criminal, or administrative action in the proper courts or bodies against the following:

(a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations;

(b) The DENR or other implementing agencies with respect to orders, rules, and regulations issued that are inconsistent with this Act; or

(c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty under this Act or the rules and regulations issued to implement it, or abuses the authority vested in them in the performance of duty, or improperly conducts the duties under this Act or the rules and regulations issued to implement it: Provided, however, That a suit can be filed only after a thirty (30)-day notice had been given to the public officer and the alleged violator concerned, and when no appropriate action had been taken thereon.

The court shall exempt such action filed from the payment of filing fees, and upon prima facie evidence showing the non-enforcement or violation complained of. The plaintiff shall also be exempt from the filing of an injunction bond for the issuance of a preliminary injunction.

Within thirty (30) days, the court shall determine if a complaint is malicious or baseless, and shall accordingly dismiss the action and award attorney's fees and damages.

SEC. 40. Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act. – Where a suit is brought against a person who filed an action as provided for in Section 39 of this Act, or against any person, institution or government agency tasked to implement this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination within a period not exceeding thirty (30) days whether the legal action has been filed to harass, vex, exert undue pressure, or stifle such legal recourses of the person complaining of a violation or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss the case and award attorney's fees and double damages to the respondent.

This provision shall also apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

CHAPTER VII MISCELLANEOUS PROVISIONS

SEC. 41. Mandatory Public Hearings. – The DENR shall determine the process by which the public hearings relative to the formulation of the Framework mandated under Section 8 hereof shall be undertaken.

SEC. 42. Research on Hazardous Waste Management. – The DENR after consultations with the concerned agencies, shall encourage and render financial and other 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:

(a) Adverse effects on health as a result of the release into the environment of hazardous waste, and 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) Production of usable forms of recovered resources, including fuel from hazardous waste;

(e) Development and application of new and improved methods of collecting, separating, and disposing of hazardous waste, and processing and recovery of materials and energy from hazardous waste;

(f) Cleaner production technologies;

(g) Improvements in land disposal practices for hazardous waste; and,

(h) Development of new uses of recovered resources and identification of existing or potential markets of recovered resources.

The DENR, 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.

SEC. 43. Public Education and Information. – The DENR and the DOH, in coordination with the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA), the Commission on Higher Education (CHED), the DILG, the Philippine Information Agency (PIA), and the LGUs, shall conduct a continuing education and information campaign on hazardous waste management. Such education and information program shall:

(a) Aim to create public awareness on the impacts of hazardous waste and methods to prevent or minimize its adverse effects;

(b) Focus on activities that are feasible and offer the greatest impact on hazardous waste management; and,

(c) Encourage the general public, accredited NGOs, and POs to publicly endorse and patronize environment-friendly products.

SEC. 44. Environmental Education in the Formal and Non-formal Sectors. – The National Government, through the DepEd and in coordination with concerned government agencies, NGOs, and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the principles underlying hazardous waste management, in order to promote environmental awareness and affirmative action among the citizenry.

SEC. 45. Role of Business and Industry. – The DENR, DTI, and the DOH shall encourage commercial and industrial establishments, through appropriate incentives other than tax incentives, to initiate, participate, and invest in integrated hazardous waste management projects; to manufacture environment-friendly products; to introduce, develop and adopt innovative processes that result in recycling of materials, conservation of raw materials and energy, and reduction of waste and prevention of pollution; and to undertake community activities to promote and propagate effective hazardous waste management practices.

CHAPTER VIII FINAL PROVISIONS

SEC. 46. 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. 47. Report to Congress. – The DENR 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.

SEC. 48. 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.

SEC. 49. Implementing Rules and Regulations. – Within one (1) year from the effectivity of this Act, the DENR 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 and instrumentalities relative to

hazardous waste management consistent with this Act, shall supplement the rules and regulations issued by the DENR and the DOH, pursuant to the provisions of this Act. There shall be a regular mandatory review of the rules and regulations issued to implement this Act, including the standards set pursuant to the provisions of this Act.

SEC. 50. Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 51. Repealing Clause. – Republic Act No. 6969 otherwise known as the “Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990”, Republic Act No. 9003 and Republic Act No. 7160, as amended, are modified accordingly. All laws, decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 52. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

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 "Aniel Bianca D. Tolentino". The signature is stylized and written in a cursive-like font.

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,

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.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a stylized flourish extending to the right.

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.

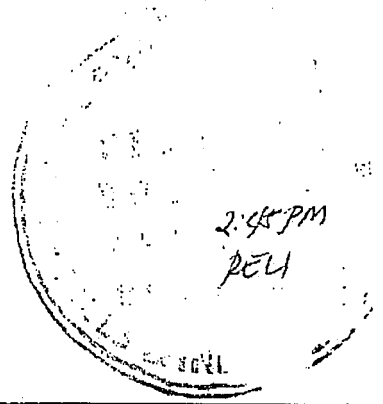
SECTION 8. EFFECTIVITY CLAUSE – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3219



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

The 1987 Constitution mandates the State to provide a balanced and healthful ecology and promote the right of the people and instill health consciousness among them.


Although there are existing laws that protect human health and the environment from potential risks of hazardous waste, there is an increasing need for new ways to sustain a good quality of life as population increases in the information age. Healthcare waste, E-waste, and special household hazardous waste pile up as upgrades of new products and gadgets become available for use by the population.

This proposed bill seeks to provide for a rational and comprehensive policy for hazardous waste management that promotes cleaner production, waste minimization and resource recovery, and proper treatment and disposal of hazardous waste, within the framework of sustainable development.

To achieve this goal, the bill, among others: 1.) Provides for a system of identifying and managing hazardous waste, including the formulation of the National Hazardous waste Management Framework; 2.) Requires the application of best available techniques and best environmental practices for the management of hazardous waste in treatment, storage and disposal (TSD); 3.) Creates the Interagency Technical Advisory Council of government and civil society representatives, for purposes of ensuring policy integration, and harmonization and coordination of functions pertaining to hazardous waste management; and 4.) Tasks the Department of Environment and Natural Resources (DENR) to establish guidelines for manufacturers, importers of products and recyclable materials containing hazardous substances; and for generators, transporters, and owners of hazardous waste TSD facilities.

This bill was filed during the 17th and 18th Congresses. Due to time constraints, however, no further action was taken on it. This bill is re-filed for the consideration of the 19th Congress.

Support for the enactment of his measure is earnestly requested.


REP. LINABELLE RUTH R VILLARICA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3219

Introduced by REP. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

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
2 Management Act”.

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

7 (a) Develop and implement an integrated and comprehensive national and local
8 hazardous waste management program, focusing on pollution prevention, control
9 and resource conservation and recovery, that shall:

10 1. Improve waste management techniques, organizational arrangements, and
11 methods of collection, separation, and recovery of hazardous waste;

12 2. Minimize the generation of waste by encouraging cleaner production, process
13 substitution, resource recovery, recycling, and treatment;

14 3. Promote environmentally safe disposal of residue; and,

15 4. Raise public awareness and integrate public participation on the development
16 and implementation of hazardous waste programs;

- 1 (b) Promulgate guidelines for the generation, collection, segregation, transport,
2 recovery, storage, treatment, and disposal of hazardous waste, including
3 safeguards, emergency, and contingency plans for accidents involving such waste;
- 4 (c) Establish measures to determine if imported reusable raw materials are hazardous
5 or contain hazardous substances;
- 6 (d) Promote a national research and development program for improved hazardous
7 waste management, resource conservation, and cleaner production techniques;
- 8 (e) Formulate and enforce a system of accountability for generators, including the
9 promotion of cleaner production techniques, extended producer responsibility,
10 product stewardship, and social responsibility program;
- 11 (f) Strengthen the integration of hazardous waste management and resource
12 conservation and recovery topics into the formal and non-formal education
13 academic curricula, in order to promote environmental awareness and action
14 among the citizenry; and,
- 15 (g) Regulate the entry and transit of hazardous waste for whatever purpose, consistent
16 with international law, including multilateral or bilateral international agreements.

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

- 18 (a) ***Best available technique*** refers to any state-of-the-art technology or technological
19 method, which is attainable, accessible, and necessary to meet the standards
20 promulgated pursuant to this Act, and other relevant environmental laws;
- 21 (b) ***Best environmental practice*** refers to application of the most appropriate
22 combination of environmental control measures and strategies;
- 23 (c) ***Contaminated site*** refers to an area where the presence of soil contamination
24 presents a potential risk to humans, water, ecosystems, or other receptors based on
25 the standards to be set pursuant to Section 17 hereof;
- 26 (d) ***Disposal*** refers to the discharge, deposit, injection, dumping, spilling, leaking or
27 placing of any hazardous waste into the environment;
- 28 (e) ***E-waste*** refers to discarded electrical and electronic equipment, units, devices, or
29 any part thereof destined for recovery, recycling, treatment, or disposal;
- 30 (f) ***Hazardous waste*** refers to any equipment, device, material, or substance, discarded
31 from any household, commercial or industrial establishment, institution, or
32 healthcare facility, which waste may significantly contribute or pose an unreasonable
33 risk or potential threat to human health and the environment due to its concentration
34 or physical, chemical, or infectious characteristic, including its toxicity, reactivity,
35 ignitability, and corrosivity;

- 1 (g) **Hazardous waste management** refers to the systematic administration of activities
2 which provide for the identification, listing, collection, segregation at source,
3 storage, transport, recovery, processing, reprocessing, treatment, and disposal of
4 hazardous waste;
- 5 (h) **Healthcare waste** refers to the pathological and non-pathological infectious waste
6 generated from any healthcare facility, including those generated from any
7 household, commercial, or industrial establishment;
- 8 (i) **Manifest or consignment note** refers to a record prescribed by the Department of
9 Environment and Natural Resources (DENR) accompanying the hazardous waste
10 from the point of generation to final disposition thereof;
- 11 (j) **Open burning** refers to the destruction of waste by means of direct exposure to fire;
- 12 (k) **Resource recovery** refers to the collection, extraction or recovery of recyclable
13 materials from the waste stream for the purpose of recycling, generating energy or
14 producing a product suitable for beneficial use, provided that the recovery excludes
15 incineration as defined under Republic Act No. 8749, otherwise known as the "Clean
16 Air Act of 1999";
- 17 (l) **Segregation** refers to a waste management practice of separating different materials
18 found in hazardous waste, in order to promote recycling of resources and to reduce
19 the volume of waste for more efficient collection and disposal;
- 20 (m) **Special household hazardous waste** refers to consumer or industrial goods or
21 products discarded from households, including E-waste and healthcare waste which,
22 by their hazardous content or substance can, at the end of their shelf life, become
23 hazardous when indiscriminately disposed and released to the environment;
- 24 (n) **Storage** refers to the containment of hazardous waste, either on a temporary basis or
25 for a period of years, consistent with the guidelines prescribed by the DENR and in
26 such a manner as not to constitute disposal of the waste;
- 27 (o) **Surface impoundments** refer to pits, ponds, lagoons, and dike areas that are either
28 natural topographic depression or man-made excavations that are primarily of
29 earthen materials. These are designed and constructed to hold or store and treat liquid
30 waste or waste containing free liquids through processes such as evaporation,
31 cooling, aeration, photo decomposition, and settling; and,
- 32 (p) **Treatment** refers to any method, technique, or process designed to change the
33 physical, chemical or biological character or composition of any hazardous waste so
34 as to render such waste nonhazardous, safe for transport, feasible for recovery and
35 storage, or reduced in volume.

36 **SEC. 4. Coverage of this Act.** – This Act shall apply to the generation, possession,
37 collection, recycling, recovery, storage, transport, treatment, and disposal of hazardous waste
38 in the country.

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

- 2 (a) hazardous waste, in general;
- 3 (b) special household hazardous waste;
- 4 (c) healthcare waste; and,
- 5 (d) E-waste.

6 This Act shall likewise cover the entry into or transit through Philippine territory of
7 hazardous waste.

8
9 **CHAPTER II**
10 **MANAGEMENT SYSTEM**

11
12 **Article One**
13 **General Provisions**
14

15 **SEC. 5. Identification and Listing of Hazardous Waste.** – Within six (6) months from
16 the effectivity of this Act, the DENR shall, after notice and public consultation, develop,
17 formulate and publish the criteria for identifying and listing the characteristics of hazardous
18 waste, taking into account relevant factors such as toxicity, reactivity, ignitability, corrosivity,
19 degradability in nature, and potential for accumulation in tissue. The criteria shall be reviewed
20 and revised every five (5) years thereafter, or as the need arises.

21 **SEC. 6. Notification of Hazardous Waste Activity.** – Upon the effectivity of this Act,
22 any person generating or managing hazardous waste is required to notify, in writing, the DENR
23 the Department of Health (DOH) and Philippine Nuclear Research Institute (PNRI), of their
24 hazardous waste activities, and register the same therewith, specifying the types of waste,
25 quantities, and incidents involving hazardous waste, among others.

26 **SEC. 7. National Hazardous Waste Status Report.** - Within six (6) months after the
27 formulation of the criteria for the identification and listing of hazardous waste pursuant to this
28 Act, the DENR, in coordination with the DOH and other concerned agencies, shall prepare an
29 annual National Hazardous Waste Management Status Report, hereinafter referred to as the
30 Status Report, which shall be used as a basis in formulating the National Hazardous Waste
31 Management Framework as mandated in Section 8 of this Act. The Status Report shall include
32 the following:

- 33 (a) Inventory of existing hazardous waste and their depots and facilities;
- 34 (b) General waste characterization, taking into account the source, type, and quantity of
35 hazardous waste generated and other factors;
- 36 (c) Projection of hazardous waste generation, including quantity for reduction, and
37 recovery;

1 (d) Listing of treatment, storage, disposal (TSD) facilities, including transporters of
2 hazardous waste; and,

3 (e) Listing of identified contaminated sites.

4 **SEC. 8. National Hazardous Waste Management Framework.** – Within eighteen (18)
5 months from the effectivity of this Act, the DENR, in coordination with the DOH and other
6 appropriate agencies and entities, shall prepare and formulate a National Hazardous Waste
7 Management Framework, herein referred to as the “Framework”, which shall be updated every
8 five (5) years thereafter. It shall embody policies established pursuant to this Act, and shall
9 specifically contain the following:

10 (a) Goals and targets for waste reduction;

11 (b) Strategies and techniques for hazardous waste control;

12 (c) Systems for the proper transport, treatment, storage, and disposal of hazardous
13 waste;

14 (d) Period of compliance for waste reduction;

15 (a) Monitoring and evaluation;

16 (b) Information and education campaign;

17 (c) Human resource welfare and development; and,

18 (d) Roles and responsibilities of relevant government agencies.

19 The Framework shall be adopted as the official blueprint for hazardous waste
20 management and shall be complied with by all relevant government agencies.

21 **SEC. 9. Use of Best Available Technique and Best Environmental Practice in**
22 **Hazardous Waste Management.** – Generators and owners of TSD facilities shall be required
23 to use the best available technique and best environmental practice (BAT/BEP) in hazardous
24 waste management. The Industrial Technology Development Institute of the Department of
25 Science and Technology (DOST), in coordination with the Inter-Agency Technical Advisory
26 Council created herein, shall formulate the criteria in assessing the proposed BAT/BEP to be
27 used. In the formulation and imposition of these criteria, the relative economic feasibility of
28 the technology shall also be considered.

29 **SEC. 10. Market-Based Instruments.** – Within six (6) months from the effectivity of
30 this Act, the DENR, in coordination with the manufacturers and importers of commercial and
31 industrial products containing regulated hazardous substances, and other relevant stakeholders,
32 shall establish the guidelines for the implementation of market-based instruments that promote
33 cleaner production, waste minimization and resource recovery, and proper treatment and
34 disposal of hazardous waste, which may include extended producer responsibility, buy-back
35 programs, social responsibility, and product stewardship programs.

1 **SEC. 11. Importation of Recyclable Materials Containing Hazardous Substances -**
2 The DENR shall promulgate the rules and regulations on the importation of recyclable
3 materials containing hazardous substances. and shall ensure that these are consistent with
4 international law and agreements and applicable standards for the protection of the
5 environment.

6 **Article Two**
7 **Responsibilities of Waste Generators, Transporters, and Owners**
8 **of Waste Treatment, Storage, and Disposal Facilities**
9

10 **SEC. 12. Responsibilities of Generators of Hazardous Waste.** – Within six (6) months
11 after the effectivity of this Act. the DENR. in consultation with other relevant agencies and
12 stakeholders. shall establish the responsibilities of generators of hazardous waste to ensure the
13 proper management of the generated hazardous waste. Waste generators shall bear the cost for
14 the proper storage, transport. treatment. and disposal of waste. Among other responsibilities.
15 hazardous waste generators shall perform the following:

- 16 (a) Keep a record of the nature. composition. quantities. and disposition of the hazardous
17 waste generated at their facility. and of the trainings undergone by their personnel in
18 waste handling and emergency procedures;
- 19 (b) Use appropriate storage facilities and containers to prevent the release of hazardous
20 substances to the environment;
- 21 (c) Allocate funds for the treatment, storage, and disposal of hazardous waste, taking
22 into account the “Polluter Pays” principle and other relevant standards;
- 23 (d) Properly label all containers used for the storage. transport. or disposal of hazardous
24 waste;
- 25 (e) Use a manifest or consignment note system and any other means necessary to assure
26 that all hazardous waste generated are designated and recorded for treatment.
27 storage. or disposal in registered TSD facilities. The manifest shall also record
28 transportation details of said waste;
- 29 (f) Establish emergency and contingency plans to minimize damage in case of
30 accidents. and to contain and mitigate the effects of spills and accidents that may
31 occur in connection with the generation. transport. storage or disposal of such waste;
- 32 (g) Employ the services of transporters and TSD facilities that have been issued permits
33 pursuant to this Act; and.
- 34 (h) Submit relevant data to the DENR and other relevant agencies, as may be required.

35 **SEC. 13. Responsibilities of Transporters of Hazardous Waste.** – Within six (6)
36 months after the effectivity of this Act. the DENR. in coordination with the DOH and the
37 Department of Transportation (DOTr). shall establish the responsibilities of waste transporters
38 and prescribe guidelines for the transport of hazardous waste to protect human health and the
39 environment. The responsibilities of hazardous waste transporters shall include the following:

- 1 (a) Keep a record of waste transportation activities, indicating therein the sources of
2 transported waste and the points where the same were delivered;
- 3 (b) Register carriers following safety standards that prioritize public health and
4 protection of the environment.
- 5 (c) Transport waste only if properly labeled, consistent with international standards;
- 6 (d) Transport waste to the TSD facility designated by the generator;
- 7 (e) Establish emergency and contingency plans to minimize damage in case of
8 accidents, and to contain and mitigate the effects of spills and accidents that may
9 occur in connection with the transport of such waste; and,
- 10 (f) Coordinate with other concerned government agencies in connection with the
11 transport of hazardous waste to designated TSD facilities.

12 **SEC. 14. Responsibilities and Standards of Performance for Owners of Hazardous**
13 **Waste TSD Facilities.** – Within six (6) months after the effectivity of this Act, the DENR, in
14 coordination with the DOH, shall establish the responsibilities of the owners of TSD facilities
15 for hazardous waste: *Provided, That* the DENR, and the DOH where applicable, shall
16 distinguish the respective standards to be observed by new and existing facilities at the time of
17 the effectivity of this Act. These standards shall include the following:

- 18 (a) Performance standards for the design, construction, operation, maintenance, and
19 monitoring of the facility;
- 20 (b) Financial and personnel requirements and standards to ensure adequate resources
21 throughout the life cycle of the facility;
- 22 (c) Requirements, standards, procedures, and permits necessary for the closure,
23 decommissioning and post-closure care, monitoring and maintenance and use of the
24 facility;
- 25 (d) Waste acceptance requirements and procedures for different types of hazardous
26 waste packages; and,
- 27 (e) Management, engineering controls, medical surveillance, and use of personnel
28 protective equipment to minimize the exposure of workers to the hazards associated
29 with the collection, transport, storage, treatment, and disposal of hazardous waste.

30 **SEC. 15. Categories of TSD Facilities.** – Within six (6) months from the effectivity of
31 this Act, the DENR shall formulate specific, relevant, and appropriate criteria for waste
32 acceptance and standards for the different categories of TSD facilities as follows:

- 33 (a) *Facilities that employ fixed or mobile equipment to conduct on-site treatment and*
34 *disposal of hazardous waste generated or produced at the premises for*
35 *noncommercial purposes.* - The DENR shall encourage on-site treatment of
36 hazardous waste by, providing for incentives pursuant to Chapter V of this Act,

1 among other things: *Provided, That* generators that undertake partial treatment of
2 waste shall not be placed under this category;

3 (b) *Facilities that conduct treatment of hazardous waste;*

4 (c) *Landfills that accept hazardous waste for disposal.* - The DENR, after due review
5 and public consultation, shall promulgate criteria and regulations on the disposal of
6 hazardous waste in landfills, taking into account the following factors:

- 7 1. Long-term environmental uncertainties associated with land disposal of
8 hazardous waste;
- 9 2. Prioritization of appropriate management of hazardous waste; and,
- 10 3. Persistence, toxicity, mobility of hazardous waste and its hazardous
11 components, and their propensity to bioaccumulate.

12 For this purpose, utmost care shall be exercised to ensure that the hazardous
13 constituents of waste disposed in landfills do not migrate to the environment. The
14 disposal in waste landfills containing hazardous solvents, pesticides, and polycyclic
15 hydrocarbons as determined by the DENR after public consultation, is prohibited.

16 (d) *Facilities that recycle or reprocess hazardous waste that is not generated or*
17 *produced at the premises.* - These are facilities that receive and undertake off-site
18 treatment of hazardous waste, including the recovery of valuable materials from it,
19 use of it as input material or as fuel for production, or its production into compost
20 through biological treatment. This category includes facilities for recycling of used
21 lead-acid batteries, precious and non-precious metals, and oil. The DENR, in
22 coordination with the DOST, shall promulgate standards for this category;

23 (e) *Facilities that receive hazardous waste off-site or outside of the premises where the*
24 *waste is generated or produced, and transforms the physical or chemical*
25 *characteristics of the hazardous waste, for disposal into landfills and other disposal*
26 *sites;*

27 (f) *Facilities that store, within an allowable period, hazardous waste that is not*
28 *generated or produced within its premises.* - In these facilities, the storage of any
29 hazardous waste is prohibited unless such storage is undertaken solely for the
30 purpose of consolidation prior to proper recovery, treatment or disposal, but which
31 consolidation shall not take longer than the period prescribed by the DENR; and.

32 (g) *Other land disposal facilities.* - Engineered facilities under this category include
33 deep injection wells, borehole facilities, near surface facilities, surface
34 impoundments, land farming, and abandoned underground mines.

1 (h) *TSD and reception facilities in ports* – These facilities shall be organized and
2 managed by the Philippine Ports Authority (PPA). Furthermore, no port shall be
3 established or allowed to operate without an accompanying port reception facility.¹

4 The DENR shall, as the need arises, revise the regulations, standards, guidelines, and
5 categories of TSD facilities, taking into account improvements in the technology of control and
6 measurement.

7 **SEC. 16. Closure Plan and Post-Closure of Facility.** – The owner of a TSD facility
8 shall submit a closure plan to address the potential environmental impact and health risk arising
9 from the facility. The plan shall include rehabilitation, remediation, and monitoring measures
10 and processes, as well as the budgetary, resource, and personnel requirements necessary to
11 implement the closure. Submission of the plan shall be required prior to the operation of new
12 facilities. For existing facilities, the plan shall be submitted within six (6) months after the
13 effectivity of this Act. The plan shall be reviewed and approved by the DENR.

14 Prior to the closure or termination of the TSD operation, the owner of the facility shall
15 secure a hazardous waste post-closure permit from the DENR. The permit shall be maintained
16 during the period of strict implementation of the approved post-closure plan.

17 **SEC. 17. Guidelines for the Management of Contaminated Sites.** – Within six (6)
18 months from the effectivity of this Act, the DENR, in coordination with other relevant
19 government agencies, shall formulate the identification, characterization, remediation, clean
20 up, and site control guidelines for the determination and management of contaminated sites.
21 The DENR shall update these guidelines as the need arises.

22 The DENR shall maintain a Registry of contaminated sites and make this information
23 accessible to the public.

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The registration certificate shall be issued annually during the first three (3) years of
operation of a TSD facility. Thereafter, the DENR may issue a registration certificate with a
validity of five (5) years to a TSD facility that has satisfactorily complied with the rules and
regulations issued pursuant to this Act for the first three (3) years of its operation: *Provided,*

1 That the TSD facility shall undergo an annual audit to be conducted by a multidisciplinary
2 body constituted and authorized by the IATAC.

3 The DENR shall modify, suspend, or revoke such registration for noncompliance by a
4 TSD facility with the relevant provisions of this Act, or with the terms and conditions of such
5 registration.

6 **SEC. 19. Registration Certificate for Hazardous Waste Transporter.** – The
7 hazardous waste transporter that has a service agreement with a TSD facility shall be required
8 to secure a hazardous waste transport registration certificate from the DENR. The validity of a
9 transport registration certificate shall coincide with the validity of the registration certificate
10 issued to the TSD facility.

11 The DENR shall modify, suspend, and revoke the registration for noncompliance by a
12 transporter with the provisions of this Act or with the terms and conditions of such registration.

13 **Article Four**
14 **Hazardous Healthcare Waste**

15
16 **SEC. 20. Listing of Hazardous Healthcare Waste Categories.** – Within six (6) months
17 from the effectivity of this Act, the DOH, in coordination with the DENR and the Department
18 of Interior and Local Government (DILG), and after public consultation, shall formulate the
19 criteria for identifying and listing the categories of hazardous healthcare waste to be tracked
20 and regulated. In the formulation of the criteria, the DOH shall take into account relevant
21 factors such as the presence of infectious agents, toxicity, reactivity, ignitability, and
22 corrosivity. For radioactive healthcare waste, the rules and regulations issued by the Philippine
23 Nuclear Research Institute shall apply.

24 **SEC. 21. Management of Hazardous Healthcare Waste in Hospitals and Other**
25 **Healthcare Facilities.** – For the safe and environmentally sound management of hazardous
26 healthcare waste in hospitals and other healthcare facilities, the DOH shall promulgate rules
27 and regulations applicable to generators, transporters, and owners of TSD facilities established
28 pursuant to Sections 12, 13, and 14 hereof. These shall include the effective and proper
29 handling, collection, transport, treatment, storage, and disposal of such waste. The rules and
30 regulations shall include guidelines that will prevent significant adverse impacts on health and
31 the environment. For this purpose, the rules and regulations shall include the following:

- 32 (a) Waste minimization and segregation at source practices in hospitals and other
33 healthcare facilities;
- 34 (b) Provision of appropriately labeled storage, receptacle, or bin for each healthcare
35 waste category;
- 36 (c) Collection and storage of all hazardous healthcare waste in designated on-site
37 storage areas until transported to a TSD facility;
- 38 (d) On-site treatment of hazardous healthcare waste through appropriate treatment
39 methods;

1 (e) On-site treatment by healthcare facilities with the capacity to manage the hazardous
2 healthcare waste of other healthcare facilities. Services to other healthcare facilities
3 shall be approved by the DENR. For the off-site treatment, storage, and disposal
4 requirements of the hazardous waste, the standards established for facilities under
5 paragraphs (b) to (f) of Section 15 of this Act shall apply:

6 (f) Treatment of hazardous liquid waste by all healthcare facilities in compliance with
7 the provisions of Republic Act No. 9275, otherwise known as the "Philippine Clean
8 Water Act of 2004", and disposal of treated sludge in conformity with this Act; and,

9 (g) Creation of a committee on hazardous healthcare waste management in all healthcare
10 facilities that shall develop and implement an action plan for the proper management
11 of healthcare waste. The plan shall include strategies to ensure immediate and
12 appropriate action in emergencies arising from hazardous waste. The creation of this
13 committee shall be mandatory in all hospitals. For other healthcare establishments,
14 a hazardous waste management officer shall be designated.

15 **Article Five**
16 **Special Household Hazardous Waste**

17
18 **SEC. 22. Collection of Special Household Hazardous Waste.** – The local government
19 units (LGUs) shall be responsible for the collection of special household hazardous waste
20 characterized as such pursuant to Section 5 hereof. The LGUs may enter into agreements with
21 entities duly accredited by the DENR for the collection of special household hazardous waste.

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

25 **SEC. 23. Management of Special Household Hazardous Waste.** –The management of
26 special household hazardous waste shall be undertaken by the LGUs pursuant to Section 26
27 hereof. This shall include the segregation, collection, transport, treatment, storage, and disposal
28 of special hazardous waste, which shall be regulated in accordance with this Act.

29 **CHAPTER III**
30 **INSTITUTIONAL MECHANISM**

31 **SEC. 24. Lead Agency.** – The DENR shall be the primary government agency
32 responsible for the implementation and enforcement of this Act, including in special economic
33 and freeport zone areas, unless otherwise provided herein. As such, it shall have the following
34 functions, powers, and responsibilities:

35 (a) Develop and implement programs to achieve the goals and objectives set under this
36 Act;

37 (b) Prepare an annual National Hazardous Waste Status Report;

38 (c) Prepare a National Hazardous Waste Management Framework every five (5) years;

- 1 (d) Develop and promulgate the criteria for identifying and listing the characteristics of
2 hazardous waste;
- 3 (e) Establish, enforce, review, and revise standards for generators, transporters, owners,
4 and operators of hazardous waste TSD facilities;
- 5 (f) Exercise jurisdiction over all aspects of hazardous waste including its generation,
6 possession, collection, destruction, recovery, use, storage, transportation, treatment,
7 disposal and entry, even in transit, into Philippine territory;
- 8 (g) Evaluate applications and issue permits and licenses pursuant to this Act;
- 9 (h) Revoke, modify, or deny, in accordance with standards, rules, and regulations, the
10 hazardous waste transporter licenses, TSD facility permits, or other licenses issued
11 in accordance with this Act;
- 12 (i) Collaborate with other national government agencies, LGUs, academic institutions,
13 civil society, and the private sector to attain the objectives of this Act;
- 14 (j) Accept, receive, and administer grants, funds, or gifts from public and private
15 agencies, for the purpose of carrying out government programs for hazardous waste
16 management;
- 17 (k) Encourage, coordinate, participate in, or conduct studies, investigations, research,
18 and technical demonstrations relating to hazardous waste management as it may
19 deem advisable and necessary for the discharge of its duties pursuant to this Act;
- 20 (l) Encourage waste reduction, resource recovery and exchange, and energy
21 conservation in hazardous waste management;
- 22 (m) Oversee any corrective action undertaken pursuant to the rules and regulations issued
23 in accordance with this Act;
- 24 (n) Formulate and undertake the appropriate protocol with other concerned agencies for
25 an immediate and coordinated response to hazardous waste-related emergency
26 incidents;
- 27 (o) Formulate and implement rules and regulations that will enable the country to
28 comply with international agreements on hazardous waste management;
- 29 (p) Issue an order against any person or entity, and impose fines or other administrative
30 penalties under this Act;
- 31 (q) Recommend to the Department of Justice (DOJ) the filing of appropriate criminal
32 charges for violation of this Act; and,
- 33 (r) Exercise such powers and perform such other functions, as may be necessary to carry
34 out the objectives of this Act.

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

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

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

- 11 (a) Share the responsibility for the implementation, enforcement, and monitoring of the
12 provisions of this Act within their territorial jurisdiction, such as the registration and
13 compliance monitoring of hazardous waste generators, transporters, and TSD
14 facilities;
- 15 (b) Develop and implement a special household hazardous waste management program
16 as part of their Ten-Year Solid Waste Management Plan under Republic Act No.
17 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”;
- 18 (c) Prepare a compliance scheme in accordance with their special household hazardous
19 waste management program;
- 20 (d) Ensure the proper segregation and collection of special household hazardous waste;
- 21 (e) Develop and enhance the plans and programs of local governments on community
22 preparedness and response to hazardous waste emergencies;
- 23 (f) Participate in all efforts concerning hazardous waste management; and,
- 24 (g) Enact appropriate ordinances to implement their role in pursuance of this Act.

25 **SEC. 27. The Inter-Agency Technical Advisory Council.** – For purposes of policy
26 integration and harmonization and coordination of functions, there is hereby created an Inter-
27 Agency Technical Advisory Council (IATAC), to be composed of the following officials or
28 their duly authorized representatives:

- 29 (a) Secretary of Environment and Natural Resources, as Chairperson;
- 30 (b) Secretary of Health, as Co-chairperson;
- 31 (c) Secretary of Science and Technology, as Co-chairperson;
- 32 (d) Secretary of Agriculture;
- 33 (e) Secretary of Finance;

- 1 (f) Secretary of Trade and Industry;
- 2 (g) Secretary of National Defense;
- 3 (h) Secretary of Foreign Affairs;
- 4 (i) Secretary of Transportation;
- 5 (j) Secretary of Interior and Local Government;
- 6 (k) Secretary of Labor and Employment;
- 7 (l) Secretary of Energy;
- 8 (m) Director General of the Philippine Economic Zone Authority, in representation of
9 and in consultation with other economic and freeport zones;
- 10 (n) Representative of civil society;
- 11 (o) Representative of business and industry;
- 12 (p) Representative of TSD facility operators; and,
- 13 (q) Representative of the academe.

14 The representatives of civil society organizations, the academe, TSD facility operators,
15 and the industry shall be nominated through a process designed by the IATAC and shall be
16 appointed by the President for a term of three (3) years.

17 The IATAC shall constitute and authorize a multidisciplinary body to conduct an annual
18 audit and to determine the compliance of TSD facility operators with the terms and conditions
19 stipulated in the permits and licenses issued pursuant to this Act.

20 **SEC. 28. The IATAC Technical Working Group.** – The IATAC shall be supported by
21 a technical working group, which shall be composed of representatives from the following
22 agencies and institutions:

- 23 (a) Environmental Management Bureau of the DENR;
- 24 (b) Disease Prevention and Control Bureau of the DOH;
- 25 (c) Industrial Technology Development Institute of the DOST;
- 26 (d) Philippine Nuclear Research Institute of DOST;
- 27 (e) Bureau of Soil and Water Management of the Department of Agriculture (DA);
- 28 (f) Fertilizer and Pesticide Authority of the DA;
- 29 (g) Bureau of Customs of the Department of Finance;

1 (h) Bureau of International Trade Relations of the Department of Trade and Industry
2 (DTI);

3 (i) Board of Investments of the DTI;

4 (j) Bureau of Import Services of the DTI;

5 (k) Department of National Defense;

6 (l) Land Transportation Office of the DOTr;

7 (m) Occupational Health and Safety Center of the Department of Labor and
8 Employment;

9 (n) Philippine Coast Guard;

10 (o) Civil society organizations;

11 (p) Business and Industry;

12 (q) Academe; and,

13 (r) Other agencies and sectors as may be necessary.

14 Representatives of civil society organizations, industry, and the academe shall be
15 nominated through a process designed by the IATAC.

16 **SEC. 29. Linkage Mechanism.** – The DENR and its concerned agencies may coordinate
17 and enter into formal agreements with other government agencies, civil society, industrial
18 sector and other concerned sectors in the furtherance of the policies of this Act: *Provided, That*
19 the DENR shall coordinate with the DILG and the Philippine National Police (PNP) and the
20 DOTr and PCG in the case of ship transporters, in the enforcement of the guidelines, rules, and
21 regulations on the transport of hazardous waste pursuant to this Act.

22 **SEC. 30. Visitorial Powers.** –The Secretaries of the DENR, and the DOH insofar as
23 healthcare facilities and healthcare TSD providers are concerned, or their authorized
24 representatives, or with the PCG insofar as ships and ports are concerned, shall have the right
25 to visit the premises and inspect the documents of any generator, transporter, or TSD facility
26 or port reception facility², to determine any violation or to aid in the effective enforcement of
27 this Act and its implementing rules and regulations. Likewise, these authorities shall have
28 access and right to copy therefrom, the records required, pursuant to the provisions of this Act.
29 This section shall not apply to private dwellings, unless the visitorial power is otherwise
30 judicially authorized.

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**CHAPTER IV
FINANCING HAZARDOUS WASTE MANAGEMENT**

3 **SEC. 31. Financial Liability for Environmental Rehabilitation.** – The DENR shall
4 require the generators and owners of TSD facilities to establish an Environmental Guarantee
5 Fund (EGF) or Marine Environmental Monetary Fund (MEMF) in the case of vessels as part
6 of the Environmental Management Plan submitted, in line with the application for an
7 Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586 and
8 its implementing rules and regulations. The EGF or MEMF shall be used for emergency
9 response, cleanup, rehabilitation, and remediation of areas that may be damaged during the
10 generation, transport, treatment, storage, or disposal of hazardous waste, and post-closure
11 activities of the facility. The liability for damages shall continue even after the termination of
12 the project and until the lapse of a given period indicated in the ECC, as determined by the
13 DENR.

14 The EGF and MEMF may be in the form of a trust fund, environmental insurance, surety
15 bonds, letters of credit, self-insurance, and any other instrument as may be identified by the
16 DENR. Consideration of the guarantee instrument or combinations thereof shall include an
17 assessment of the risks involved. Generators and owners of TSD facilities required to put up
18 guarantee instruments shall furnish the DENR with evidence of availment of such instruments.

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**CHAPTER V
INCENTIVES**

21 **SEC. 32. Rewards.** – Rewards, monetary or otherwise, shall be granted to individuals,
22 private organizations and entities, including non-government organizations (NGOs) that have
23 undertaken outstanding and innovative projects, technologies, processes, and techniques, or
24 activities for the management of hazardous waste.

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

29 (a) Tax, Duty Exemption, and other incentives under Republic Act No. 11534,
30 otherwise known as the “Corporate Recovery and Tax Incentives for Enterprises
31 Act” or the “CREATE” Law. – Upon the effectivity of this Act, registered business
32 enterprises that use, acquire, and import machinery, equipment, technology, spare
33 parts and specialized types of vehicles used for the transport, processing, storage,
34 and treatment of hazardous waste, including cleaner production and waste
35 minimization technologies, may avail of the incentives of at least Tier II provided
36 under Title XIII of the National Internal Revenue Code, as amended;

37 (b) Exemption from Value-Added Tax (VAT) on the Sale of Domestic Capital
38 Equipment – Within five (5) years from the effectivity of this Act, the sale of
39 domestic capital equipment, including its spare parts, to registered enterprises,
40 LGUs, and NGOs, to be used for the processing, storage, and treatment of hazardous

1 waste, shall be exempted from the VAT imposed under the National Internal
2 Revenue Code of 1997, as amended: *Provided, That* the said incentive shall be
3 subject to the same conditions and prohibitions cited in the preceding paragraph.

4 (c) Tax Exemption of Donations, Legacies, and Gifts – All donations, legacies, and gifts
5 made by any person or entity in favor of LGUs and NGOs for the support and
6 maintenance of programs for the effective hazardous waste management, shall be
7 exempt from donor's tax pursuant to the National Internal Revenue Code of 1997,
8 as amended.

9 (d) Financial Assistance Program – Government and private financial institutions, in
10 accordance with, and to the extent allowed by the enabling provisions of their
11 respective charters or applicable laws, may accord high priority to individuals,
12 enterprises, or private entities engaged in hazardous, medical, and special hazardous
13 waste management by providing special financial services, including the grant of
14 preferential rates; and.

15 (e) Extension of Grants to LGUs. - Cities or municipalities that opt to develop special
16 household hazardous waste management plans, or have adopted innovative waste
17 management programs, may be entitled to receive grants in order to develop their
18 technical capacities and efficiently implement their plans.

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20 **CHAPTER VI**
21 **CIVIL LIABILITY AND PENAL PROVISIONS**

22 **SEC. 34. Generator's Liability.** – A generator is primarily responsible for the
23 management of hazardous waste until said waste has been certified as properly treated or
24 disposed by a duly accredited TSD facility: *Provided, That* for exported waste that is treated
25 and disposed of in accordance with international agreements and their amendments, the TSD
26 facilities in the country of destination shall issue the certificate of treatment and disposal. All
27 other environmental service providers involved in the transport, treatment, storage, and
28 disposal of said waste shall be jointly and severally liable with the generator for any adverse
29 environmental impact that results from the improper management of the waste.

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

- 31 (a) Discarding, throwing, dumping, or storing of hazardous waste listed pursuant to this
32 Act, or causing or permitting the commission of same acts, in public places, in
33 municipal solid waste facilities, or in other areas or facilities not designed therefor;
- 34 (b) Undertaking activities involving the collection or transport of hazardous waste in
35 violation of the standards and other requirements or permits set forth in this Act;
- 36 (c) Causing or permitting the collection of unsegregated or unsorted hazardous waste;
- 37 (d) Operating a TSD facility without the permit required under this Act;

- 1 (e) Transporting hazardous waste without the permit or license required under this Act;
- 2 (f) Mixing of source-separated recyclable material with other hazardous waste in any
3 vehicle, container, or receptacle used in hazardous waste collection, transportation
4 or disposal;
- 5 (g) Disposing of hazardous waste in open and controlled dumps as enjoined in this Act,
6 or causing and permitting the same;
- 7 (h) Establishing and operating of open and controlled dumps for hazardous waste;
- 8 (i) Transporting and dumping of collected hazardous waste in areas other than the
9 facilities prescribed under this Act;
- 10 (j) Open burning of hazardous waste;
- 11 (k) Transporting any hazardous waste to a TSD facility that is not authorized to receive
12 such waste pursuant to this Act;
- 13 (l) Treating, storing, or disposing of any hazardous waste without proper permit or
14 license, or in knowing violation of any material condition or requirement of such
15 permit or license, or in violation of any standard promulgated pursuant to this Act;
- 16 (m) Making any false material statement, representation, or certification in any
17 application, label, permit, record, report, manifest, or other document filed, or
18 required to be maintained under this Act;
- 19 (n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data
20 required under this Act;
- 21 (o) Generating, treating, storing, transporting, disposing, or handling of any hazardous
22 waste, and in connection therewith, willfully destroying, altering or concealing any
23 record required to be maintained under this Act;
- 24 (p) Owning, maintaining, or operating any hazardous waste disposal facility in violation
25 of the hazardous waste management standards or the rules and regulations issued
26 pursuant to this Act;
- 27 (q) Failing to notify the DENR, DOH and PNRI of hazardous waste activities pursuant
28 to Section 6 hereof;
- 29 (r) Importing, causing, or permitting the entry, even in transit, of any hazardous waste
30 into Philippine territory in violation of the provisions of this Act, its implementing
31 rules and regulations, and relevant international agreements and protocols;
- 32 (s) Constructing, substantially altering, or operating a hazardous waste TSD facility,
33 including all post-closure activities and operations specified in the rules and
34 regulations, without first obtaining a permit as specified in this Act; [and,]

- 1 (t) Site preparation, construction, expansion, or operation of TSD facilities without an
2 Environmental Compliance Certificate (ECC) required under Presidential Decree
3 No. 1586 and this Act; and
- 4 (u) Discharging and dumping of hazardous or radioactive wastes from ships, and deep-
5 sea injection.

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

- 7 (a) Unless otherwise provided herein, any person who commits any of the prohibited
8 acts described under Section 35, or violates any of the provisions of this Act, the
9 standards established pursuant to this Act, or its implementing rules and regulations,
10 shall be fined by the Pollution Adjudication Board (PAB), after due hearing
11 conducted thereon, in the amount of not less than Fifty thousand pesos (₱ 50,000.00)
12 but not more than One million pesos (₱ 1,000,000.00) for every violation: *Provided,*
13 *That* for violation of Section 35 involving the prohibited acts under paragraphs (a),
14 (g), (h), (i), (l), (p), (s) and (t) thereof, the fine shall be imposed for each day of
15 violation.

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

- 21 (b) The PAB may order the suspension of development or construction, cessation of
22 operations, or closure of the facility, until such time that proper environmental
23 safeguards are in place, or are in compliance with this Act, or its rules and regulations
24 are undertaken by the offender, without prejudice to the issuance of an *ex parte* order
25 for such closure, suspension of development or construction, or cessation of
26 operations during the pendency of the case: *Provided, That* if the prohibited act shall
27 require a cleanup and rehabilitation of the environment, the offender shall also be
28 required to restore the area or pay for the restoration thereof. The PAB may also
29 award such damages as it may deem just and fair under the circumstances in favor
30 of a private complainant.

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

- 34 1. Deliberate disposal of hazardous waste without the required permit issued
35 pursuant to this Act;
- 36 2. Three (3) or more violations of paragraphs (a), (d), (e), (g), (k), (l) and (m) of
37 Section 35 hereof within a period of two (2) years; or,
- 38 3. Blatant disregard of the orders of the PAB such as the nonpayment of fines,
39 breaking of seals, or operation of the source of pollution, despite the existence
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1 of an order for closure, discontinuance or cessation of operation, or the
2 unjustified refusal for the entry or access to any premises of an authorized
3 DENR representative.

4 (d) In case of gross violation of this Act, the offender shall pay a fine of not less than
5 Five hundred thousand pesos (₱ 500,000.00) but not more than Five million pesos
6 (₱ 5,000,000.00), or be punished with imprisonment of not less than three (3) years
7 but not more than ten (10) years, or both, at the discretion of the court. If the offender
8 is a juridical person, the chief executive officer and the pollution control officer or
9 its equivalent, shall suffer the penalty herein provided: *Provided, That* the officers
10 and incorporators of TSD facilities who violated the post-closure requirements
11 issued pursuant to Section 16 hereof, shall be banned from setting up any TSD
12 facility and hazardous waste transport company, and engaging in the operation of
13 the same.

14 If the offender is an alien, the offender shall, after service of the sentence prescribed
15 above, be deported without further administrative proceedings.

16 (e) To compensate for inflation and to maintain its deterrent function, the fines
17 prescribed herein shall be reviewed and revised every three (3) years, or whenever
18 necessary.
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20 **SEC. 37. Administrative Sanctions.** – Local government officials and officials of
21 concerned government agencies who fail to comply with and enforce the rules and regulations
22 promulgated relative to this Act, shall be charged administratively in accordance with Republic
23 Act No. 7160 or the “Local Government Code of 1991” and Executive Order No. 292 or the
24 “Administrative Code of 1987” and other existing laws, rules, and regulations.

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

31 **SEC. 39. Citizen’s Suit.** – For purposes of enforcing the provisions of this Act or the
32 rules and regulations issued to implement it, any citizen may file an appropriate civil, criminal,
33 or administrative action in the proper courts or bodies against the following:

34 (a) Any person who violates or fails to comply with the provisions of this Act or its
35 implementing rules and regulations;

36 (b) The DENR or other implementing agencies with respect to orders, rules, and
37 regulations issued that are inconsistent with this Act; or

38 (c) Any public officer who willfully or grossly neglects the performance of an act
39 specifically enjoined as a duty under this Act or the rules and regulations issued to
40 implement it, or abuses the authority vested in them in the performance of duty, or

1 improperly conducts the duties under this Act or the rules and regulations issued to
2 implement it: *Provided, however, That* a suit can be filed only after a thirty (30)-day
3 notice had been given to the public officer and the alleged violator concerned, and
4 when no appropriate action had been taken thereon.

5 The court shall exempt such action filed from the payment of filing fees, and upon *prima*
6 *facie* evidence showing the non-enforcement or violation complained of. The plaintiff shall
7 also be exempt from the filing of an injunction bond for the issuance of a preliminary
8 injunction.

9 Within thirty (30) days, the court shall determine if a complaint is malicious or baseless,
10 and shall accordingly dismiss the action and award attorney's fees and damages.

11 **SEC. 40. Suits and Strategic Legal Action Against Public Participation (SLAPP)**
12 **and the Enforcement of this Act.** – Where a suit is brought against a person who filed an
13 action as provided for in Section 39 of this Act, or against any person, institution or government
14 agency tasked to implement this Act, it shall be the duty of the investigating prosecutor or the
15 court, as the case may be, to immediately make a determination within a period not exceeding
16 thirty (30) days whether the legal action has been filed to harass, vex, exert undue pressure, or
17 stifle such legal recourses of the person complaining of a violation or enforcing the provisions
18 of this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss
19 the case and award attorney's fees and double damages to the respondent.

20 This provision shall also apply and benefit public officers who are sued for acts
21 committed in their official capacity, there being no grave abuse of authority, and done in the
22 course of enforcing this Act.

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24 **CHAPTER VII**
25 **MISCELLANEOUS PROVISIONS**

26 **SEC. 41. Mandatory Public Hearings.** – The DENR shall determine the process by
27 which the public hearings relative to the formulation of the Framework mandated under Section
28 8 hereof shall be undertaken.

29 **SEC. 42. Research on Hazardous Waste Management.** – The DENR after
30 consultations with the concerned agencies, shall encourage and render financial and other
31 assistance to appropriate government and private agencies, institutions, and individuals in the
32 promotion and conduct of researches, experiments, and other studies on hazardous waste
33 management, particularly those relating to the:

34 (a) Adverse effects on health as a result of the release into the environment of hazardous
35 waste, and methods to eliminate said effects or mitigate the health risks related
36 thereto;

37 (b) Operation and financing of hazardous waste disposal programs;

- 1 (c) Planning, implementation, and operation of resource recovery and resource
2 conservation systems;
- 3 (d) Production of usable forms of recovered resources, including fuel from hazardous
4 waste;
- 5 (e) Development and application of new and improved methods of collecting,
6 separating, and disposing of hazardous waste, and processing and recovery of
7 materials and energy from hazardous waste;
- 8 (f) Cleaner production technologies;
- 9 (g) Improvements in land disposal practices for hazardous waste; and,
- 10 (h) Development of new uses of recovered resources and identification of existing or
11 potential markets of recovered resources.

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

15 **SEC. 43. Public Education and Information.** – The DENR and the DOH, in
16 coordination with the Department of Education (DepEd), the Technical Education and Skills
17 Development Authority (TESDA), the Commission on Higher Education (CHED), the DILG,
18 the Philippine Information Agency (PIA), and the LGUs, shall conduct a continuing education
19 and information campaign on hazardous waste management. Such education and information
20 program shall:

- 21 (a) Aim to create public awareness on the impacts of hazardous waste and methods to
22 prevent or minimize its adverse effects;
- 23 (b) Focus on activities that are feasible and offer the greatest impact on hazardous waste
24 management; and,
- 25 (c) Encourage the general public, accredited NGOs, and POs to publicly endorse and
26 patronize environment-friendly products.

27 **SEC. 44. Environmental Education in the Formal and Non-formal Sectors.** – The
28 National Government, through the DepEd and in coordination with concerned government
29 agencies, NGOs, and private institutions, shall strengthen the integration of environmental
30 concerns in school curricula at all levels, with particular emphasis on the principles underlying
31 hazardous waste management, in order to promote environmental awareness and affirmative
32 action among the citizenry.

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3 **SEC. 52. Repealing Clause.** – Republic Act No. 6969 otherwise known as the “Toxic
4 Substances and Hazardous and Nuclear Wastes Control Act of 1990”. Republic Act No. 9003,
5 and Republic Act No. 7160, as amended, are modified accordingly. All laws, decrees,
6 issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are
7 hereby repealed or modified accordingly.

8 **SEC. 53. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in
9 the *Official Gazette* or in a newspaper of general circulation.

10 Approved,