

ENVIRONMENT SECTOR

SUBJECT : Amending the Revised Rules and Regulations Implementing P.D. 1586 (Environmental Impact Statement System)

ARTICLE I - POLICY OBJECTIVES AND DEFINITION OF TERMS

Sec. 1. Basic Policy. Consistent with the basic policy of the state to assure the availability and sustainability of the country's natural resources through its judicious use in order to achieve immediate economic gains and in pursuance to Presidential Decree 1586 and Proclamation 2146, the following amendments to the revised rules and regulations implementing the Environmental Impact Statement System are hereby promulgated.

Sec. 2. Policy Objectives.

1. To identify environmental constraints and opportunities of natural systems in order to guide the planning and development of project activities from the selection of appropriate site to the design, implementation and termination so that environmental considerations are incorporated in the early stages of project development.
2. To identify, predict and describe in appropriate terms the costs and benefits of development projects and assess the likely primary and secondary changes therein and systematically present the results for review and decision-making.
3. To ensure the success of development projects through finding ways to reduce unacceptable impacts and prescribe the most appropriate and cost-effective mitigating measures.
4. To involve as much as possible a wide spectrum of concerned sectors and the adjacent communities who will be affected by the project development in the exchange of views, information and concerns in order to effect projects that are beneficial to the majority and acceptable to the community.
5. To provide the basis for assessing the actual impacts of implemented and completed projects and identify other significant impacts in order to effect corrective actions and to improve future projects of similar type and magnitude.

Sec. 3. DEFINITION OF TERMS. For the purpose of these rules and regulations and whenever any of the following words and terms are used therein shall have the meaning ascribed in this section.

- a. **DENR** - refers to the Department of Environment and Natural Resources.
- b. **EMB** - refers to the Environmental Management Bureau
- c. **Environmental Impact Statement (EIS) System** - refers to the entire process of organization, administration and procedure institutionalized for the purpose of assessing the significance of the effects of physical developments on the quality of the environment.
- d. **Environmental Impact Assessment (EIA)** - refers to the process of predicting the likely environmental consequences of implementing project activities.
- e. **Environmental Impact Statement/Study (EIS)** - refers to the document(s) of studies on the environmental impacts of a project including the discussions on direct and indirect consequences upon human welfare and ecological and environmental integrity. The EIS may vary from project to project but shall contain in every case all the relevant information and details about the project to enable the DENR and other concerned parties to make judicious decisions. Such EIS shall substantially conform with the outline setforth in Annex A.
- f. **Environmental Compliance Certificate (ECC)** - refers to the document issued by the Secretary of the Department of Environment and Natural Resources or his duly authorized representative certifying that the proposed project under consideration will not bring about an unacceptable environmental impact and that the proponent has complied with the requirements of the Environmental Impact Statement (EIS) System.
- g. **Environmental Impact Statement Monitoring and Evaluation** - refers to the process of comparing the predicted impacts on the environment as stipulated in the EIS with those which actually occurred after the implementation and operation of the project.

- h. **Environmental Impact/Statement Review Committee** - refers to the body of experts from various fields created by DENR whose main task is to assist the DENR in evaluating EIS and other documents.
- i. **Compliance Monitoring** - refers to the activity designed to gauge the level of compliance with the conditions stipulated in the ECC issued and in the EIS or PD submitted.
- j. **Environmentally Critical Project (ECP)** - refers to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated Dec. 14, 1981.
- k. **Environmental Critical Areas (ECA)** - refers to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146, dated Dec. 14, 1981.
- l. **Project** - refers to activities including actions, programs or undertaking regardless of scale or magnitude which may have significant impact on the environment.
- m. **Project Proponent (PP)** - refers to any entity, private and government organizations, persons, owners/agents, planning or intending to undertake a project.
- n. **Project Description (PD)** - refers to the document submitted by the project proponent substantially describing the proposed project particularly those aspects of the project which will likely cause environmental impact. Such project description shall substantially conform with the outline set forth in Annex B hereof.
- o. **Public Hearing** - refers to the activity undertaken by DENR to gather facts and thresh out all issues, concerns and apprehensions and at the same time provide the project proponent with the opportunity to present the project to the people/community who would be affected by such.
- p. **RED** - refers to the Regional Executive Director of DENR.
- q. **RTD** - refers to the Regional Technical Director for Environmental Management and Protected Areas Services of the DENR regional offices.
- r. **PENRO** - refers to the Provincial Environment and Natural Resources Officer of the DENR.

- s. **CENRO** - refers to the Community Environment and Natural Resources Officer of the DENR.

ARTICLE II - PROCEDURES FOR PROCESSING OF ECC APPLICATIONS

Sec. 1. Screening of Projects

1. The proponent shall submit a duly accomplished ENFORM I which shall serve as the basis for determining whether the project is within the purview of the EIS System. The said form appears as Annex C.
2. Projects that fall within the purview of the EIS System are as follows:
 - a) Environmental Critically Projects (ECP) wherein the project proponent shall submit an Environmental Impact Statement (EIS) to EMB.
 - b) Projects that fall within Environmentally Critical Areas (ECA) wherein project proponents shall be required to submit PDs to DENR Regional Offices. However, they may be required later to submit an EIS if deemed necessary.
3. Projects Not Covered by the EIS System
 - a) Environmentally Critical Projects which have been operational prior to 1982 are not covered by the scope of the EIS System except in cases where their operations are expanded in terms of daily production capacity or the coverage of its original area in which case such project will be covered by the EIS System.
 - b) Exempted projects

Any proposed activity or operation that does not fall within the category stated in Article II, Section I of this order and which are characterized by all of the following conditions:

- discharges minimal amount of waste and the management of such wastes are relatively easy.

has a capitalization of not more than P 500,000

employs not more than 20 persons,

An exemption certificate however, shall still have to be issued by the DENR for those projects in which the above criteria apply.

Likewise, pursuant to Article II Section II of P.D. 1586 some projects may be exempted by the President or his duly authorized representative for reasons of national interest or in compliance with international commitments. Such exemptions, however, does not preclude the DENR to require the proponent from instituting the necessary remedial measures to protect the environment.

4. The proponent shall pay the necessary fees in accordance with the schedule of fees.

Further, for exempted projects that are within ECA, comments and/or recommendations shall be solicited from appropriate units or agencies which have jurisdiction over these ECA, prior to the issuance of the exemption certificate by DENR.

Sec. 2. Processing or EIS and PD. - The EMB shall be responsible for processing EIS documents of Environmentally Critical Projects (ECP). The DENR Regional Offices shall be responsible for those projects that fall within the scope of Environmentally Critical Areas (ECA) and exempted projects. The flow charts showing the processing steps enumerated below appear as Annex D-1 and D-2.

A. Steps in the review and evaluation of Environmental Impact Statements (EIS)

1. Upon determination by DENR that the project shall be subject to an EIS, a copy of the scoping guidelines shall be given to the project proponent for his guidance. On the basis of the above and on the outline given, the proponent has the option to commission the undertaking of the EIS to a competent professional group or by the proponent's technical staff.
2. Upon completion of the EIS the proponent shall submit at least fifteen (15) legible copies of the document to the DENR for review.
3. Upon receipt of the EIS, the DENR shall forward the document to the concerned EIS unit which shall initially evaluate the submitted document as to its content and completeness of the supporting documents. Within thirty (30) days, the EIS Unit shall decide whether or not the information contained in the EIS is

sufficient for a thorough evaluation of the project's environmental impacts. The EIS Unit shall then inform the proponent of any additional information that may be needed for further evaluation of the EIS. After the evaluation, the EIS Unit may:

- a. recommend issuance of the Environmental Compliance Certificate (ECC);
 - b. recommend conduct of an ocular inspection of the proposed project site to check the veracity of the information contained in the submitted EIS; or
 - c. recommend further review by the EIS Review Committee to thoroughly assess the submitted EIS with respect to accuracy of the data presented, the applicability of the mitigating measures and the adequacy of the monitoring program.
4. For projects referred to the Review Committee, the EIS Unit shall convene the committee whose members shall be selected from the pool of experts/area subject specialists.

The Review Committee can require the holding of a public hearing to be conducted by the DENR/EMB or the Regional Office, subject to the process stipulated in Article II Section 3 or may likewise require the project proponent to submit additional information if necessary.

5. After a thorough evaluation of all inputs the Review Committee shall recommend for the approval or denial of the ECC by the Secretary of the DENR or his duly designated representative.

B. Steps in the review and evaluation of Project Descriptions

6. Projects requiring Project Descriptions shall follow same process as required in the review of EIS, except for the conduct of public hearing which is not necessary at this stage.
7. Upon submission of the PD, the regional EIS unit shall review and evaluate the documents and determine the accuracy of data and assessments presented, the applicability of mitigating measures, the adequacy of the monitoring programs and public acceptability of the projects. The RTD's can always request for additional information if necessary. Part of the evaluation process is the ocular

inspection of the project site which may be conducted by the EIS Unit with the assistance of the PENRO/CENRO.

8. Once all pertinent information have been validated, the RTD can recommend for the granting or denial of the ECC to the Regional Executive Director (RED). The Regional Office shall decide not more than two (2) months from receipt of the PDs whether it shall issue or deny the ECC to the concerned proponent.
9. In cases wherein the EIA unit considers the project requires an EIS, the RTD shall inform the proponent of the requirements and said application shall follow the process stipulated in Article II Section 2.A.

Sec. 3. Conduct of Public Hearing

Public Hearing maybe initiated by the DENR when the magnitude of the project such that a great number of people are affected or when there is mounting public opposition against the proposed project

3.1 Notice

A notice of public hearing shall be published once a week for two (2) consecutive weeks in any newspaper of general circulation at least twenty (20) calendar days prior to the scheduled hearing. Notice shall likewise be posted in a conspicuous place in the municipality or barangay where the project is to be located. All expenses incurred for the notices shall be charged to the project proponent.

3.2 Designation of Hearing Officers

The Secretary or his duly designated representative shall appoint hearing officers in the conduct of public hearings.

3.3 Powers and Duties of Hearing Officers

Hearing Officers shall have the power and authority to conduct proceedings with the aim of further eliciting information and more pertinent facts.

They will ensure that all participating parties arc given the opportunity to air their positions/concerns regarding he project and that same are adequately discussed.

The Hearing Offices shall submit a report of their findings to the EIS Review Committee within fifteen (15) working days after the hearing.

Copies of the report shall be considered as public documents and shall be made available to all concerned parties and other interested entities.

3.4 Nature of Proceedings

The conduct of public hearings shall be summary in nature and does not strictly adhere to the technical rules of evidence.

Sec. 4. Granting of ECC

- 4.1 An Environmental Compliance Certificate (ECC) is issued by the DENR Secretary or his duly designated representative to a project proponent after having satisfied the process described in Article n of this Order.

Sec. 5. EIA MONITORING

- 5.1 All ECPs will be subjected to periodic compliance monitoring by the EMB and all other projects by the DENR Regional Offices.
- 5.2 The EMB can call on the assistance of the regional office in the conduct of compliance monitoring activities while the latter can call on the EMB when the monitoring of the project requires institutional and technical expertise that can be provided by the Bureau.

The EMB shall initiate the formation of a Multipartite Monitoring Team in coordination with the regional office as may be required by the conditions of the ECC.

ARTICLE III - DUTIES AND RESPONSIBILITIES OF ACTORS IN THE EIS REVIEW PROCESS

Sec. 1. Project Proponents

- a. conduct an Environmental Impact Assessment (EIA) of the proposed project and submit its findings to DENR in accordance with the prescribed guidelines.
- b. provide a true, complete and accurate EIS or PD
- c. publish the notice of public hearing

- d. provide resource persons to make presentations and answer questions during public meetings and hearings.
- e. ensure that appropriate post-assessment monitoring and reporting are carried out as required.
- g. initiate, in certain cases, the establishment of the Environmental Guarantee Fund (EGF) as stipulated in the ECC which shall make available reserve funds for monitoring activities and the immediate rehabilitation and/or compensation of affected parties should negative impacts occur in relation to the project.
- h. submit the required reports to the DENR.

Sec. 2. DENR.

2.1 OFFICE OF THE SECRETARY

- a. formulate EIA policies, plans and programs and advise the EMB and Regional Offices from time to time in the efficient implementation of projects and programs
- b. advise the President and Congress on the enactment and modification of laws relative to the EIS System
- c. approve or deny the issuance of an Environmental Compliance Certificate for EIS documents related to ECP

2.2 EMB

- a. coordinate the implementation of the necessary policies and guidelines relative to the EIS System
- b. conduct assessments and evaluation of the EIS to serve as basis for recommending the issuance/denial of the ECC and or advise the project proponent that his project as planned needs modifications and corrections
- c. serve as the administrative body which shall carry out the procedural process of the EIS System

- d. develop procedural assessment guidelines and prescribe the appropriate scoping guidelines for specific project types
- e. chair the EIS Review Committee
- f. solicit in writing comments from other government agencies and persons with expertise or regulatory powers over the proposed projects
- g. coordinate with the DENR field offices, local government units (LGUs), non-government organizations (NGOs), people's organizations (POs), project proponents and other government agencies in the conduct of actual compliance and multipartite monitoring of projects granted ECC
- h. initiate the conduct of public hearings for environmentally critical projects
- j. provide technical assistance to the Regional Office in the review, inspection, monitoring and the conduct of public hearings.

2.3 REGIONAL OFFICES

- a. implement laws, policies, plans, programs, projects, rules and regulations of the DENR relative to the EIS System
- b. assess and evaluate PO/EIS for ECA
- c. conduct on-site inspection for PO/EIS for ECA
- d. investigate EIS-related complaints
- e. assist EMB in the conduct of on-site inspection for Environmental Impact Statement (EIS) of ECP and make the necessary recommendations
- f. conduct actual compliance monitoring of projects granted ECC and prepare the necessary reports
- g. coordinate with other government agencies, non-government organizations, local government units, private offices and project proponents in the region in the implementation and enforcement of EIS System rules and regulations and public information campaign

- h. initiate the conduct of public hearing whenever necessary
- i. initiate the conduct of training for PENRO/CENRO on the EIS System
- j. chair the Regional EIS Review Committee
- k. approve or deny the ECC for EIS and PD that are in ECAs
- l. issue exemption certificates for exempted projects.

2.4 PENRO AND CENRO

- a. coordinate with local government units, barangay officials, NGOs, POs and local residents relative to the EIS System
- b. conduct public information campaign regarding the EIS System
- c. assist the Regional Office in the conduct of on-site inspections and monitoring

2.5 EIS REVIEW COMMITTEE

- a. assist the EIA unit in the evaluation and review of EIS documents
- b. make recommendations regarding the issuance or non-issuance of Environmental Compliance Certificate of proposed projects under review

ARTICLE IV - PENALTIES, GROUND FOR CANCELLATION OF ECC AND ADMINISTRATIVE SANCTION

The Secretary of the Department of the Environment and Natural Resources or his duly authorized representative shall impose penalties upon person(s) found violating provisions of PD 1586 or its implementing rules and regulations.

Sec. 1. Scope of Violations

- 1.1 Critical Projects found operating without ECC
- 1.2 Projects within ECA but found operating without ECC, and

1.3 Projects found violating ECC conditions.

Sec. 2. Imposition of Penalties

2.1 A Report which will serve as the basis for the imposition of fine will be prepared by the EIA Unit. The report among others should include the following information:

- a. Brief background of the project including previous violation, if any.
- b. Nature of the violation and/or the ECC conditions violated.
- c. Results and discussion on any measurement, sampling or monitoring activities conducted either by EMB, Regional Environmental Management Protected Areas (EMPAS) or DENR accredited research institutions, academic and or technical organizations.
- d. Discussion on the results obtained and the corresponding adverse impacts caused by the violations.
- e. Recommended amount of fine to be imposed in accordance with this Order.

2.2 The Report shall be submitted to the Director of EMB or the Regional Executive Director (RED) as the case maybe for appropriate action.

2.3 The EMB Director or RED shall issue an order for the imposition of penalties.

2.4 Nature of Violations and Corresponding Fines

The violation of ECC requirements is categorized as follows:

A. Project which are established and/or operating an ECC

Any project which has been classified as environmentally critical and/or located in environmentally critical area and established and/or operating without an ECC shall be liable to penalty.

Any Project Proponent operating without an ECC shall be informed by DENR about the nature of the violation and the corresponding amount of fine imposed therein

The DENR shall evaluate the merits of the explanation submitted by the Proponent and decide whether or not a fine and the requiring of the submission of EIS/PD shall be imposed.

The amount of fine shall not exceed P50,000 at the discretion of the DENR.

The Proponent should settle all requirements within thirty (30) days upon notification. Failure to comply with these requirements shall be a ground for issuance of an order for the cessation of project operation

B. Project violating ECC Conditions

1. First Violation

The Project Proponent shall be informed by the Director of the EMB or the RED about the nature of the violation and shall be asked to explain within seven (7) days upon receipt of notification why they should not be penalized. The Director of the EMB or the RED shall decide within seven (7) days upon receipt of explanation whether the justification presented merits consideration or a violation has been committed.

The Director of EMB or RED shall impose a fine and require the proponent to submit a plan that will address the violations.

The amount of fines for every violation of the ECC conditions shall not exceed P 50,000 thereof, which shall be set at the discretion of the DENR.

The project proponent is required to settle all the requirements within fifteen (15) days upon receipt of notification. Failure to comply with these requirements would constitute an automatic ground for the suspension of their ECC.

2. Subsequent Violations

Any Project Proponent found to have committed further violation of any or all ECC conditions shall be required by the EMB/Regional Office to cease operation and have his ECC revoked.

Sec. 3. Implementing Body. - The EMB/DENR Regional Offices shall be responsible in determining whether there has been any violation of P.D. 1586, and its implementing rules and regulations.

Sec. 4. Administrative Authority/Sanction. - The EMB/DENR is the agency which reviews the EIS and PD. As such all DENR Personnel are not allowed to be involved in any way, whatsoever, directly or indirectly in the preparation of EIS and/or PD documents. Any personnel found to have violated this provision shall be liable to administrative sanctions and penalties in accordance with the Rules and Regulations of the Civil Service Commission.

Sec. 5. Motion for Reconsideration. - All Motions for Reconsideration by the project proponent shall be submitted to the EMB Director or RED within fifteen (15) days upon receipt of the DENR order. The EMB Director or the RED shall decide on this Motion for Reconsideration within (30) days upon the receipt of the motion. The decision of the EMB Director or the RED, as the case may be, shall be final

Sec. 6. Appeals. - Any appeal from the decision/order of the EMB Director or RED shall be filed by the Project proponent with the Office of the Secretary within fifteen (15) days upon the receipt of the said order or decision. The Secretary shall decide on the appeal within a period of thirty (30) days upon the receipt of the said appeal. The decision of the Secretary shall be final and executory.

ARTICLE V - SUPPLEMENTAL RULES AND REGULATIONS

1. Projects which have not been responded by the proponent within a year from the date of filing shall be automatically invalidated. The DENR shall send/notify the proponent one month before the proposed termination date.
2. In after termination, the proponent decides to proceed with his project it is considered as a new application and shall pay the corresponding fee.

ARTICLE VI - EFFECTIVITY

The Rules and Regulations shall take effect thirty (30) days after publication in any newspapers of general circulation.

ARTICLE VII - REPEALING CLAUSE

All rules and regulations found inconsistent herewith shall be superseded by this Administrative Order.

FULGENCIO S. FACTORAN, JR.
Secretary

RECOMMENDING APPROVAL:

VICTOR O. RAMOS
Undersecretary
for Field Operations

DELFIN J. GANAPIN, JR.
OIC-Undersecretary
for Environment and Research

RODRIGO U. FUENTES
Director
EMB

Administrative Order
No. 29
July 06, 1992

**SUBJECT : Implementing Rules and Regulations of
Republic Act 6969**

**RULES AND REGULATIONS OF
REPUBLIC ACT 6969**

Pursuant to the provisions of Section 16, Republic Act 6969, otherwise known as "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990", the Department of Environment and Natural Resources hereby adopts and promulgates the following Rules and Regulations:

**TITLE I. GENERAL PROVISIONS AND ADMINISTRATIVE
PROCEDURES**

**CHAPTER I.
GENERAL PROVISIONS**

Sec. 1. Title. These Rules and Regulations shall be known as the Implementing Rules and Regulations of Republic Act No. 6969.

Sec. 2. Declaration of Policy. It is the policy of the State 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 Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals and hazardous and nuclear wastes.

Sec. 3. Scope. These Rules and Regulations shall cover the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of all unregulated chemical substances and mixtures in the Philippines 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.

Sec. 4. Construction. These Rules and Regulations shall be liberally construed to carry out the national policy to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substance 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 in the Philippine territorial limits for whatever purpose and to provide advancement and facilitate research and studies on toxic chemicals and hazardous and nuclear wastes.

Sec. 5. Administrative and Enforcement. These Rules and Regulations shall be administered by the Secretary or his duly authorized representative or through any other department, bureau, office, agency, state university or college and other instrumentalities of the government for assistance in the form of personnel, facilities and other resources as the need arises in the discharge of its functions.

Sec. 6. Definitions. The following words and phrases when used in, these Rules and Regulations shall, unless the context clearly indicates otherwise, have the following meanings;

1. **"CAS"** means Chemical Abstracts Service, a uniquely identifying number adopted internationally which permits one to generate toxicological information from a computer base.
2. **"Chemical Substance"** means any organic or inorganic substance of a particular molecular identity excluding radioactive materials and includes – any element or uncombined chemical; and any combination of such, substances; or any mixture of two or more chemical substances.
3. **Chemical mixture** means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in the past, the result of a chemical reaction, if none of the chemical substances and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined. This shall include non-biodegradable mixtures.
4. **"Department"** means the Department of Environment and Natural Resources.
5. **"Environmental Protection Officer"** means an officer appointed or deputized by the Secretary to execute the provisions of these Rules and Regulations subject to conditions, limitations or restrictions as prescribed by the Secretary.
6. **"Hazardous substances"** are substances which present either:

- a) short-term acute hazards such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire or explosion;
- b) long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some case result from acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors.

7. **"Hazardous waste"** are substances that are without any safe commercial, industrial, agricultural or economic usage and are shipped, transported or brought from the country of origin for dumping or disposal into or in transit through any part of the territory of the Philippines.

"Hazardous waste" shall also refer to by-products, side-products process residues, spent reaction media, contaminated plant or equipment or other substances from manufacturing operations and as consumer discards of manufactured products which present unreasonable risk and/or injury to health and safety and to the environment.

8. **Importation** means the entry of a product or substance into the Philippines (through the seaports or airports of entry) after having been properly cleared through or still remaining under customs control, the product or substance of which is intended for direct consumption, merchandising, warehousing, for further processing.

9. **"Inert waste"** means any waste that, when placed in a landfill is reasonably expected not to undergo any physical, chemical, and/or biological changes to such an extent as to cause pollution or hazard to public health and safety.

10. **"New Chemicals"** means any chemical substance imported into or manufactured in the country after December 31, 1993 and which are not included in the Philippine Inventory of Chemicals and Chemical Substances as published by the Department.

11. **Nuclear waste** are hazardous wastes made radioactive by exposure to the radiation incidental to the production or utilization of nuclear fuels but does not include nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial, or industrial purpose.

12. **Manufacture** means the mechanical or chemical transformation of substances into new products whether work is performed by power-driven machines or by hand, whether it is done in a factory or in the worker's home, and whether the products are sold at wholesale or retail.
13. **"Occupier"** is one who must have a license to accept, produce, generate, store, treat, recycle, reprocess, process, manufacture or dispose of hazardous waste.
14. **"Permit"** means a legal authorization to engage in or conduct any or all of the following activities for:
- a. **Toxic chemicals** - importation, storage, manufacture, processing, selling, transport and disposal
 - b. **Hazardous wastes** - storage, treatment, transport, export, processing, reprocessing, recycling and disposal
 - c. **Hazardous materials** - importation or exportation.
15. **"Person" or "persons"** includes any being natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.
16. **"Pollution"** means any alteration of the physical, chemical, biological properties of any water, air and/or land resource of the Philippines, or any discharge thereto of any liquid, gaseous or solid waste, or any production of unnecessary noise, or any emission of objectionable odor, as will or is likely to create or to render such water, air and/or land resources harmful, detrimental or injurious to public health, safety or welfare, or which will adversely affect their utilization for domestic, industrial, agricultural, recreational or other legitimate purposes.
17. **"Premises"** shall include but not limited to:
- a) building or part of a building;
 - b) a tent, stall or other structure whether permanent or temporary;
 - c) land;
 - d) vehicle;
 - e) boat or ship;
18. **Process** means the preparation of a chemical substance or mixture after its manufacture for commercial distribution:

- i. In the same form or physical state or in a different form or physical state from that which it was received by the person so preparing such substance or mixture; or
 - ii. As part of an article containing a chemical substance or mixture.
19. **"Secretary"** means the Secretary of the Department of Environment and Natural Resources.
20. **"Transport"** includes conveyance by air, water and land.
21. **"Waste generator"** means a person who generates or produces, through any commercial, industrial or trade activities, hazardous wastes.
22. **"Waste transporter"** means a person who is licensed to transport hazardous wastes.
23. **"Waste treater"** means a person who is licensed to treat, store, recycle, or dispose of hazardous wastes.
24. **"Unreasonable risk"** means expected high frequency of undesirable effects or adverse responses arising from a given exposure to a substance.

CHAPTER II ADMINISTRATIVE PROVISION

Sec. 7. Powers and Functions of the Department of Environment and Natural Resources. The Department of Environment and Natural Resources shall be tasked with the following functions, powers and responsibilities:

- a) To keep an updated inventory of chemicals that are presently being manufactured or used, indicating among others, their existing and possible uses, quantity, test data, names of firms manufacturing or using them, and such other information as the Secretary may consider relevant to the protection of health and the environment;
- b) To require chemical substances and mixtures that present unreasonable risk or injury to health or to the environment to be tested before they are manufactured or imported for the first time;

- c) **To require chemical substances and mixtures which are presently being manufactured or processed to be tested if there is reason to believe that they pose unreasonable risk or injury to health and the environment;**
- d) **To evaluate the characteristics of chemicals that have been tested to determine their toxicity and the extent of their effects on health and the environment;**
- e) **To enter into contracts and make grants for research, development and monitoring of chemical substances and mixtures;**
- f) **To conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;**
- g) **To confiscate or impound chemicals found not falling within the standards set by these Rules and Regulations and the said acts cannot be enjoined except after the chemicals have been impounded;**
- h) **To monitor and prevent the entry, even in transit, of hazardous and nuclear wastes and their disposal into the country;**
- i) **To subpoena witnesses and documents and to require other information if necessary to carry out the provisions of this Act;**
- j) **To call on any department, bureau, office, agency, state university or college, and other instrumentalities of the Government for assistance in the form of personnel, facilities and other resources as the need arises in the discharge of its functions;**
- k) **To disseminate information and conduct educational awareness campaign on the effects of chemical substances, mixtures and wastes on health and environment; and**
- l) **To exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under RA 6969.**

Sec. 8. Delegation of Powers and Functions of the Secretary.

1. **The Secretary may appoint and or deputize officers subject to conditions, limitations, or restrictions as may be prescribed by him.**

2. The Secretary may delegate his powers to:
 - a. conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
 - b. conduct inspection of any premises in which hazardous wastes are being generated, stored, processed, reprocessed, recycled, treated and/or disposed of and to make recommendations to the proper authorities.
 - c. stop, detain, inspect, examine and remove to some suitable place for inspection and examination any vehicle or boat that is believed to be or likely to be used for the transport of chemical substances and hazardous and nuclear wastes subject to pertinent provisions of these Rules and Regulations;
 - d. monitor and prevent the entry, even in transit, of hazardous and nuclear wastes and their disposal into the country;
 - e. subpoena witnesses and documents and to require other information if necessary to carry out the provisions of these Rules and Regulations.
3. The Secretary may, by notice, amend or revoke the:
 - a. delegated authorities previously granted under Section 8(2) of these Rules and Regulations; and
 - b. appointment of an Environmental Protection Officer.

Sec. 9 Duties and Responsibilities of an Environmental Protection Officer. An Environmental Protection Officer shall have the following duties and responsibilities:

- a. To make such examination or inquiry as is necessary to determine whether these Rules and Regulations are being complied with.
- b. To enter any premises in which he reasonably believes that chemical substance or hazardous waste are being used, manufactured, stored, processed, reprocessed, generated, treated, transported or disposed of and may -

- i. without payment take or require the occupier or person in charge of the premises or person in possession of any chemical substance to give the Environmental Protection Officer samples of the chemical substance for examination and testing subject to pertinent provisions of these Rules and Regulations;
 - ii. require the production of any relevant documents and inspect, examine and make copies of or extracts from them or remove them to make a copy or extract; and
 - iii. take such photographs or audio or visual recordings as he considers necessary.
- c. To stop, detain, inspect, examine and remove to some suitable place for inspection and examination any vehicle or boat that he believes is being or likely to be used for the transport of chemical substances and hazardous wastes without the necessary permit from the Department.
 - d. To require a person found committing an offense under these Rules and Regulations to state the person's full name and address.
 - e. To exercise such other duties and responsibilities as may be authorized by the Secretary.

Sec. 10. Confiscation, Impoundment and Imposition of Administrative Fines. Upon receipt of a report from a duly authorized inspector or upon a verified complaint from a private person, the Secretary or his duly authorized representative shall order an investigation or inquiry in such a manner as he may determine on the alleged violation of any of the provision of RA 6969 and these Rules and Regulations. If after investigation there appears to be a violation of any of the provisions of RA 6969 or these Rules and Regulations, the Secretary or his duly authorized representative shall issue summons informing respondent/s of nature of charges against him and requiring the said respondent or respondents to appear before him or his duly designated representative for a conference for the purpose of determining whether an Order for confiscation or impoundment or fine should be issued.

Sec. 11. Ex-parte Order of Confiscation or Impoundment. Whenever the Secretary or his duly authorized representative finds a prima facie evidence that the violation presents unreasonable risk and or injury to health or the environment the Secretary or his duly authorized representative may issue an Ex-Parte Order of confiscation or impoundment, provided respondent may file his Motion for Reconsideration within ten (10) days from date of confiscation or impoundment which

Motion for Reconsideration shall be resolved within fifteen (15) days from receipt of the same.

CHAPTER III INTER-AGENCY TECHNICAL ADVISORY COUNCIL

Sec. 12. Composition of the Inter-agency Technical Advisory Council. The Interagency Technical Advisory Council shall be composed of the following officials or their duly authorized representatives:

Secretary of Environment and Natural Resources	Chairman
Secretary of Health	Member
Secretary of Trade and Industry	Member
Secretary of Science and Technology	Member
Secretary of National Defense	Member
Secretary of Foreign Affairs	Member
Secretary of Labor and Employment	Member
Secretary of Finance	Member
Secretary of Agriculture	Member
Director of Philippine Nuclear Research Institute	Member
Representative from non-governmental organization on health and safety	Member

The representative from the non-governmental organization shall be appointed by the President for a term of three (3) years.

Sec. 13. Functions of the Council. The Council shall have the following functions:

- a. To assist the Department in the formulation of these rules and regulations for the effective implementation of RA 6969;
- b. To assist the Department in the preparation and updating of the inventory of chemical substances and mixtures that fall within the coverage of RA 6969;
- c. To conduct preliminary evaluation of the characteristics of chemical substances and mixtures to determine their toxicity and effects on health and the environment and make the necessary recommendations to the Department; and

- d. To perform such other functions as the Secretary may, from time to time, require.

TITLE II. TOXIC CHEMICAL SUBSTANCES

CHAPTER IV INVENTORY OF CHEMICAL SUBSTANCES

Sec. 14. Chemical Substances Inventory

1. The Secretary or his duly authorized representative shall cause the keeping, updating, compilation and maintenance of an inventory of chemical substances which are stored, imported, exported, used, processed, manufactured or transported.
2. The inventory shall contain such information that the Secretary or his duly authorized representative considers to be relevant to the protection of health and the environment.
3. The Secretary or his duly authorized representative shall cause the release of an updated listing of the inventory comprising the chemical substance's name and its CAS number.

Sec. 15. Pre-Manufacturing and Pre-Importation Data Requirements.

1. The desired information for a nomination of a chemical substance under section 16 and the required information for a notification of a chemical substance under section 17 shall comprise -
 - (a) its proper chemical name;
 - (b) its trade name or names;
 - (c) its chemical and molecular structure;
 - (d) its CAS number;
 - (e) its RTECS number (if available)
 - (f) its United Nations number (if applicable)
 - (g) its United Nations class and subsidiary risk category (if applicable)
 - (h) the following physical characteristics (if applicable) -
 - (i) boiling point;
 - (ii) melting point;
 - (iii) specific gravity;

- (iv) vapor pressure;
 - (v) appearance;
 - (vi) odor;
 - (vii) purity; and
 - (viii) water/octanol partition coefficient;
- (i) the following chemical properties (if applicable)
- (i) solubility in water; and
 - (ii) solubility in an organic solvent
- (j) the following toxicological data (if applicable)
- (i) measured lethal dose (median) in two species;
 - (ii) measured lethal concentration (median) in two species;
 - (iii) results of an irritation test on the skin and eyes of species;
 - (iv) results of a short-term sub-lethal toxicity test on one species
- (k) any recommended time weighted exposure average (eight hour working day);
- (l) its flash point measured under close cup conditions;
- (m) its upper and lower explosive limits (if applicable);
- (n) its known stability and incompatibilities;
- (o) its carcinogenic, teratogenic and mutagenic properties;
- (p) the name and address of the nominating person; and
- (q) the anticipated volume in cubic meters or weight in tones, per annum of the chemical substance being used, stored, manufactured, processed, offered for sale or sold, transported, imported and exported by the nominating person.
2. The documents containing the above information shall be considered as public document.

Sec. 16. Nomination or Existing Chemicals

1. Until 31 December 1993, a person shall submit to the Department for inclusion in the Philippine Inventory of Chemicals and Chemical Substances, a list of chemical substances which are currently used, sold, distributed, imported, processed, manufactured, stored, exported or transported in the Philippines in form as may be provided by the Department.

2. **The person who nominates a chemical substance shall provide as much information as outlined in Section 15 of these Rules and Regulations and that such nomination shall contain the following minimum data:**
 - (a) **chemical name**
 - (b) **trade name or names**
 - (c) **chemical structure**
 - (d) **CAS number**
 - (e) **anticipated volume in cubic meters, or weight in tones per annum of chemicals being nominated.**
 - (f) **name and address of nominating person.**
3. **Chemical substances in the chemical inventory shall be regarded by the Department as existing chemical substances and, therefore, exempted from the provisions of section 17.**
4. **The Department shall not accept any further nominations of chemical substances under this section after 31 December 1993.**

Sec. 17. Notification of New Chemicals

1. **After 31 December 1993, a chemical substance which is not included in the chemical inventory shall be considered as new chemical substance.**

Unless exempted, any person who uses, stores, imports, manufactures, transports or processes a chemical substance after 31 December 1993 which is not listed in the chemical inventory shall be liable for violation of Section 16 of these Rules and Regulations and shall be dealt with subject to the provisions of Section 15 of RA 6969.

2. **No person shall use, store, transport, import, sell, distribute, manufacture, or process a new chemical substance unless permitted by the Department. Permit shall be granted under the following conditions:**
 - a. **The Department must be notified of the intention to do so at least one hundred and eighty (180) days before commencing such activity; and**
 - b. **The Department shall be provided with such information as outlined in Section 15;**

3. **The notification must be made in accordance with a form and in a manner prescribed by the Department and accompanied with the payment of the prescribed fee.**
4. **The notification which does not comply with the requirement of Section 17(3) will not be acted and/or accepted.**
5. **The Department shall have the discretion not to include the new chemical substance in the chemical inventory if the information provided to the Department by the person does not fully comply with the requirements of Section 15 or the Department suspects that the data are of dubious quality.**
6. **Any person who falsifies information on a chemical substance while nominating an existing or new chemical substance shall be criminally liable.**

Sec. 18. Assessment of Chemicals

1. **Upon notification of a new chemical substance under Section 17 of these Rules and Regulations, the Department shall within ninety days determine whether -**
 - a. **to add the chemical substance to the chemical inventory;**
 - b. **to seek further information to any person for the purpose of assessing public health and environmental risk posed by the use, storage, manufacture, import, process or transport of the chemical substance or;**
 - c. **to issue Chemical Control Order in accordance to Section 20 of these Rules and Regulations.**
2. **The Department shall notify the applicant in writing of its decision.**

Sec. 19. Priority Chemicals List

1. **The Department shall compile and may amend from time to time a list to be known as the Priority Chemicals List.**
2. **The Department may determine which chemical substance from the chemical inventory should be included, deleted or excluded from the Priority Chemical List.**

3. **The Department shall publish in the Official Gazette or newspaper of general circulation the Priority Chemical List and any amendments and deletions to the List.**
4. **The Department may require information from any person for the purpose of assessing the public and environmental risk posed by the use, storage, manufacture, import, process or transport of the priority chemicals.**

Sec. 20. Chemical Control Orders

1. **If the Department has determined that the use, storage, transport, process, manufacture, import or export of any new substance or a priority chemical poses an unreasonable risk or hazard to public health or the environment, the Department may, by order published in the Official Gazette or any newspaper of general circulation:**
 - a. **prohibit the use, manufacture, import, export, transport, process, storage, possession or sale of the chemical substance;**
 - b. **limit the use, manufacture, import, export, transport, process, storage, possession or sale of the chemical substances; or**
 - c. **place such controls or conditions on the use, manufacture, import, export, transport, process, storage, possession or sale of the chemical substance to abate or minimize risks or hazards posed by the chemical substances on public health and environment.**
2. **An order issued by the Department under Section 20(1) shall be known as Chemical Control Order.**

CHAPTER V TESTING REQUIREMENTS

Sec. 21. Chemicals Subject to Testing

1. **Testing shall be required in all cases where:**
 - a. **There is reason to believe that the chemical substances or mixture may present an unreasonable risk to health or environment;**

- b. There is insufficient data and experience for determining or predicting the health and environmental effects of the chemical substance or mixture; and
 - c. The testing of the chemical substance or mixture is necessary to develop such data.
2. The manufacturers, processors or importers of such chemicals subjected to testing shall shoulder the cost of testing the chemical substance or mixture.

CHAPTER VI EXEMPTIONS

Sec. 22. Exemptions. The following substances and mixtures shall be exempted from the requirements of Section 17, 18 and 21 of these Rules and Regulations:

- 1. Those chemicals already included in the Philippine Inventory of chemicals and Chemical Substances;
- 2. Those to be produced or used in small quantities solely for experimental or research and development purposes;
- 3. Those that are reaction intermediates which do not leave the closed production system or undergo intermediate storage during the reaction process;
- 4. Those chemical substances that are regulated by laws other than RA 6969.

Sec. 23. Confiscation

- 1. The Secretary or his duly authorized representative may cause the impoundment or confiscation of any chemical substance and its conveyance and container if there is reasonable grounds to believe that:
 - a. the sale, storage, possession, use, manufacture, transport, import, or export for a chemical substance does not comply with the Chemical Control Order; or
 - b. the sale, storage, possession, use, manufacture, transport, import or export of chemical substance poses an immediate treat or hazard to public health and safety or the environment.

2. Any costs incurred by the Department under Section 23(1) shall be reimbursed by the occupier of the premises from which the Environmental Protection Officer impounded or confiscated the chemical substance.

TITLE III. HAZARDOUS AND, NUCLEAR WASTES

CHAPTER VII HAZARDOUS WASTE

Sec. 24. Policy

1. It shall be the policy of the Department to prohibit the entry even in transit of hazardous wastes and their disposal into the Philippine territorial limits for whatever purpose.
2. The Department encourages proper management of hazardous wastes generated within the country by promoting, in order of preference:
 - a. minimization of the generation of hazardous waste;
 - b. recycling and reuse of hazardous waste
 - c. treatment of hazardous waste to render it harmless; and
 - d. landfill of inert hazardous waste residues.
3. Hazardous waste shall be managed in such a manner as not to cause or potentially cause
 - a. pollution;
 - b. state of danger to public, health, welfare and safety;
 - c. harm to animals, bird, wildlife, fish or other aquatic life;
 - d. harm to plants and vegetation; or
 - e. limitation in the beneficial use of a segment of the environment.
4. The waste generator shall be responsible for the proper management and disposal of the hazardous waste.
5. The waste generator shall bear the costs for the proper storage, treatment and disposal of their hazardous waste.

Sec. 25. Classification of Hazardous Waste

1. The classes and sub-categories of wastes listed in Table 1 shall be prescribed as hazardous waste for the purposes of this Rules and Regulations.

2. The types of wastes listed in Table 2 shall be exempted from the requirements of these Rules and Regulations
3. The listings provided for Tables 1 and 2 are not inclusive and shall be subject to periodic review.

Table 1. PRESCRIBED HAZARDOUS WASTES

Class	Sub-category	Waste Number
Planting Wastes	Discarded plating solutions and salts with a cyanide concentration of less than 200 ppm.	A101
	Discarded heat treatment solutions and salts with a cyanide concentration of less than 200 ppm.	A102
	Plating solutions and salts containing cyanides at a concentration exceeding 200 ppm.	A103
	Heat treatment solutions and salts containing cyanides at a concentration exceeding 200 ppm.	A104
	Complexed cyanide solutions and salts	A105
	Other cyanide wastes arising from the plating and heat treatment industries	A199
	Acid Wastes	Sulfuric Acid
Hydrochloric Acid		B202
Nitric Acid		B203
Phosphoric Acid		B204
Hydrofluoric Acid		B205
Mixture of Sulfuric and Hydrochloric Acid		B206
Other inorganic acids		B207

	Organic acids	B208
	Other mixed acids	B299
Alkali Wastes	Caustic soda	C301
	Potash	C302
	Alkaline cleaners	C303
	Ammonium Hydroxide	C304
	Lime slurries	C305
	Lime-neutralized metal sludges	C306
	Other alkaline materials	C399
Inorganic Chemical Wastes	Non-toxic salts	D401
	Arsenic and its compound	D402
	Boron compounds	D403
	Cadmium and its compounds	D404
	Chromium compounds	D405
	Lead compounds	D406
	Mercury and mercuric compounds	D407
	Other salts and complexes	D499
Reactive Chemical Wastes	Oxidizing agents	D501
	Reducing agents	D502
	Explosive and unstable chemicals	D503
	Highly reactive chemicals	D599
Paints/ Resins/ Lattices/ Inks/ Dyes/Adhesives/ Organic Sludges	Aqueous-based	E601
	Solvent-based	E602
	Other mixed	E699
Organic Solvents	Flash point > 61 ^o C	F701
	Flash point < 61 ^o C	F702
	Chlorinated solvents and Residues	F703
Putres- cible/	Animal/abattoir wastes Grease trap wastes from	G801

Organic	industrial or commercial premises	G802
	Others	G899
Textile	Tannery wastes	H901
	Other textile wastes	H999
Oil	Waste oils	I101
	Interceptor sludges	I102
	Vegetable oils	I103
	Waste Tallow	I104
	Oil/water mixtures	I105
Containers	Portable containers previously containing toxic chemical substances	J201
Immobilized Wastes	Solidified and polymerized wastes	K301
	Chemically fixed wastes	K302
	Encapsulated Wastes	K303
Organic Chemicals	Aliphatics	L401
	Aromatics and phenolics	L402
	Highly odorous	L403
	Surfactants and detergents	L404
	Halogenated solvents	L405
	Polychlorinated biphenyls and related materials	L406
	Other organic chemicals	L499
Miscellaneous Wastes	Pathogenic or infectious wastes	M501
	Asbestos Wastes	M502
	Pharmaceutical wastes and drugs	M503
	Pesticides	M504

TABLE 2. EXEMPTED WASTES

DESCRIPTION

Garbage from domestic premises and households

Industrial and commercial wastewaters which are disposed of on-site through the sewerage system

Industrial and commercial solid wastes which do not contain prescribed hazardous wastes as identified in Table 1.

Materials from building demolition except asbestos

Septic tank effluents and associated sullage wastewaters.

Untreated spoils from mining, quarrying and excavation works but not materials in the nature of tailings, commercially treated materials and mine facility consumables.

Sec. 26. Waste Generators

1. All waste generators shall:
 - a. notify the Department of the type and quantity of wastes generated in accordance with the form and in a manner approved by the Department and accompanied by a payment of the prescribed fee; and
 - b. provide the Department, on a quarterly basis, with information to include the type and quantity of the hazardous waste generated, produced or transported outside, and such other information as may be required.
2. A waste generator shall continue to own and be responsible for the hazardous waste generated or produced in the premises until the hazardous waste has been certified by the waste treater as had been treated, recycled, reprocessed or disposed of.
3. A waste generator shall prepare and submit to the Department comprehensive emergency contingency plans to mitigate and combat spills and accidents involving chemical substances and/or hazardous waste. These plans shall conform with the content of the guidelines issued by the Department.
4. A waste generator shall be responsible for training its personnel and staff on -

- a. the implementation of the plan required under Section 26(3); and
- b. the hazard posed by the improper handling, storage, transport, and use of chemical substances and their containers.

Sec. 27. Waste Transporter

1. No transport of hazardous waste shall be allowed unless prior permit is secured from the Department.
2. Any application for the issuance or amendment of a permit to transport hazardous waste shall be made in accordance with the form and in a manner approved by the Department and accompanied by a payment of the prescribed fee.
3. The Department shall maintain a register of waste transporters.
4. A waste generator shall only use waste transporters duly authorized by the Department of transport hazardous wastes.

Sec. 28. Waste Transport Record

1. A waste transport record shall be in a form prescribed by the Department and shall contain the following particulars:
 - a. the name and address of the waste generator;
 - b. the name of the waste transporter used to transport a load of hazardous wastes;
 - c. the registration number of the waste transport vehicle;
 - d. the waste treatment license of the waste transporter;
 - e. the description of the hazardous waste transporter including its class and sub-category as stated in Table 1;
 - f. the quantity of the hazardous waste transported;
 - g. the type of container used during the transport;

- h. the name and address of transit points and the final destination of the hazardous waste; and
 - i. the intended method of hazardous waste treatment, storage, export, recycling, processing reprocessing or disposal at the destination.
2. Prior to the transport of hazardous wastes, the waste generator shall complete, in duplicate, portions that refer to the waste generator in the prescribed form and shall submit the same to the Department accompanied by payment of the prescribed fee.
3. The waste generator shall retain and store a copy of the waste transport record for a period of twenty-four (24) months from the date of receipt of Department.
4. Prior to the transport of the hazardous waste, the waste transporter shall complete, in duplicate, portions referring to the waste transporter in the prescribed form.
5. The waste transporter shall place a copy of the waste transport record in the driver's cabin of the waste transport vehicle.
6. Upon arrival at the waste treatment, storage, recycling, reprocessing, processing or disposal premises, the waste transporter shall give a copy of the waste transport record to the waste treater.
7. Upon receiving a waste transport record, the waste treater shall:
 - a. verify the accuracy of the waste description of the hazardous waste;
 - b. complete portions of the waste treater on the waste transport record; and
 - c. retain and store the complete waste transport record for a period of twenty-four months after receipt of the hazardous waste.
8. If the hazardous waste data is inaccurate the waste treater shall immediately inform the waste generator of such inaccuracy within a reasonable period of time. The waste treater shall have the right to deny acceptance of such hazardous waste if such acceptance may cause any danger or hazard in the operation of its premises;

9. If the hazardous waste is accepted by the waste treater for treatment, storage, export, recycling, reprocessing, processing or disposal, the waste treater shall certify in writing, the acceptance of the hazardous waste to the waste generator.
10. The waste treater shall send to the Department within 5 days, the certification required under Section 28(9) copy furnished the waste generator.
11. Any waste transporter while transporting hazardous waste is involved in an accident which results in the spillage or release of the hazardous waste to the environment shall immediately contain the spillage and notify the Department.

Sec. 29. Hazardous Waste Storage and Labelling

1. Vessels, containers and tanks for the storage of hazardous waste shall be clearly labelled and this labelling shall comprise the following particulars -
 - a. the class of the hazardous waste as specified in Table 1;
 - b. the sub-category of the hazardous waste as specified in Table 1;
 - c. the waste number as specified in Table 1;
 - d. the name and address of the waste generator; and
 - e. maximum capacity or volume
2. The labelling of the vessels, containers and tanks specified in Section 29(1) shall be conspicuously marked in paint, decals or other permanent form of markings.

Sec. 30. Waste Treatment and Disposal Premises

1. No waste treater shall accept, store, treat, recycle, reprocess or dispose of hazardous wastes unless done in the premises as prescribed in Table 3 and permitted by the Department.

TABLE 3. PRESCRIBED WASTE TREATMENT PREMISES

Category	Description
A	Premises that conduct on-site disposal of hazardous wastes generated or produced at the premises through industrial or commercial processes and activities other than disposal via sewer.
B	Commercial or industrial hazardous waste incinerators
C	Landfills, dumps or tips that accept hazardous waste for disposal
D	Premises that recycle or reprocess hazardous waste which were not generated or produced at that premise
E	Premises that immobilize, encapsulate, polymerize or treat hazardous wastes which were not generated or produced at that premise
F	Premises that store hazardous wastes, which were not generated or produced at that premise for periods exceeding 30 days.

2. An application for issuance or amendment of a permit under this section shall be made in accordance with a form and in a manner approved by the Department accompanied with the payment of the prescribed fee and accompanied by such plans, specifications and other information and a summary thereof as may be required by the Department.
3. The Department shall maintain a register of waste treaters.

Sec. 31. Import and Export of Hazardous Substances

1. Any person who wishes to import into the Philippines or export hazardous substances must seek and obtain prior written approval from the Department.
2. An application made under Section 31(1) shall be made in the form and manner approved by the Department and accompanied by payment of the prescribed fee.

3. **The Department shall cause the seizure of the imported hazardous substances which does not comply with the approved permit, return the hazardous substance to their point of origin and initiate proceedings to recover cost incurred.**

CHAPTER VIII NUCLEAR WASTES

Sec. 32. Policy

1. **It shall be the policy of the government to prohibit the entry, even in transit, of nuclear waste and their storage or disposal into the Philippine territorial limits for whatever purpose.**
2. **The Philippine Nuclear Research Institute (PNRI) shall be the government agency responsible for the regulation and licensing of nuclear facilities and radioactive materials pursuant to the provisions of R.A. 2067, the Science Act of 1958, and R.A. 5207, the Atomic Energy Regulatory and Liability Act of 1968, both as amended. Radioactive material as defined in the laws includes radioactive products or wastes.**

Sec. 33. Specific Exemption

1. **The following are exempt from the requirements of these regulations:**
 - a. **Any holder of a valid PNRI license authorized to operate a nuclear power plant or atomic energy facility, who, in the course of operating his licensed facility, transports spent nuclear fuel for reprocessing in a foreign country and re-acquires the by-products of reprocessing, including its nuclear wastes, for storage in his facility.**
 - b. **States which are signatories to the Basel Convention and countries with bilateral agreements with the Philippines that would allow the passage or transit shipment of nuclear waste over Philippine territorial limit. Prior informed arrangements and notification schedules shall have been made through proper Philippine authorities including the DENR and the PNRI.**
2. **The DENR and the PNRI shall exercise their rights to monitor and inspect such shipments for the protection of the public and the national interest.**

Sec. 34. Abandoned or Unclaimed Nuclear Waste

Nuclear wastes which are unclaimed or abandoned, and whose legal ownership cannot be ascertained, shall be subject to the regulations of the PNRI on the management and disposal of nuclear wastes.

Sec. 35. Scrap Metal That May Contain Radioactive Materials

1. Any importer of scrap metal intended for domestic reprocessing shall certify to the DENR that scrap metal he is importing does not contain radioactive material in any form, shape or containment
2. Scrap metal that may contain radioisotopes of the elements Cesium, Cobalt, Americium, Strontium, or as may be determined by the PNRI shall not be processed for the fabrication of metal bars or components.

Sec. 36. Reporting and Notification

Any person shall immediately notify the DENR or the PNRI of any existence of unauthorized radioactive material or nuclear waste anywhere in the Philippines. The report should be such as to cause the immediate location of the radioactive material to institute the necessary protective and recovery measures.

TITLE IV. COMMON PROVISIONS

CHAPTER IX PERMITTING REGULATIONS

Sec. 37. Prescribed Fees for Toxic Chemical Substances

1. The Department shall prescribe fees for the notification and assessment of new chemicals under Section 17 and Section 18.
2. The Department shall publish the scale of fees and amendments to the scale of to fees in the Official Gazette or any newspaper of general circulation which shall take effect fifteen (15) days after its publication.

Sec. 38. Prescribed Fees for Hazardous and Nuclear Wastes

1. The Department shall prescribe reasonable fees for
 - a. registration of a waste generator;
 - b. permitting of a waste transporter;
 - c. permitting of a waste treater;

- d. authority to import or export hazardous material; and
 - e. waste transport record
2. The Department shall publish the scale of fees and amendments to the scale of fees in the Official Gazette or any newspaper of general circulation which shall take effect fifteen (15) days after its publication.

CHAPTER X
PUBLIC ACCESS TO RECORDS, REPORTS AND NOTIFICATION
AND CONFIDENTIALITY OF INFORMATION

Sec. 39. Public Access to Assessment Reports

- 1. The general public shall have access to the chemical inventory and to the priority chemical list.
- 2. The general public shall have access to the documents prepared by the Department regarding chemical control orders excepting confidential portions contained in this documents.

Sec. 40. Confidentiality of Information

- 1. Any person who is requested to provide information to the Department under Section 16, 17, 18 and 21 of these Rules and Regulations may submit together with the information, request that such information be treated as confidential.
- 2. The Department of Environment and Natural Resources may consider a record, report of information or particular person thereof confidential and may not be made public when such would divulge trade secrets, or sales figures or methods, production or processes unique to such manufacturer, processor or distributor or would otherwise tend to affect adversely the competitive position of such manufacturer, processor or distributor, information other than its chemical name and CAS Number (if applicable) be treated as confidential.
- 3. No disclosure of any information shall be done subject to Sections 40(1) and 40(2) except-
 - a. where there is written consent provided the person who requested confidentiality under Section 40(1);

- b. under an agreement, convention or treaty between the government of the Philippines and other foreign nations provided that the foreign nation undertakes to keep the information confidential;
 - c. under an agreement between the Department and other statutory bodies and local authorities provided that the information is required to fulfill their legal obligations and provided that they agree to keep the information confidential;
 - d. under formal instruction of a competent court of law;
 - e. to a physician or a prescribed medical professional who requests the information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a person in an emergency and who agrees, in writing to keep the information confidential; or
 - f. where the department certifies that the disclosure of the information is in the interest of public health and safety or protection of the environment.
4. Where practical, the person who takes the request for confidentiality under Section 40(1) shall be notified in writing prior or as soon as possible to the intention of disclosure of information under Section 40(3).

TITLE V. PROHIBITED ACTS AND PENALTIES

CHAPTER XI PROHIBITED ACTS

Sec. 41. Administrative Violations. The following acts and omissions shall be considered as administrative violations:

- 1. All acts and omissions mentioned under Section 13 (a to c) of Republic Act 6969.
- 2. Failure or refusal to subject for testing chemical substances and mixtures that present unreasonable risk or injury to health or to the environment before said chemical substances and mixtures are **manufactured** or imported for the first time;
- 3. Failure or refusal to subject for testing chemical substances and mixtures which are presently being manufactured or processed if there is a reason to believe that

said chemical substances and mixtures pose unreasonable risk or injury to health and the environment;

4. Refusing, obstructing or hampering the entry of authorized representatives of the Secretary into any establishment in which chemicals are processed, manufactured, stored or held before or after their commercial distribution during reasonable hours for the purpose of conducting an inspection.
5. Failure or refusal to notify the Department with the type and quantity of hazardous wastes generated and to provide quarterly report of waste generation as provided for under Section 26 of these Rules and Regulations.
6. Failure or refusal to secure permit or authorization from the Department prior to transport, storage, or disposal of hazardous wastes as provided for in Sections 27, 28 and 30 of these Rules and Regulations.
7. Failure or refusal to secure approval from the Department prior to conduct of any importation of or exportation hazardous substances as provided for in Section 31 of these Rules and Regulations.
8. Failure or refusal to provide proper labelling as provided for under Section 29 of these Rules and Regulations regarding hazardous waste storage and labelling.
9. Failure or refusal to comply with subpoena or subpoena duces tecum issued by the Secretary or his duly authorized representative.

Sec. 42. Criminal Offenses

1. Knowingly use a chemical substance or mixture which is imported, manufactured, processed or distributed in violation of these Rules and Regulations;
2. Failure or refusal to submit reports, notices or other information, access to records as required by Republic Act 6969 as permit inspection of establishment where chemicals are manufactured, processed, stored or otherwise held;
3. Failure or refusal to comply with the pre-manufacture and pre-importation requirements;
4. Cause, aid or facilitate, directly or indirectly in the storage, importation or bringing into Philippine territory including its maritime economic zones, even in transit, either by means of land, air or sea transportation or otherwise keeping

in storage any amount of hazardous and nuclear wastes in any part of the Philippines.

CHAPTER XII PENALTIES

Sec. 43. Administrative Violations and Fines. In all cases of violations under Section 41 of these Rules and Regulations, the Secretary is hereby authorized to impose a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Fifty Thousand Pesos (P50,000.00) upon any person or entity found guilty thereof.

Nothing in this provision shall however under Section 14 of RA 6969 ban the institution of the proper criminal action against any person or entity found guilty herein.

Sec. 44. Criminal Offenses and Penalties

1.
 - i. The penalty of imprisonment of six (6) months and one day and a fine ranging from Six Hundred Pesos (P600.00) to Four Thousand Pesos (P4,000.00) shall be imposed upon any person who shall be unposed upon any person who shall violate Section 42(1) of these Rules and Regulations. If the offender is a foreigner, he or she shall be deported and banned from any subsequent entry into the Philippines after serving his or her sentence.
 - ii. In case any violation of these Rules and Regulations is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who shall consent to or knowingly tolerate such violation.
 - iii. 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;
2.
 - i. 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 R.A. 6969. If the offender is a foreigner, he or she shall be deported and banned from any subsequent entry into the Philippines after serving his or her sentence.

- ii. In the 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 Five Hundred Thousand Pesos (P500,000.00). If it is a foreign firm the director and all officers of such foreign firm shall be banned from entry into the Philippines in addition to the cancellation of its license to do business in the Philippines.
 - iii. 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 positions.
3. 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 implements 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.
4. The person or firm responsible or connected with the bringing into the country of hazardous and 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.

TITLE VI. FINAL PROVISIONS

CHAPTER XIII

Sec. 45. Separability Clause. If any section or provision of these Rules and Regulations is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof shall continue to be in force as if the sections or provisions so annulled or voided had never been incorporated herein.

Sec. 46. Repealing Clause. All Rules and Regulations or parts of said rules and regulations of pertinent laws inconsistent with these Rules and Regulations are hereby revised, amended, modified and/or superseded as the case may be by these Rules and Regulations.

Sec. 47. Amendments. These Rules and Regulations may be amended and/or modified from time to time by the Department of Environment and Natural Resources.

Sec. 48. Effectivity. These Rules and Regulations shall take effect thirty (30) days after completion of publication in the Official Gazette or in a newspaper of general circulation.

FULGENCIO S. FACTORAN, JR.
Secretary

**Administrative Order
No. 48
November 04, 1992**

SUBJECT : Amending DENR Administrative Order No. 60, Series of 1991 and Redefining the Organizational and Management Structure of the ENR Sector Adjustment Program (SECAL) at the National Level

In the interest of the service and pursuant to the full scale implementation of the Environment and Natural Resources Sector Adjustment Program (ENR-SECAL), DENR Administrative Order No. 60, Series of 1991, is hereby amended as follows:

1. The ENR-SECAL Steering Committee is hereby renamed as the ENR-SECAL/IPAS Steering Committee;
2. The Steering Committee is hereby reconstituted to include the following:

Secretary	-	Chairman
Senior USEC for Field Operation/ Planning & Policy	-	Vice Chairman
USEC for Project Management	-	Vice Chairman
OIC, USEC for Env. and Research	-	Member
ASEC for Mgmt. Services	-	Member
ASEC for Legal Affairs	-	Member
ENR-SECAL Program Director	-	Member
PAWB Director	-	Member
FMB Director	-	Member
Program Management Consultant	-	Member

Representatives from the following agencies who shall serve on an "on-call" basis:

Department of Budget Management (DBM)
National Economic Development Authority (NEDA)
Department of Finance (DOF)
Department of Justice (DOJ)
Department of Agriculture (DA)
Department of Agrarian Reform (DAR)
Department of Public Works and Highways (DPWH)

Department of National Defense (DND)
Department of Interior and Local Government (DILG)

It shall be the function of the Steering Committee, among others, to:

- a) Provide overall guidance and policy direction to the program and resolve policy gaps and/or conflicts with other programs and projects in the ENR sector;
 - b) Approve policy guidelines, circulars and issuances necessary for program implementation;
 - c) Secure inter-agency support and participation as program activities may require;
 - d) Approve the program's annual budget and Work and Financial Plans; and
 - e) Meet once a month to monitor implementation of the Program.
3. A Program Director shall be designated to oversee the implementation of the Program.
 4. A Deputy Program Director shall be designated to assist the Program Director in the overall supervision of the Program.
 5. The Program Accounts Secretariat is hereby renamed and shall function as ENR-SECAL Program Management Office (ENR-SECAL PMO);
 6. The PMO shall be structured to maintain the following Staff within its organization:
 - 1) Office of the Program Director
 - 2) Deputy Program Director
 - 3) Regional Resource Management Staff
 - 4) Monitoring and Enforcement Staff
 - 5) Integrated Protected Areas Staff
 - 6) Financial Management Staff
 - 7) Management Information System Staff
 - 8) Administrative and Support Services Staff
 7. It shall be the function of the ENR-SECAL PMO to:

- 7.1 Direct the overall implementation of program activities comprising the Policy and Investment Components and its sub-components;
- 7.2 Prepare and recommend the program's annual budget;
- 7.3 Initiate the preparation of the annual work and financial plans;
- 7.4 Coordinate with DENR units/offices to ensure the submission and provision of requirements of funding and oversight agencies;
- 7.5 Manage program accounts in accordance with World Bank procedures for disbursements e.g. withdrawal applications, replenishment of Special Account, etc;
- 7.6 Facilitate timely releases of funds;
- 7.7 Formulate framework/strategic plans to serve as basis for project monitoring and evaluation;
- 7.8 Decide on resource allocation matters;
- 7.9 Coordinate with central, field and other concerned units the implementation of the Regional Resources Management Projects;
- 7.10 Monitor and evaluate project activities, benefits, and impacts, including the implementation of the ten (10) IPAS sites under PAWB and the review of TAS and compliance to conditionalities;
- 7.11 Implement the activities of the sub-components of the Monitoring and Enforcement Component (MEC) based at the Central Office;
- 7.12 Provide reports to concerned DENR offices which are required for monitoring and evaluation purposes;
- 7.13 Recommend to the Steering Committee policies and possible actions requiring inter-agency support and/or participation;
- 7.14 Initiate the procurement of goods and services in accordance with relevant DENR orders and issuances;

- 7.15 Design, install, implement and maintain Monitoring and Information Systems for the Program;
 - 7.16 In coordination with HRD, organize training workshops for the operationalization of the above systems and identification of training requirements of program staff;
 - 7.17 Serve as Technical Secretariat during Steering Committee meetings; and
 - 7.18 Perform other related tasks as may be directed by the Program Director/Deputy Program Director.
8. The corresponding organizational structure is hereby appended;
 9. This Order shall take effect immediately and repeals, supersedes or revokes any order or issuance not consistent herewith.

ANGEL C. ALCALA
Secretary

Recommending Approval:

RICARDO M. UMALI
Senior Undersecretary

ANTONIO S. TRIA
Undersecretary

ROLANDO L. METIN
ASEC for Mgmt. Services

Administrative Order
No. 54
October 30, 1992

SUBJECT : Establishing an Organizational and Management Structure for the Implementation of the USAID-funded Industrial Environmental Management Project (IEMP)

In the interest of the service and pursuant to the Grant Agreement between the governments of the United States of America and The Republic of the Philippines in implementing the Industrial Environmental Management Project (IEMP), the following organizational and management structure shall be adopted:

1. An inter-agency Steering Committee shall be created to provide policy directions for program implementation. The Steering Committee shall be chaired by the Undersecretary for Environment and Research with the Undersecretary for Project Management as Vice Chairman, the members to include the EMB Director and one representative each from the Department of Science and Technology (DOST), Department of Trade and Industry (DTI), Department of Trade and Industry (DTI), Department of Agriculture (DA), Laguna Lake Development Authority (LLDA), the non-government organizations (NGO) and the industry sector. The Committee shall provide linkages and coordination among the agencies/ organizations involved and shall regularly review the progress of implementation of the project and recommend necessary measures as may be needed to attain the expected output of the project.

To oversee the day to day operations of the project, a Project Management Desk (PMD) is created at the Environmental Management Bureau (EMB) to provide the necessary administrative and technical support and inputs. The PMD shall be headed by a Project Coordinator and assisted by two technical/research assistants and clerical staff. The Director and Assistant Director of EMB shall act as Project Advisers to provide overall guidance in the project implementation. The PMD shall have the following functions:

- a. Coordinate all aspects of the project management;
- b. Liaise with consultants, USAID, Steering Committee members, DENR regional offices and other concerned offices/agencies;

- c. Ensure that the activities of the consultants are geared towards achieving the expected output of the project; and
 - d. Serve as Secretariat to the Steering Committee
3. All other concerned DENR Offices/Units are enjoined to give full cooperation and assistance on a need basis to ensure success of the project.

This Order shall take effect immediately.

ANGEL C. ALCALA
Secretary

Recommending Approval:

ANTONIO S. TRIA
USEC for Project Management

BEN S. MALAYANG III
Assistant Secretary and
OIC, Undersecretary for Environment
and Research

RODRIGO U. FUENTES
EMB Director