

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
15th Congress
1st Regular Session

COMMITTEE REPORT NO. **1191**

Submitted by the Committee on Ecology, Appropriations and Ways and Means on **07 JUN 2011**
Re: House-Bill No. **4812**

Recommending its approval/adoption in substitution of House Bill Nos. 7, 211,353 and 1203

Sponsors: Representatives Dan S. Fernandez, Irvin M. Alcala, Neptali M. Gonzales II, Susan A. Yap and Marcelino R. Teodoro

Mr. Speaker:

The Committee on Ecology, Appropriations and Ways and Means, to which were referred House Bill No.7 introduced by Rep. Irvin M. Alcala, entitled:

“AN ACT PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES ;”

House Bill/Resolution No.211 introduced by Rep. Neptali M. Gonzales II, entitled:

“AN ACT PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES;”

House Bill/Resolution No.353 introduced by Rep.Susan A. Yap, entitled:

“AN ACT PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES;”

and House Bill/Resolution No. 1203 introduced by Rep. Marcelino “MARCY” R. Teodoro, entitled:

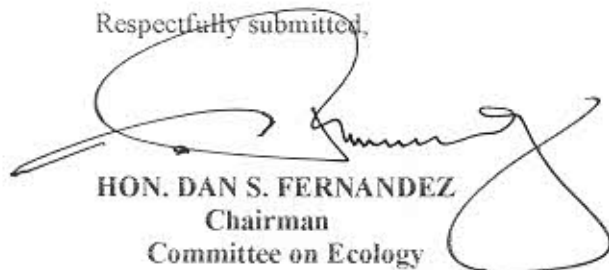
“AN ACT PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES,” **4812**

have considered the same and recommend that the attached House Bill No. _____, entitled :

“AN ACT PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES ;”

be approved in substitution of House Bill Nos. 7, 211,353 and 1203 with Reps. Irvin M. Alcala, Patricio T. Antonio, Neptali M. Gonzales II, Jose Carlos L. Cari, Susan A. Yap, Marcelino R. Teodoro, Bernardo M. Vergara, Bernadette R. Herrera-Dy, Paulo S. Javier, Dan S. Fernandez, Mary Mitzi L. Cajayon, Jonathan Cabilao-Yambao, Mel Senen Sarmiento, Jerry P. Treñas, Arnel Cerafica, Rodel M. Batocabe, Roger G. Mercado, Mariano U. Piamonte, Teddy Brawner Baguilat, Jr., and Fatima Aliah Q. Dimaporo, as authors thereof.

Respectfully submitted,



HON. DAN S. FERNANDEZ
Chairman
Committee on Ecology



HON. JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations



HON. HERMILANDO I. MANDANAS
Chairman
Committee on Ways and Means

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY**

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4812**

Introduced by Reps. Alcala, Antonio, Gonzales (N), Cari, Yap (S), Teodoro, Vergara, Herrera-Dy, Javier, Fernandez, Cajayon, Cabilao-Yambao, Sarmiento (M), Treñas, Cerafica, Batocabe, Mercado (R), Piamonte, Baguilat, and Dimaporo (F).

AN ACT
PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE
WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATIONS
THEREOF, AND FOR OTHER PURPOSES.

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

CHAPTER I – General Provisions

SEC 1. *Short Title* – This Act shall be known as the “Philippine Hazardous and Radioactive Wastes Management Act of 2011”.

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 and radioactive wastes within the framework of sustainable development. Towards this end, the State shall:

a) Develop and implement national and local integrated and comprehensive hazardous and radioactive waste management programs focusing on pollution prevention and resource conservation recovery, which shall:

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

2. Promote environmentally safe disposal of residues;

3. Minimize the generation of hazardous and radioactive wastes by encouraging cleaner production, process substitution, resource recovery, recycling and reuse, and treatment; and

4. Institutionalize public participation in the development and implementation of such programs.

1 b) Promulgate guidelines for the generation, collection, segregation, transport,
2 recovery, storage, treatment and disposal of hazardous and radioactive wastes including
3 emergency and contingency plans for accidents involving such wastes;

4 c) Prohibit the entry, even in transit, of hazardous and radioactive wastes into the
5 Philippine territorial limits for whatever purpose consistent with multilateral international
6 agreements and protocols;

7 d) Promote a national research and development program for improved hazardous
8 and radioactive waste management and resource conservation techniques;

9 e) Formulate and enforce a system of accountability for generators, including the
10 promotion of extended producer responsibility, product stewardship and responsible care
11 program;

12 f) Promote international environmental standards on waste management; and

13 g) Strengthen the integration of hazardous and radioactive waste management and
14 resource conservation and recovery topics into the academic curricula of formal and non-
15 formal education in order to promote environmental awareness and action among the
16 citizenry.

17 SEC. 3. *Coverage of the Act* - This Act shall apply to the generation, possession,
18 collection, recovery, reuse, storage, transport, treatment and disposal of hazardous and
19 radioactive wastes in the country for whatever purposes: *Provided*, That this Act shall cover
20 the entry, even in transit, into Philippine territorial limits of such wastes.

21 SEC. 4. *Definition of terms* - As used in this Act:

22 a) *Abandoned underground mines* shall refer to worked out mineral mines with deep
23 shafts extending to about one to two thousand feet below the ground surface;

24 b) *Best Available Techniques (BAT)* shall refer to any technology that shall take
25 consideration costs and benefits of a measure as well as precaution and prevention, such as
26 but not limited to:

27 1. the nature, effects and mass of releases concerned;

28 2. consumption and use of raw materials in the process and its energy efficiency;

29 3. the need to prevent or reduce to a minimum the overall impact of releases to
30 the environment; and

31 4. ensure occupational health and safety at the workplaces.

c) *Best Environmental Practices (BEP)* shall refer to practices that are generally accepted as “environmentally friendly” taking into consideration the nature, traditions and culture of the locality. For this purpose, technological advances and changes in scientific knowledge and understanding shall likewise be considered in determining acceptable practices in preserving the environment;

d) *Borehole facilities* shall refer to those that entail the emplacement of solid radioactive waste in an engineered facility of relatively narrow diameter, bored and operated directly from the surface. These covers a range of design concepts with depths ranging from a few meters up to several hundred meters and its diameters can vary from a few tens of centimeters up to more than one meter;

e) *Carcinogen* shall refer to any substance that can cause or contribute to the incidence of cancer;

f) *Collection* shall refer to the act of removing hazardous waste from the source or from a storage point;

g) *Construction* shall refer to the erection or building of new structures;

h) *Contaminated sites* shall refer to a place or spot where the soil quality exceeds the soil standards set pursuant to Sec. 17 hereof;

i) *Corrective action* shall refer to the steps taken to assess, prioritize and clean up hazardous and radioactive wastes from Treatment, Storage and Disposal Facilities (TSDFs) and/or contaminated sites in order to protect health and the environment;

j) *Corrosivity* shall refer to a state where the waste has one of the following properties: (1) it is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5; (2) it is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35mm (0.250 inch) per year at a test temperature of 55°C (130°F);

k) *Degradability* shall refer to the ability of a compound to be reduced to simpler forms through a break down of its structure;

l) *Deep injection well* shall refer to a well used for subsurface injection of waste fluids and solids derived from industries such as Geothermal and Oil and Gas into an injection zone;

m) *Department* shall refer to the Department of Environment and Natural Resources;

n) *Disposal* shall refer to the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous and radioactive wastes into or on any land or water so

1 that such wastes or any constituent thereof may enter the environment or be emitted into the
2 air or discharged into any waters, including ground waters;

3 o) *Generation* shall refer to the act or process of producing hazardous and
4 radioactive waste;

5 p) *Generator* shall refer to a person, natural or juridical, who produces hazardous
6 and radioactive waste;

7 q) *Geological repository* shall refer to the isolation of high level radioactive
8 waste using a system of engineered and natural barriers at depths up to several hundred meter
9 in a geologically stable formation;

10 r) *Hazardous waste* refers to a substance discarded from commercial and
11 industrial establishments, institutions and healthcare facilities which, because of the
12 concentration, or physical, chemical, or infectious characteristics, may cause or significantly
13 contribute to increases in mortality or serious illnesses, or pose an unreasonable risk and
14 potential threat to human health and the environment;

15 s) *Hazardous and radioactive waste management* shall refer to the systematic
16 administration of activities which provide for the identification, listing, collection,
17 segregation, storage, transport, recovery, reuse, processing, reprocessing, treatment, and
18 disposal of hazardous and radioactive wastes;

19 t) *Healthcare waste* shall refer to waste originating from minor or scattered
20 sources (healthcare units) that is generated or produced as a result of the following activities:
21 diagnosis, treatment, or immunization of human beings or animals; research pertaining to the
22 above activities; production or testing of biological;

23 u) *Ignitability* shall refer to the characteristic of hazardous wastes that could
24 cause a fire during transport, storage, or disposal. Waste matter exhibits the characteristics of
25 ignitability if a sample thereof has any of the following properties: 1) it is a liquid matter that
26 has flash point less than 60°C (140°F); 2) it is not a liquid matter and is capable, under
27 standard temperature and pressure, of causing fire through friction, absorption of moisture, or
28 spontaneous chemical changes and when ignited, burns so vigorously and persistently that it
29 creates a hazard; 3) it is an ignitable gas; or, 4) it is an oxidizer;

30 v) *Injection zone* shall refer to a geological formation, group of formation, or a
31 part of a formation located below the underground source of potable water, and which
32 receives waste fluids or solids through a deep injection well;

1 w) *International environmental standards* shall refer to the requirements or
2 standards under existing international environmental agreements to which the Philippines is a
3 party;

4 x) *Landfill* shall refer to a waste disposal site designed, constructed, operated
5 and maintained in a manner that exerts engineering control over significant potential
6 environmental impacts arising from the development and operation of the facility;

7 y) *Land disposal* shall refer to the placement of hazardous and radioactive wastes
8 on the surface, near surface and at depths within the soil column;

9 z) *Land treatment or land farming* shall refer to a managed technology that
10 involves the controlled application of waste on the soil surface and/or the incorporation of
11 waste or contaminated soils into the upper soil zone;

12 aa) *Level 1 Hospital* shall refer to an emergency hospital that provides (a) initial
13 clinical care and management to patients requiring immediate treatment, as well as primary
14 care on prevalent diseases in the locality; (b) clinical services that include general medicine,
15 pediatrics, obstetrics and non-surgical gynecology and minor surgery; (c) general
16 administrative service and may provide ancillary services (primary clinical laboratory, first
17 level radiology, pharmacy); (d) nursing care for patients who require minimal category of
18 supervised care for 24 hours or longer;

19 bb) *Level 2 Hospital* shall refer to a non-departmentalized hospital that provides
20 (a) clinical care and management on the prevalent diseases in the locality; (b) clinical services
21 that include general medicine, pediatrics, obstetrics and gynecology, surgery and anesthesia;
22 (c) appropriate administrative and ancillary services (secondary clinical laboratory, first level
23 radiology, pharmacy); (d) nursing care provided in the Level 1 Hospital as well as
24 intermediate, moderate and partial category of supervised care for 24 hours or longer;

25 cc) *Level 3 Hospital* shall refer to a departmentalized hospital that provides (a)
26 clinical care and management on the prevalent diseases in the locality as well as particular
27 forms of treatment, surgical procedure and intensive care; (b) clinical services provided in the
28 Level 2 Hospital as well as specialty clinical care; (c) appropriate administrative and ancillary

1 services (tertiary clinical laboratory, second radiology, pharmacy); and (d) nursing Care
2 provided in a Level 2 Hospital as well as total and intensive skilled care;

3 dd) *Level 4 Hospital* shall refer to a teaching and training hospital (with at least
4 one Accredited Residency Training Program for Physicians) that provides: (a) clinical care
5 and management on the prevalent diseases in the locality as well as specialized and sub-
6 specialized forms of treatment, surgical procedure and intensive care; (b) clinical services
7 provided in the Level 3 Hospital as well as sub-specialty clinical care; (c) appropriate
8 administrative and ancillary services (tertiary clinical laboratory, third level radiology,
9 pharmacy); and, (d) nursing care provided in a Level 3 Hospital as well as continuous and
10 highly specialized critical care;

11 ee) *Manifest or Consignment Note* shall refer to a form prescribed by the
12 Department and Philippine Nuclear Research Institute (PNRI) accompanying hazardous and
13 radioactive wastes from point of generation, through transport, to final disposition;

14 ff) *Military munitions* shall refer to all types of both conventional and chemical
15 ammunition products and their components produced by or for the military for national
16 defense and security, including munitions produced by other parties under contract with or
17 acting as agent for the Department of National Defense;

18 gg) *Mined cavities* shall refer to the emplacement of radioactive waste at some
19 depths inside mines or caverns which are either man-made or natural;

20 hh) *Mutagens* shall refer to any substances that can cause a change in genetic
21 material;

22 ii) *Near surface facilities* shall refer to the disposal site of radioactive waste with
23 or without engineered barrier on or below ground surface where the final protective covering
24 is of the order of a few meters thick or in caverns a few tens of meter below the earth's
25 surface;

26 jj) *On-site treatment facilities* shall refer to facilities of generators who treat their
27 own hazardous and radioactive wastes either by themselves or through a service provider
28 inside their facilities in compliance with waste acceptance criteria promulgated by the
29 Department, Department of Health (DOH) and PNRI;

1 kk) *Open burning* shall refer to the low temperature thermal destruction of wastes
2 by means of direct exposure to fire. For this purpose, this shall apply to the traditional small-
3 scale methods of community sanitation called "siga";

4 ll) *Partial treatment* shall refer to any process used to modify the characteristics
5 of a hazardous or radioactive waste without totally negating its hazardous characteristics.
6 This may include volume reduction, conditioning, moisture reduction, neutralization, among
7 others;

8 mm) *Persistence* shall refer to the substantial length of time a compound, once
9 introduced into the environment, stays there; or the property of a substance whose half-life in
10 water, sediment or soil exceeds duration of 50 days;

11 nn) *Person(s)* shall refer to any being, natural or juridical, susceptible of rights
12 and obligations, or of being the subject of legal relations;

13 oo) *People's Organization* (PO) shall refer to non-profit and non-stock association of
14 citizens in a locality embracing a common goal to protect the environment and ultimately public
15 health;

16 pp) *Radioactive wastes* shall refer to materials that contain or are contaminated
17 with radionuclides at concentrations or activities greater than clearance levels as established
18 by the PNRI. This also refers to disused sealed sources for which no use is foreseen;

19 qq) *Reactivity* shall refer to the state of a waste, or a representative sample of the
20 waste, exhibiting any of the following properties: (1) it is normally unstable and readily
21 undergoes violent change without detonating; (2) it reacts violently with water; (3) it forms
22 potentially explosive mixtures with water; (4) when mixed with water, it generates toxic
23 gases, vapors, or fumes in a quantity sufficient to present danger to human health or the
24 environment; (5) it is a cyanide- or sulfide- bearing waste which, when exposed to ph
25 conditions between 2 and 12.5, can generate toxic gases, vapors, or fumes in a quantity
26 sufficient to present a danger to human health or the environment; (6) it is capable of

1 detonation or explosive reaction if subjected to a strong initiating source or if reacted under
2 confinement; or, (7) it is readily capable of detonation or explosive decomposition or reaction
3 at standard temperature and pressure;

4 rr) *Resource recovery* shall refer to the collection, extraction or recovery of
5 recyclable materials from the waste stream for the purpose of recycling, generating energy or
6 producing a product suitable for beneficial use: *Provided*, That such resource recovery
7 facilities exclude incineration;

8 ss) *Recycle* shall refer to the process of minimizing the generation of waste by
9 recovering usable products that might otherwise become waste;

10 tt) *Segregation* shall refer to a waste management practice of separating different
11 materials found in hazardous waste in order to promote recycling and re-use of resources and
12 to reduce the volume of waste for collection and disposal. This also refers to separating
13 radioactive wastes according to level of activity, physical form and half-life;

14 uu) *Special hazardous wastes* shall refer to substances discarded from households
15 consisting of consumer or industrial goods or products which become hazardous at the end of
16 its useful life by virtue of its hazardous content which may be released to the environment
17 upon indiscriminate disposal;

18 vv) *Storage* shall refer to the containment of hazardous and radioactive wastes,
19 either on a temporary basis or for a period of years, consistent with the guidelines as
20 prescribed by the Department and in such a manner as not to constitute disposal of such
21 wastes;

22 ww) *Surface impoundments* shall refer to pits, ponds, lagoons and dike areas that
23 are either natural topographic depression or man-made excavations that are primarily of
24 earthen materials. They are designed and constructed to hold or store, treat and/or dispose
25 liquid waste or waste containing free liquids through processes such as evaporation, cooling,
26 aeration, photo decomposition, and/or settling;

xx) *Sustainable development* shall refer to development which meets the needs of the present without compromising the ability of future generations to meet their own needs;

yy) *Special hazardous wastes collectors* shall refer to entities which receive or collect special hazardous wastes under a take back program or similar collection mechanism for the purpose of consolidating the wastes from households or consumers preparatory to delivery to an accredited recycling or treatment facility;

zz) *Technical demonstration* shall refer to the initial exhibition of a new technology process or practice or a significantly new combination or use of technologies, processes or practices, subsequent to the development stage, for the purpose of proving technological feasibility and cost effectiveness;

aaa) *Thermal treatment* shall refer to the controlled heating which involves a prescribed heating rate, maximum temperature, and cooling cycle to produce the property and grain structure required;

bbb) *Toxicity* shall refer to the degree of danger posed by a substance to human or animal due to its acute lethality, chronic and sub-chronic toxicity, carcinogenicity, teratogenicity, or mutagenicity among others;

ccc) *Treatment* shall refer to any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous and radioactive wastes so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume;

ddd) *Treatment, Storage and Disposal Facility (TSDF)* shall refer to a site where a hazardous substance is treated, stored or disposed; and

eee) *Waste acceptance criteria* shall refer to a list of parameters which describes the minimum characteristics which the waste should possess before it may be placed or accepted in a TSDF.

CHAPTER II – Management System

SEC. 5. *Identification and Listing of Hazardous Wastes* – Within six (6) months from the effectivity of this Act, the Department shall, after notice and public consultation, develop, formulate and publish criteria for identifying and listing the characteristics of hazardous wastes taking into account, but not limited to, toxicity, persistence, reactivity and degradability in nature, potential for accumulation in tissue, and other related factors such as ignitability, corrosivity, and other hazardous characteristics. Such criteria shall be reviewed and revised every four (4) years thereafter, or as the need arises: *Provided*, That the Department, in coordination with the Department of Health (DOH) and Philippine Nuclear Research Institute (PNRI), shall also identify or list those hazardous and radioactive wastes that contain certain constituents such as identified carcinogens, mutagens, or teratogens that endanger human health: *Provided, further*, That the Department, in coordination with the Department of National Defense (DND) and appropriate government agencies, shall formulate criteria for identifying when military munitions become hazardous and radioactive wastes. For purposes of this Act, the term "military munitions" includes chemical and conventional munitions: *Provided, finally*, That within six (6) months from the effectivity of this Act, the Department in coordination with the Department of Trade and Industry (DTI) and the Department of Interior and Local Government (DILG), after public consultation, shall formulate criteria for identifying and listing the categories of special hazardous wastes products to be tracked and regulated taking into account, but not limited to, the presence of toxicity, reactivity, ignitability and corrosivity.

SEC. 6. *Notification of Hazardous and Radioactive Waste Activity* – Upon the effectivity of this Act, any person generating or managing hazardous or radioactive waste is required to notify in writing the Department, DOH and PNRI of their hazardous or radioactive waste activities specifying, among others, the types of waste, quantities and containers used for storage, including incidents involving hazardous and radioactive wastes.

SEC. 7. *National Hazardous and Radioactive Waste Status Report* – The Department in coordination with the DOH, PNRI, and other concerned agencies, shall within six (6) months after the formulation of the criteria for identifying and listing of hazardous and radioactive wastes pursuant to Section 6 hereof, prepare a National Hazardous and Radioactive Waste Management Status Report which shall be used as a basis in formulating the National Hazardous and Radioactive waste Management Framework provided in Sec. 8 of this Act. The said shall report include, but not limited to, the following:

1 a) inventory of existing hazardous and radioactive wastes and their depots and
2 facilities;

3 b) general waste characterization, taking into account, but not limited to, the source,
4 type and quantity of hazardous and radioactive wastes generated;

5 c) projection of hazardous and radioactive wastes generation including quantity for
6 reduction, recovery and reuse;

7 d) listing of treatment, storage and disposal facilities including transporters of
8 hazardous and radioactive wastes; and,

9 e) listing of identified contaminated sites.

10 SEC. 8. *National Hazardous and Radioactive Waste Management Framework* –
11 Within eighteen (18) months from the effectivity of this Act, the Department, in coordination
12 with the DOH, PNRI and other appropriate agencies and entities, shall prepare and formulate
13 a National Hazardous and Radioactive Waste Management Framework, herein referred to as
14 the Framework, that shall embody policies established pursuant to this Act. Specifically, the
15 Framework shall contain the following:

16 a) hazardous and radioactive waste control strategies and techniques;

17 b) proper hazardous and radioactive waste transport, treatment, storage and
18 disposal systems;

19 c) waste reduction goals and targets;

20 d) period of compliance for waste reduction;

21 e) information and education campaign;

22 f) human resources development; and

23 g) roles and responsibilities of relevant government agencies.

24 The framework shall be adopted as the official blueprint for hazardous and radioactive
25 waste management with which all relevant government agencies must comply with.

26 SEC. 9. *Use of best available technology and best environmental practices in*
27 *hazardous and radioactive waste management.* - Generators and owners of treatment,
28 storage and disposal facilities are required to use best available technologies and best
29 environmental practices (BAT/BEP) in hazardous and radioactive waste management. The
30 Department, in coordination with the Inter-Agency Technical Advisory Council (IATAC)
31 created hereof, shall formulate criteria in assessing the proposed BAT/BEP to be used. In the
32 formulation of these criteria, consideration shall be given, among others, to the relative
33 economic feasibility of the technology. Further, such technology shall render the waste

1 sufficiently low in toxicity, reactivity corrosivity and ignitability as to present the least
2 possible risk to human health and safety and to the environment.

3 SEC. 10. *Requirements for Generators of Hazardous and Radioactive Wastes -*

4 Within six (6) months after effectivity of this Act, the Department, DOH and PNRI shall
5 establish requirements for generators of such hazardous and radioactive wastes necessary to
6 protect human health and the environment. These requirements shall ensure that the
7 generators shall be responsible for the proper management of the wastes generated and bear
8 the costs for proper storage, transport, treatment and disposal of such waste. Further, such
9 requirements shall include, but not limited to, the following:

10 a) Recordkeeping practices that accurately identify the quantities of such
11 hazardous and radioactive wastes generated, the constituent thereof which are significant in
12 quantity or in potential harm to human health or the environment, and the disposition of such
13 wastes;

14 b) Use of appropriate storage facilities and containers to prevent release of
15 materials to the environment;

16 c) Labeling practices for any containers used for the storage, transport, or disposal
17 of such hazardous and radioactive wastes that will identify accurately such waste;

18 d) Use of a manifest or consignment note system and any other means necessary to
19 assure that all hazardous and radioactive wastes generated are designated and/or recorded for
20 treatment, storage, or disposal in TSDFs with appropriate permit issued pursuant to this Act.
21 The manifest shall also record transportation details of said wastes;

22 e) Emergency and contingency plans for effective action to minimize damage and
23 contain and mitigate effects of spills and accidents in connection with the generation,
24 transport, storage or disposal of such wastes;

25 f) When it is necessary to transport the waste, the generators shall only engage
26 services of transporters and TSDFs holding permits issued pursuant to this Act; and

27 g) The waste generator of radioactive wastes shall submit a certificate of transport
28 from its Radiological Health and Safety Officer (RHSO) for the transport of radioactive
29 wastes to the treatment facility.

30 SEC. 11. *Requirements Applicable to Transporters of Hazardous and Radioactive*
31 *Wastes -* Within six (6) months after the effectivity of this Act, the Department, in
32 coordination with the DOH, PNRI, the Department of Transportation and Communication
33 (DOTC) shall establish requirements applicable to transporters of hazardous and radioactive

1 wastes necessary to protect human health and the environment. Such requirements shall
2 include, but not limited to, the following:

- 3 a) recordkeeping of such waste transported, and their source and delivery points;
- 4 b) use of carriers duly registered with the Department of Transportation and
5 Communication (DOTC);
- 6 c) transport of waste only if properly labeled;
- 7 d) transport of waste only to TSDF which the generator designates in the manifest
8 form to be a facility holding appropriate permit issued pursuant to this Act;
- 9 e) emergency and contingency plans for effective action to minimize damage and
10 contain and mitigate effects of spills and accidents in connection with the transport of such
11 wastes; and
- 12 f) coordination with other concerned government agencies in the event that
13 transport of such hazardous and radioactive wastes to designated TSDF requires security
14 escort or police protection/assistance.

15 SEC. 12. *Requirements Applicable to Owners of Hazardous, and Radioactive Waste*
16 *Treatment, Storage, and Disposal Facilities* – Within six (6) months after the effectivity of
17 this Act, the Department, in coordination with the DOH and PNRI, shall establish
18 requirements applicable to owners of TSDFs of hazardous and radioactive wastes necessary
19 to protect human health and the environment: *Provided*, That the Department, DOH and
20 PNRI shall, where applicable, distinguish requirements appropriate for new and existing
21 facilities at the time of effectivity of this Act. Such requirements shall include, but not limited
22 to, the following:

- 23 a) Performance Standard for the design, construction, operation, maintenance and
24 monitoring of the facility;
- 25 b) Requirements and Standards to ensure adequate resources, including human and
26 financial, throughout the life cycle of the facility;
- 27 c) Requirements and Standards for the closure, decommissioning and post closure
28 care, monitoring and maintenance and use of the facility;
- 29 d) Waste acceptance requirements and procedures, approved by the Department,
30 DOH and PNRI, for different types of hazardous and radioactive waste packages; and
- 31 e) Management, engineering controls and use of personnel protective equipment to
32 minimize exposure of workers to the hazardous wastes and medical surveillance of workers
33 directly involve in the collection, transport, storage or disposal of hazardous wastes.

SEC. 13. *Categories of TSDFs for Hazardous Wastes and Radioactive Wastes -*

Within six (6) months after the effectivity of this Act, the Department shall formulate specific, relevant and appropriate standards, including waste acceptance criteria, for the various categories of TSDFs identified hereunder: *Provided*, That no waste shall be accepted unless it complies with the waste acceptance criteria formulated pursuant to this Act: *Provided, further*, That the Department shall revise, as the need arises, the regulations, standards and guidelines applicable to the categories listed hereunder taking into account improvements in the technology of control and measurement: *Provided, finally*, That such regulations shall specify criteria for the acceptable location of new and existing TSDFs as necessary to protect human health and the environment. The categories of TSDFs are as follows:

(A) Facilities that conduct on-site storage, treatment and disposal of hazardous waste generated or produced at the premises through industrial or commercial processes and activities other than disposal via sewer.

The Department shall encourage on-site treatment of hazardous wastes by, among other things, providing for incentives: *Provided*, That generators who undertake partial treatment of waste shall not be considered as on-site facility operators for purposes of this category: *Provided, however*, That mining operations shall fall under this category.

(B) Commercial or industrial hazardous waste thermal treatment facilities.

TSDFs in this category are facilities that conduct on-site and off-site thermal treatment: *Provided*, That the Department shall promulgate regulations on hazardous wastes used as fuel and raw material: *Provided, further*, That the Department may also exempt from the requirements hereof facilities which burn *de minimis* quantities of hazardous wastes as fuel, as defined by the Department, if:

1. the wastes are burned at the same facility at which such wastes are generated;
2. the waste is burned to recover useful energy, as determined by the Department on the basis of the design and operating characteristics of the facility and the heating value and other characteristics of the waste; and
3. the waste is burned in a type of device determined by the Department to be designed and operated at a destruction and removal efficiency sufficient such that protection of human health and environment is assured.

(C) Landfills that accept hazardous waste for disposal.

The Department shall, after due review and public consultation, promulgate regulations concerning the prohibition of specified hazardous wastes in landfills: *Provided*,

1 That the placement of such specified hazardous wastes in landfills may be allowed upon
2 determination by the Department that the prohibition for disposal of such waste in landfills is
3 not required in order to protect human health and the environment for as long as the waste
4 remains hazardous, taking into account the following factors:

- 5 1. the long-term uncertainties associated with land disposal;
- 6 2. the goal of managing hazardous waste in an appropriate manner in the first
7 instance; and
- 8 3. the persistence, toxicity, mobility, and propensity to bioaccumulate of such
9 hazardous wastes and their hazardous constituents.

10 For this purpose, disposal of hazardous waste in landfills is deemed to be protective of
11 human health and the environment if it is determined that there will be no migration of
12 hazardous constituents of the waste from the disposal unit or injection zone: *Provided,*
13 *however,* That the disposal of any liquids in landfills shall be prohibited: *Provided, further,*
14 That the disposal in landfills of wastes containing hazardous solvents, pesticides and
15 polycyclic hydrocarbons such as, among others, furans and dioxins, as determined by the
16 Department, after public consultation, are prohibited unless the Department determines the
17 prohibition of the disposal of such waste is not required in order to protect human health and
18 the environment for as long as the waste remains hazardous, taking into account the factors
19 referred to in subparagraphs (1) to (3) of this category.

20 Within six (6) months from the preparation of the status report, the Department shall
21 review, classify and rank, subject to public consultations, all hazardous wastes listed pursuant
22 to this Act other than those wastes which are referred to in paragraph 3 of this category or
23 deep injection wells. Within twelve months (12) thereafter, the Department, when necessary,
24 shall promulgate regulations prohibiting disposal in landfills of such hazardous wastes listed
25 and ranked: *Provided,* That the Department shall promptly publish in a newspaper of general
26 circulation notice of such determination, together with an explanation of the basis for such
27 determination: *Provided, further,* That the storage of hazardous and radioactive waste in
28 landfills is hereby prohibited.

29 (D) Facilities that recycle or reprocess hazardous waste which are not generated or
30 produced at the premises.

31 The Department, in coordination with DOST, shall promulgate standards for this
32 category of TSDF. Facilities in this category are those that receive off-site treatment of
33 hazardous waste and recover valuable materials from the hazardous wastes, use hazardous
34 waste as input materials or fuel for production, or produce compost by biological treatment of

1 hazardous waste. It also includes, but not limited to, reclaimers of spent lead-acid batteries,
2 precious metals, and oil recyclers.

3 (E) Other off-site treatment facilities.

4 Facilities in this category are those facilities that receive hazardous waste outside the
5 premises and transform physical and/or chemical characteristics of the hazardous waste by
6 physicochemical or thermal treatment other than incineration in order to dispose of them into
7 landfills.

8 (F) Facilities that store hazardous and radioactive wastes which are not generated or
9 produced at the premises within allowable period.

10 The storage of any hazardous and radioactive waste is prohibited, unless such storage
11 is solely for the purpose of the accumulation of such quantities of hazardous wastes as are
12 necessary to facilitate proper recovery, treatment or disposal but shall not be longer than is
13 prescribed by the Department.

14 (G) Other land disposal facilities.

15 Facilities under this category shall include, among others, deep injection wells,
16 borehole facilities, near surface facilities, mined cavities, surface impoundments, land
17 treatment units/land farming and abandoned underground mines.

18 SEC. 14. *Closure plan.* – The owner of TSDFs shall submit a closure plan, including
19 the funds and human resources necessary for the same, subject to the review and approval of
20 the Department.

21 SEC. 15. *Post-closure of facility.* – The owner of a TSDF must close the facility upon
22 termination of its operation, and shall, after such closure, provide for protection during a
23 post-closure care period, in accordance with the requirements of the Department and the
24 closure plan, including the funds and human resources necessary for same. The protection
25 shall include, but not limited to, monitoring, repair and maintenance. The owner shall
26 maintain a hazardous waste facility permit for the post-closure care period pursuant to
27 Chapter VII hereof.

28 SEC. 16. *Environmental Impact Statement (EIS) System* – Prior to the establishment
29 of TSDFs, all government agencies and private corporations, firms and entities who intend to
30 set up TSDFs shall be subject to environmental impact statement (EIS) system pursuant to the
31 provisions of P.D. 1586 and its implementing rules and regulations.

32 SEC. 17. *Formulation of Soil Quality Standards for Identification of Contaminated*
33 *Sites.* – Within six (6) months from the effectivity of this Act, the Department, in coordination

1 with other relevant government agencies, shall formulate soil quality standards which shall be
2 used to determine contaminated sites.

3 SEC. 18. *Registry of Contaminated Sites.* - The Department shall maintain a registry
4 of confirmed contaminated sites in the country based on the soil quality standards set
5 pursuant to Section 17 hereof: *Provided*, That the Department shall take all necessary action
6 to insure that the registry provides a complete listing of all such sites, their exact location, and
7 the types of waste found at each site: *Provided, further*, That in developing and maintaining
8 the registry, the Department shall assess, based upon new information received, the relative
9 priority of the need for action at each site to remedy environmental and health problems
10 resulting from the presence of hazardous and radioactive wastes at such sites: *Provided*,
11 finally, That any site classified as properly closed or remediated where no evidence of present
12 or potential adverse impact exists shall be deleted from the registry.

13 SEC. 19. *Import and Export of Hazardous and Radioactive Wastes.* - In accordance
14 with Sec. 2 (c) hereof, the Department and PNRI shall promulgate rules and regulations on
15 the import and export of hazardous and radioactive wastes consistent with relevant
16 multilateral international agreements and protocols.

17 SEC. 20. *Market-Based Instruments, Responsible Care and Product Stewardship*
18 *Program.* - Within six (6) months from the effectivity of this Act, the Department in
19 coordination with the manufacturers of commercial or industrial products shall identify and
20 implement market-based instruments, extended producer responsibility, responsible care,
21 products stewardship programs that shall promote cleaner production, waste minimization
22 and resource recovery: *Provided*, That the Department shall identify and list products that
23 shall be covered by such programs.

24 CHAPTER III - Radioactive Wastes

25 SEC. 21. *Listing of Radioactive Wastes* - Within six (6) months from the effectivity
26 of this Act, the Department of Science and Technology - Philippine Nuclear Research
27 Institute (DOST/PNRI), in coordination with the Department, after public consultation, shall
28 formulate and publish the criteria for identifying and listing the types of radioactive wastes to
29 be monitored and regulated.

30 SEC. 22. *Classification of Radioactive Wastes.* - The PNRI shall establish the waste
31 classification system based on internationally acceptable guidelines. The classification system
32 shall be based primarily on the safety aspects of radioactive waste disposal: *Provided*, That
33 other stages of radioactive waste management may also be developed by PNRI.

1 SEC. 23. *Management of Radioactive Wastes.* - Pursuant to Sections 10, 11, and 12
2 hereof, the PNRI shall promulgate rules and regulations on radioactive waste management.
3 The rules and regulations shall be based on the best available technique to limit the outflow
4 of radioactive substances to the environment, taking into account the benefits as well as the
5 cost of the measures to be undertaken. The measures shall be both technically and
6 economically feasible: *Provided*, That said rules and regulations may be based on, but not
7 limited to, the following methods of managing radioactive waste:

8 a) Dilute and disperse – radioactive waste with activity level that can be disposed
9 of as ordinary waste into the sewage, municipal landfills, among other areas;

10 b) Delay and decay – storage of short lived radionuclides under well controlled
11 conditions until the radioactivity has decayed to a level which meets the established
12 exemption or clearance limits for such waste; and

13 c) Characterization, segregation, treatment, conditioning, transport, storage,
14 disposal – management of radioactive waste containing long lived radio nuclides, including
15 disused sealed sources, and other wastes that cannot be managed under subsections (a) and
16 (b) of this section.

17 The acceptable storage period for conditioned wastes prior to the establishment of a
18 final disposal repository shall be for a maximum period of fifty (50) years.

19 SEC. 24. *Guidelines for the Acceptance of Radioactive Wastes by Transporters and*
20 *TSDFs.* - Within six (6) months after the effectivity of this Act, the PNRI shall formulate
21 specific, relevant and appropriate waste acceptance criteria for transporters and TSDFs of
22 radioactive wastes: *Provided*, That no radioactive waste shall be accepted unless it complies
23 with the waste acceptance criteria formulated pursuant hereof.

24 SEC. 25. *Site Requirements and Selection Criteria.* - The PNRI shall develop and
25 promulgate generic site requirements for locating a final repository for radioactive wastes.

26 SEC. 26. *Safety Assessment and Environmental Impact Assessment.* - The PNRI shall
27 develop and promulgate criteria and regulations on the performance requirements and safety
28 assessment of TSDF: *Provided*, That the safety assessment shall, among others, address both
29 radiological and non-radiological risks: *Provided*, further, That non-radiological
30 environmental impact assessment shall be carried out in accordance with relevant
31 environmental laws.

32 SEC. 27. *Emergency Preparedness.* - The PNRI shall promulgate requirements and
33 guidance on the formulation of emergency plan commensurate to the seriousness of the
34 accidents that could occur at the TSDFs.

1 SEC. 28. *Security.* - The PNRI shall promulgate guidelines on security arrangements
2 to be put in place to ensure that radioactive waste is not accidentally or deliberately removed
3 from their proper location. Particular attention shall be given to materials of intrinsic value
4 that could pose a serious threat to human health and the environment if control were lost.

5 **CHAPTER IV - — Hazardous Healthcare Waste**

6 SEC. 29. *Listing of Hazardous Healthcare Waste* - Within six (6) months from the
7 effectivity of this Act, the DOH in coordination with the Department and the Department of
8 Interior and Local Government (DILG), after public consultation, shall formulate criteria for
9 identifying and listing the categories of hazardous healthcare waste to be tracked and
10 regulated. In the formulation of such criteria, the DOH shall take into account, but not
11 limited to, the presence of infectious agents, toxicity, reactivity, ignitability and corrosivity.

12 SEC. 30. *Management of Hazardous Healthcare Wastes in Hospitals and other*
13 *Healthcare Facilities.* - Pursuant to Sections. 10, 11 & 12 hereof, the DOH shall promulgate
14 rules and regulations on the effective management of hazardous healthcare wastes in
15 hospitals and other health care facilities. The rules and regulations shall include, but not
16 limited to, the following:

17 a) Hospitals and other health care facilities shall practice or implement waste
18 minimization and segregation;

19 b) Segregation at source shall be the responsibility of the waste generator;

20 c) Appropriate storage receptacles or bins shall be provided for each healthcare
21 waste category;

22 d) Labeling of receptacle per waste category shall likewise be implemented for
23 identification of waste and management measures in case of accidents;

24 e) All hazardous healthcare wastes shall be collected and stored in designated on-site
25 storage area until transported to a TSDF;

26 f) Treatment of hazardous healthcare waste on-site shall be done through appropriate
27 treatment methods;

28 g) Upon the approval of the Department, health care facilities with capacity to
29 manage hazardous healthcare waste on-site may also treat for a fee the hazardous healthcare
30 waste generated by other healthcare facilities: *Provided*, That the in the case of treatment of
31 radioactive healthcare waste, approval of the PNRI shall be secured;

32 h) For hazardous healthcare liquid waste, all healthcare facilities shall provide
33 wastewater treatment facilities and comply with the effluent standards set by DENR.
34 Treatment and disposal of sludge shall conform to the provisions of this Act; and

i) To ensure proper management of hazardous healthcare waste, a committee on hazardous healthcare waste management may be created in all healthcare facilities: *Provided*, That in all Level 1, Level 2, Level 3 and Level 4 Hospitals the creation of a committee on hazardous healthcare waste management shall be mandatory. The committee shall also develop an emergency plan to ensure an immediate and appropriate action once an emergency occurs. For other health care establishments, a hazardous healthcare waste management officer shall be designated.

CHAPTER V — Special Hazardous Wastes

SEC. 31. *Collection of Special Hazardous Wastes.* - Local Government Units (LGUs) shall be responsible for the collection of special hazardous wastes, as listed by the Department in accordance with Sec. 5 hereof, from persons and households: *Provided*, That the LGUs may enter into agreement with entities duly accredited by the Department for the collection of special hazardous wastes.

SEC. 32. *Responsible Care Program for Special Hazardous Wastes.* - The LGUs shall enact appropriate ordinances implementing responsible care, extended producer responsibility or product stewardship program, that shall include, but not limited to, take-back or return-to-supplier schemes, that shall promote cleaner production, waste minimization and resource recovery.

SEC. 33. *Transport, Treatment, Storage and Disposal of Special Hazardous Wastes.* - Upon collection of hazardous special wastes by LGUs pursuant to Sec. 31 hereof, the transport, treatment, storage and disposal of special hazardous waste shall be regulated in accordance with this Act.

CHAPTER VI - Institutional Mechanism

SEC. 34. *Lead Agency.* - The Department shall be the primary government agency responsible for the implementation and enforcement of this Act, including in PEZA areas, special economic zones and free ports, unless otherwise provided herein. As such, it shall have the following functions, powers and responsibilities:

- a) prepare a National Hazardous and Radioactive Wastes Report;
- b) prepare a National Hazardous and Radioactive Wastes Management Framework;
- c) develop and promulgate criteria for identifying and listing the characteristics of hazardous and radioactive wastes;
- d) establish, enforce, review and revise standards for generators of hazardous and radioactive wastes;

- 1 e) establish, enforce, review and revise standards for transporters of hazardous and
2 radioactive wastes;
- 3 f) establish, enforce, review and revise standards applicable to owners and
4 operators of facilities for the treatment, storage and disposal of hazardous and radioactive
5 wastes;
- 6 g) exercise jurisdiction over all aspects of generation, possession, collection,
7 destruction, recovery, use, storage, transportation, entry into, even in transit, treatment and
8 disposal of hazardous and wastes;
- 9 h) evaluate applications for and issue permits and licenses pursuant to this Act;
- 10 i) revoke, modify or deny in accordance with the standards, rules and regulations,
11 hazardous waste transporter licenses, TSDFs permits and other permits/licenses issued in
12 accordance with this Act;
- 13 j) establish a cooperative effort among the national government, LGUs, academic
14 institutions, civil society and the private sector to attain the objectives of this Act;
- 15 k) develop and implement programs to achieve goals and objectives set under this
16 Act;
- 17 l) accept, receive and administer grants or other funds or gifts from public and
18 private agencies for the purpose of carrying out the provisions of this Act. Funds received by
19 the Department pursuant to this section shall accrue to the Hazardous and Radioactive Waste
20 Management Fund;
- 21 m) secure necessary scientific, technical, including laboratory facilities, by contract
22 or otherwise;
- 23 n) encourage, coordinate, participate in or conduct studies, investigations, research
24 and technical demonstrations relating to hazardous and radioactive waste management as it
25 may deem advisable and necessary for the discharge of its duties pursuant to this Act;
- 26 o) encourage waste reduction, resource recovery, exchange and energy
27 conservation in hazardous and radioactive waste management;
- 28 p) oversee any corrective action work undertaken pursuant to rules and regulations
29 issued in accordance with this Act;
- 30 q) formulate and undertake appropriate protocol with other concerned agencies for
31 immediate coordinated responses to hazardous and radioactive waste-related emergency
32 incidents;

1 r) issue order against any person or entity and impose fines, penalties and other
2 administrative sanctions to compel compliance with the provisions hereof, standards, rules
3 and regulations issued pursuant to this Act; and

4 s) exercise such powers and perform such other functions as may be necessary to
5 carry out the objectives of this Act.

6 SEC. 35. *Role of the DOH.* – The DOH shall be primarily responsible in performing
7 the following duties and responsibilities:

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

10 b) Develop and promulgate rules and regulations on the effective management of
11 hazardous healthcare wastes in hospitals and other health care facilities; and

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

14 SEC. 36. *Role of the PNRI.* – The PNRI shall be primarily responsible in performing
15 the following duties and responsibilities:

16 a) Develop and promulgate regulations establishing a program for the monitoring
17 of the radioactive waste listed pursuant to this Act;

18 b) Develop, promulgate and publish criteria for identifying and listing the types of
19 radioactive wastes to be monitored and regulated;

20 c) Develop and promulgate rules and regulations on the radioactive waste
21 management pursuant to section 23 hereof;

22 d) Formulate specific, relevant and appropriate waste acceptance criteria for
23 transporters and TSDFs of radioactive wastes pursuant to section 24 hereof;

24 e) Exercise jurisdiction over all aspects of generation, possession, collection,
25 recovery, transport, entry, even in transit, into Philippine territory, treatment, storage and
26 disposal of radioactive wastes; and

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

29 SEC. 37. *Role of Local Government Units.* - Local government units shall have the
30 following duties and responsibilities:

31 a) Share the responsibility for the implementation, enforcement and monitoring of
32 the provisions of this Act within their territorial jurisdictions such as registration and
33 compliance monitoring of generators, transports and TSDFs;

- b) Prepare a compliance scheme in accordance with their special hazardous waste management program;
- c) Segregation and collection of special hazardous waste;
- d) Emergency preparedness and response;
- e) Participate in all efforts concerning hazardous and radioactive wastes management; and
- f) Enact appropriate ordinances to implement LGU's role in this Act.

SEC. 38. *Interagency Technical Advisory Council (IATAC)*. - For purposes of policy integration and harmonization and coordination of functions, there is hereby created an inter-agency technical advisory council attached to the Department which shall 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, as Member;
- e) Secretary of Finance;
- f) Secretary of Trade and Industry;
- g) Secretary of National Defense;
- h) Secretary of Foreign Affairs;
- i) Secretary of Transportation and Communication;
- j) League of Cities;
- k) League of Municipalities;
- l) League of Provinces;
- m) League of Barangays;
- n) Director General of the Philippine Export Zone Authority;
- o) Representative from Civil Society Organizations;
- p) Representative from the Industry;
- q) Representative from TSDF operators; and
- r) Representative from the Academe.

The IATAC shall have the following functions, among others:

- a) Develop and promulgate criteria in assessing the proposed BAT/BEP to be used in accordance with Section 9 hereof; and

b) Constitute and authorize a multidisciplinary body to conduct annual audit to determine compliance of TSDF operators with the terms and conditions in the permits and licenses issued pursuant to this Act.

Representatives of civil society organizations, academe, TSDF operators and 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.

SEC. 39. *IATAC Technical Working Group.* - The IATAC shall be supported by a Technical Working Group (TWG) which shall be composed of representatives of the following:

- a) Environmental Management Bureau (EMB) of the Department;
- b) Environmental and Occupational Health Office of the DOH;
- c) Philippine Nuclear Research Institute of the DOST;
- d) Industrial Technology Development Institute of the DOST;
- e) Bureau of Health Facilities and Services of the DOH;
- f) Bureau of Soil and Water Management of the Department of Agriculture (DA);
- g) Fertilizer and Pesticide Authority of the DA;
- h) Bureau of Customs of the Department of Finance;
- i) Bureau of International Trade Relations of DTI;
- j) Board of Investments of the DTI;
- k) Bureau of Import Services of the DTI;
- l) Department of National Defense;
- m) Land Transportation Office of the DOTC;
- n) Occupational Health and Safety Center of the Department of Labor and Employment;
- o) Philippine Coast Guard;
- p) Civil Society Organizations;
- q) Industry; and
- r) Academe.

The TWG shall provide technical support to the IATAC.

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

SEC. 40. *Linkage Mechanism.* - The Department and its concerned agencies may coordinate and enter into agreement with other government agencies, civil society, industrial

1 sector and other concerned sectors in the furtherance of the policies of this Act: *Provided*,
2 That the Department shall coordinate with the Department of Interior and Local Government
3 and the Philippine National Police in the enforcement of the requirements for transporters
4 issued pursuant to this Act.

5 SEC. 41. *Visitorial Powers* – The Department, PNRI and DOH or their duly
6 authorized representatives shall have access to, and the right to copy therefrom, the records
7 required to be maintained pursuant to the provisions of this Act. The Secretary of the
8 Department and DOH and director of PNRI or their authorized representatives shall likewise
9 have the right to enter the premises of any generator, transporter, or TSDF any time to
10 question any employee or investigate any fact, condition or matter which may be necessary to
11 determine any violation, or which may aid in the effective enforcement of this Act and its
12 implementing rules and regulations. This section shall not apply to private dwelling places
13 unless the visitorial power is otherwise judicially authorized.

14 **CHAPTER VII - Permits and Fees**

15 SEC. 42. *Permits for Treatment, Storage, or Disposal of Hazardous and Radioactive*
16 *Wastes* – (A) Any person owning an existing or a new TSDF of hazardous or radioactive
17 wastes identified or listed pursuant to this Act is required to secure a permit or license
18 pursuant to this section. The Department and PNRI shall prescribe reasonable fees for the
19 issuance of said permit or license.

20 (B) Duration of permit – Any permit under this section shall be issued annually during
21 the first three (3) years of operation as TSDF. Thereafter, the Department and PNRI may
22 issue a permit license which is valid for five (5) years to TSDF who has satisfactorily
23 complied with the rules and regulations issued pursuant to this Act for the first three (3) years
24 of operations: *Provided*, That an annual audit shall be conducted by a multidisciplinary body
25 constituted and authorized by the IATAC created pursuant hereof.

26 (C) Permit modification, suspension and revocation – The Department and PNRI shall
27 modify, suspend and revoke such permit upon a determination of noncompliance by a TSDF
28 with the relevant provisions of this Act or the terms and conditions of the permit.

29 (D) Interim status – A permit to operate a TSDF issued prior to this Act shall be valid
30 and in force for a period of twelve (12) months after the effectivity of this Act: *Provided*,
31 That the required application for TSDF permit or license shall have been filed within the said
32 twelve (12) month period: *Provided, further* That this paragraph shall not apply to any
33 facility which has been previously denied a TSDF permit or license or if the authority to
34 operate the facility has been previously terminated.

1 SEC. 43. *Hazardous and Radioactive Waste Transporter License.* – (A) Any person
2 transporting any hazardous and radioactive waste is required to secure a waste transporter
3 license from the Department subject to payment of reasonable fee.

4 (B) Duration of license – A waste transporter license issued under this section shall
5 be valid for a period of one (1) year.

6 (C) License modification, suspension and revocation – The Department and PNRI
7 shall modify, suspend and revoke such license upon a determination of noncompliance by a
8 transporter with the relevant provisions of this Act or the terms and conditions of the permit.

9 A license is not required for the transport of any hazardous or radioactive waste on the
10 premises where it is generated or onto a property owned by the generator thereof located
11 within a one (1) km. radius from said premises or within the same industrial estate: *Provided,*
12 That the Department is notified in writing prior to the transfer and a week after the transfer
13 has been completed. Nothing in this section shall be interpreted to preclude the Department
14 and the PNRI from inspecting unlicensed hazardous waste transporting equipment and
15 requiring that it be adequate to provide protection for the health of humans and the
16 environment.

17 SEC. 44. *Hazardous Waste disposal Fee.* - All hazardous waste disposal facilities
18 shall collect, on behalf of the government, from each hazardous waste generator or
19 transporter disposing such waste at the disposal site, a fee that shall accrue to the hazardous
20 waste management fund. The fee shall be established by the Department taking into
21 consideration the following:

- 22 a) Strong economic inducement for generators to modify their production or
23 management processes;
- 24 b) Cost of administering hazardous and radioactive waste management;
- 25 c) Cost of damages caused by hazardous and radioactive waste on the surrounding
26 environment, including that of rehabilitation;
- 27 d) Category of waste; and
- 28 e) Classification of waste.

29 The fee, which shall be established after due public consultation, shall be based on the
30 quantity of waste disposed.

CHAPTER VIII— Financing Hazardous Waste Management

SEC. 45. *Financial Liability for Environmental Rehabilitation.* – The Department shall require generators and owners of TSDFs to put up an Environmental Guarantee Fund (EGF) as part of the Environmental Management Plan attached to the Environmental Compliance Certificate (ECC) pursuant to Presidential Decree No. 1586 and its Implementing Rules and Regulations. The EGF shall finance the needs of emergency response, clean up or rehabilitation of areas that may be damaged during the generation, transport, treatment, storage or disposal of hazardous and radioactive wastes. 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 Department.

The EGF may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, self-insurance, and any other instrument which may be identified by the Department. The choice of the guarantee instrument or combinations thereof shall depend, among others, on the assessment of the risks involved. Proponents required to put up guarantee instruments shall furnish the Department with evidence of availment of such instruments.

SEC. 46. *Performance Bond.* - Prior to issuance of the required permit to operate, the Department shall require transporters, owners of treatment/storage facilities to post performance bond. The performance bond shall be forfeited in the event of abandonment of sites and/or non-performance of post-closure requirements issued pursuant to Sec. 15 hereof: *Provided*, That this provision shall not apply to State-owned treatment/storage facilities and to recyclers identified and listed as such pursuant to this Act.

CHAPTER X — INCENTIVES

SEC. 47. *Rewards.* – Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including non-government organizations that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in hazardous and radioactive wastes management. The rewards shall be sourced from the Hazardous and Radioactive Wastes Management Fund herein created.

SEC. 48. *Incentives Scheme.* - An incentive scheme is hereby provided for the purpose of encouraging enterprises, private entities, LGUs and NGOs to develop or undertake an effective hazardous and radioactive waste management, or actively participate in any program geared towards the promotion thereof, consistent with the objectives of this Act.

(A) *Tax and Duty Exemption on Imported Capital Equipment* – Within five (5) years upon the effectivity of this Act, registered enterprises, LGUs, and NGOs shall enjoy tax and

1 duty-free importation of machinery, equipment, technology, vehicles and spare parts used for
2 transport, processing, storage and treatment of hazardous and radioactive wastes including
3 cleaner production and waste minimization technologies: *Provided*, That the importation of
4 such machinery, equipment, technology, and spare parts shall comply with the following
5 conditions:

6 1. They are not manufactured domestically in sufficient quantity, of comparable
7 quality and at reasonable prices;

8 2. They are reasonably needed and will be used actually, directly and exclusively
9 for the above mentioned activities; and,

10 3. The approval of the Board of Investment (BOI) of the DTI for the importation of
11 such machinery, equipment, technology and spare parts.

12 *Provided, further*, That the sale, transfer or disposition of such machinery, equipment,
13 technology, vehicles and spare parts, without prior approval of the BOI, within five (5) years
14 from the date of acquisition shall be prohibited; otherwise, the registered enterprise, LGU or
15 NGO concerned and the buyer, transferee or assignee shall be solidarily liable to pay twice
16 the amount of tax and duty exemption given it.

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

24 (C) Tax Exemption of Donations, Legacies and Gift – All donations, gifts and
25 legacies made by any person or entity in favor of the registered enterprises, LGUs and NGOs,
26 for the support and maintenance of the program for effective hazardous and radioactive waste
27 management shall be exempt from donor's tax and such amount of donation shall be
28 deductible from the gross income of the donor pursuant to Sec. 34 par. (H) of the National
29 Internal Revenue Code of 1997, as amended.

30 (D) Financial Assistance Program - Government financial institutions such as the
31 Development Bank of the Philippines (DBP), Landbank of the Philippines (LBP),
32 Government Service Insurance System (GSIS), and such other government institutions
33 providing financial services shall, in accordance with and to the extent allowed by the
34 enabling provisions of their respective charters or applicable laws, accord high priority to

1 extending financial services to individuals, enterprises, or private entities engaged in
2 hazardous, radioactive, medical and hazardous special waste management.

3 (E) Extension of Grants to LGUs. – Cities or municipalities whose special hazardous
4 waste management programs have been duly accredited by the Department or have adopted
5 innovative waste management programs may be entitled to receive grants for the purpose of
6 developing their technical capacities toward actively participating in the program for
7 effective and sustainable waste management.

8 (F) Tax Exemption on Hazardous Wastes Generated Within PEZA Areas, Free Ports
9 and other Special Ecozones. - Hazardous waste materials generated within PEZA areas, free
10 ports and other special Ecozones shall be allowed to be brought to the Philippine customs
11 territory for the sole intention of recycling and/or treatment shall be exempted from payment
12 of any tax due on said hazardous wastes: *Provided*, That said recyclable hazardous waste
13 materials are identified and listed in accordance with Section 5 of this Act.

14 **CHAPTER XI - Civil Liability and Penal Provisions**

15 SEC. 49. *Generator's liability.* - The generator is primarily responsible for the
16 management of hazardous and radioactive waste until said waste has been certified as
17 properly treated or disposed by duly accredited TSDFs: *Provided*, That for wastes that are
18 exported outside of the country and treated and disposed in accordance with international
19 agreements, the TSDFs in the country of destination shall issue the certificate of treatment
20 and disposal. All other environmental service providers involved in the transport, treatment,
21 storage and disposal of said waste shall be jointly and severally liable with the generator in
22 the event of any adverse environmental impacts due to the improper management of the
23 waste.

24 Sec. 50. *Prohibited Acts.* - The following acts are prohibited:

- 25 a) Discarding, throwing or dumping of hazardous or radioactive wastes, listed
26 pursuant to this Act in public places, such as roads, sidewalks, canals, esteros, parks,
27 establishments and municipal solid waste facilities, or causing or permitting the same;
- 28 b) Undertaking activities involving the collection or transport of hazardous or
29 radioactive waste in violation of the standards and other requirements or permits set forth in
30 this Act;
- 31 c) Causing or permitting the collection of non-segregated or unsorted hazardous
32 waste;
- 33 d) Operating TSDFs without permits issued pursuant to this Act;

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

4 t) Site preparation, construction, expansion or operation of TSDFs without an
5 Environmental Compliance Certificate required pursuant to Presidential Decree No. 1586 and
6 this Act.

7 For purposes of this provision, the term "hazardous waste" shall include special
8 hazardous and healthcare waste.

9 SEC. 51. *Fines, Damages and Penalties.* – Unless otherwise provided herein, any
10 person who commits any of the prohibited acts provided in the immediately preceding
11 Section or violates any of the provision of this Act or its implementing rules and regulations,
12 shall be fined by the Pollution Adjudication Board (PAB) in the amount not less than Ten
13 Thousand Pesos (P10,000.00) but not more than One Hundred Thousand Pesos
14 (P100,000.00) for every violation: *Provided*, That for violation of Section 50 involving
15 prohibited acts under paragraphs (a), (g), (h), (i), (l), (p), (s) and (t), the fine shall be imposed
16 for every day of violation.

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

21 The fines herein prescribed shall be reviewed and revised, whenever necessary, every
22 three (3) years to compensate for inflation and to maintain the deterrent function of such
23 fines.

24 The PAB may order the closure, suspension of development or construction, or
25 cessation of operations until such time that proper environmental safeguards are put in place
26 and/or compliance with the Act or its rules and regulations are undertaken, without prejudice
27 to the issuance of an *ex parte* order for such closure, suspension of development or
28 construction, or cessation of operations during the pendency of the case: *Provided*, That if
29 the prohibited act undertaken shall require clean-up and rehabilitation, the offender shall also
30 be required to restore or compensate for the restoration of the area. The PAB may also award
31 such damages as it may deem just under the circumstances in favor of the private
32 complainant in the case.

1 In case of gross violation of this Act, the PAB shall issue a resolution recommending
2 that the proper government agencies file criminal charges against the violators. Gross
3 violation shall mean any of the following:

4 a) Deliberate disposal of hazardous or radioactive waste without the required permit
5 issued pursuant to this Act;

6 b) Three (3) or more violations of paragraphs (a), (d), (e), (g), (k), (l) and (m) of Sec.
7 50 hereof within a period of two (2) years; or

8 c) Blatant disregard of the orders of the PAB, such as the non-payment of fines,
9 breaking of seals, or operation of the source of pollution despite the existence of an order for
10 closure, discontinuance or cessation of operation, or unjustified refusal for the entry or access
11 to any premises of an authorized Department representative.

12 In these cases, the offender shall be punished a fine of not less than One Hundred
13 Thousand Pesos (P100,000.00) but not more than Three Million Pesos (P3,000,000.00)
14 and/or with imprisonment of not less than three (3) years but not more than ten (10) years at
15 the discretion of the court. If the offender is a juridical person, the chief executive officer and
16 the pollution control officer or its equivalent shall suffer the penalty herein provided.
17 *Provided*, That the officers and incorporators of TSDFs who violated the post-closure
18 requirements issued pursuant to Sec. 15 hereof shall be banned from setting up TSDFs and
19 hazardous and radioactive waste transport companies, and engaging in the operation of the
20 same.

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

23 The fines herein prescribed shall be reviewed and revised, whenever necessary, every
24 three (3) years to compensate for inflation and to maintain the deterrent function of such
25 fines.

26 SEC. 52. *Administrative Sanctions.* - Local government officials and officials of
27 government agencies concerned who fail to comply with and enforce rules and regulations
28 promulgated relative to this Act shall be charged administratively in accordance with R.A.
29 7160 or the Local Government Code and other existing laws, rules and regulations.

30 SEC. 53. *Administrative Action.* - Without prejudice to the right of any affected
31 person to file an administrative action, the Department, DOH and PNRI shall, on its own
32 instance or upon verified complaint by any person, institute administrative and civil
33 proceedings against any person who violates:

34 a) Standards or limitation provided under this Act; or

1 b) Any order, rule or regulation issued by the Department, DOH or PNRI with
2 respect to such standard or limitation.

3 SEC. 54. *Citizen Suit.* - For purposes of enforcing the provisions of this Act or its
4 implementing rules and regulations, any citizen may file an appropriate civil, criminal or
5 administrative action in the proper courts or bodies against the following:

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

8 b) The Department or other implementing agencies with respect to orders, rules
9 and regulations issued inconsistent with this Act; or

10 c) Any public officer who willfully or grossly neglects the performance of an act
11 specifically enjoined as a duty by this Act or its implementing rules and regulations, or
12 abuses his authority in the performance of his duty, or, in any manner, improperly performs
13 his duties under this Act or its implementing rules and regulations: *Provided, however,* That
14 no suit can be filed until after a thirty-day (30) notice has been given to the public officer and
15 the alleged violator concerned and no appropriate action has been taken thereon.

16 The court shall exempt such action from the payment of filing fees, except fees for
17 actions not capable of pecuniary estimations, and shall, likewise, upon *prima facie* showing
18 of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an
19 injunction bond for the issuance of a preliminary injunction.

20 Within thirty (30) days, the court shall make a determination if the complaint herein is
21 malicious and/or baseless and shall accordingly dismiss the action and award attorney's fees
22 and damages.

23 SEC. 55. *Suits And Strategic Legal Action Against Public Participation (SLAPP) And*
24 *The Enforcement Of This Act.* - Where a suit is brought against a person who filed an action
25 as provided in Sec. 54 of this Act, or against any person, institution or government agency
26 that implements this Act, it shall be the duty of the investigating prosecutor or the court, as
27 the case may be, to immediately make a determination not exceeding thirty (30) days whether
28 said legal action has been filed to harass, vex, exert undue pressure or stifle such legal
29 recourses of the person complaining of or enforcing the provisions of this Act. Upon
30 determination thereof, evidence warranting the same, the court shall dismiss the case and
31 award attorney's fees and double damages.

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

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3 **CHAPTER XII — Miscellaneous Provisions**

4 SEC. 56. *Mandatory Public Hearings.* - Mandatory public hearings for the
5 Framework shall be undertaken in accordance with the process to be formulated by the
6 Department.

7 SEC. 57. *Research on Hazardous and Radioactive Waste Management* - The
8 Department, after consultations with the cooperating agencies, shall encourage, cooperate
9 with, and render financial and other assistance to appropriate government and private
10 agencies, institutions and individuals in the conduct and promotion of researches,
11 experiments, and other studies on hazardous and radioactive waste management, particularly
12 those relating to:

13 a) Adverse health welfare effects of the release into the environment of hazardous
14 and radioactive wastes, and methods to eliminate said effects or minimize the health risks;

15 b) The operation and financing of hazardous and radioactive waste disposal
16 programs;

17 c) The planning, implementation and operation of resource recovery and resource
18 conservation systems;

19 d) The production of usable forms of recovered resources, including fuel from
20 hazardous waste;

21 e) The development and application of new and improve methods of collecting,
22 separating and disposing of hazardous and radioactive wastes and processing and recovering
23 materials and energy from hazardous and radioactive wastes;

24 f) Cleaner production technologies;

25 g) Improvements in land disposal practices for hazardous and radioactive wastes;
26 and

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

29 In carrying out hazardous and radioactive waste researches and studies, the
30 Department, DOH and PNRI or their authorized representatives may award grants or enter
31 into contracts with government agencies, non-government organizations and private persons.

32 SEC. 58. *Public Education and Information.* - The Department, PNRI and DOH, in
33 coordination with Department of Education (DepEd), TESDA, Commission on Higher
34 Education (CHED), DILG and Philippine Information Agency (PIA) and LGUs, shall

1 conduct a continuing education and information campaign on hazardous and radioactive
2 waste management. Such education and information program shall:

3 a) Aim to develop public awareness of the impacts of hazardous and radioactive
4 wastes and how to prevent or minimize their adverse effects;

5 b) Concentrate on activities which are feasible and which will have the greatest
6 impact on the hazardous and radioactive waste management; and

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

9 SEC. 59. *Environmental Education in the Formal and Non-formal Sectors.* -The
10 national government, through the DepEd and in coordination with concerned government
11 agencies, NGOs and private institutions, shall strengthen the integration of environmental
12 concerns in school curricula at all levels, with particular emphasis on hazardous and
13 radioactive waste management principles in order to promote environmental awareness and
14 action among the citizenry.

15 SEC. 60. *Business and Industry Role.* - The Department, DOH and PNRI shall
16 encourage commercial and industrial establishments, through appropriate incentives other
17 than tax incentives, to initiate, participate and invest in integrated hazardous and radioactive
18 waste management projects, to manufacture environment-friendly products, to introduce,
19 develop and adopt innovative processes that shall recycle and re-use materials, conserve raw
20 materials and energy, reduce waste, and prevent pollution, and to undertake community
21 activities to promote and propagate effective hazardous and radioactive waste management
22 practices.

23 CHAPTER XIII – Final Provisions

24 SEC. 61. *Appropriations.* - The Secretaries of the Department of Environment and
25 Natural Resources, Department of Health and the Department of Science and Technology
26 shall include in their respective programs the implementation of this Act, the funding of
27 which shall be included in the annual General Appropriations Act.

28 In addition, the Departments may accept donations, contributions, grants, requests or
29 gifts, in cash or in kind, from various sources, domestic or foreign, for purposes relevant to
30 hazardous and radioactive wastes management functions: *Provided*, That in case of donations
31 from foreign governments, acceptance thereof shall be subject to prior clearance and approval
32 of the President of the Philippines upon recommendation of the Secretary of Foreign Affairs.

1 Receipts from donations shall be accounted for in the books of the recipient
2 government agency in accordance with pertinent accounting and auditing rules and
3 regulations.

4 SEC. 62. *Implementing Rules and Regulations.* - Within one (1) year after the
5 effectivity of this Act, the Department, DOH and PNRI, respectively, shall promulgate the
6 implementing rules and regulations of this Act: *Provided*, That rules and regulations issued
7 by other government agencies and instrumentalities relative to hazardous and radioactive
8 waste management consistent with this Act shall supplement the rules and regulations issued
9 by the DENR, PNRI and DOH pursuant to the provisions of this Act.

10 There shall be a mandatory review of the implementing rules and regulations and
11 standards set pursuant to the provisions of this Act.

12 SEC. 63. *Joint Congressional Oversight Committee.* - There is hereby created a Joint
13 Congressional Oversight Committee to monitor the implementation of this Act. The
14 Committee shall be composed of five (5) Senators and five (5) Representatives to be
15 appointed by the Senate President and the Speaker of the House of Representatives,
16 respectively. The Oversight Committee shall be co-chaired by a Senator and a Representative
17 designated by the Senate President and the Speaker of the House of Representatives,
18 respectively.

19 SEC. 64. *Transitory Provision.* - Pending the establishment of the Framework under
20 Sec. 8 hereof, and promulgation of implementing rules and regulations of this Act, pertinent
21 existing laws, regulations, programs and projects on hazardous and radioactive waste
22 management shall be enforced: *Provided*, That, for specific undertakings, these may be
23 revised in the interim in accordance with the intentions of this Act.

24 SEC. 65. *Report to Congress.* - The Department shall report to Congress not later than
25 March 30 of every year following the approval of this Act, giving a detailed account of its
26 accomplishments and progress on hazardous and radioactive waste management during the
27 year and make the necessary recommendations in areas where there is need for legislative
28 action.

29 SEC. 66. *Separability Clause.* - If any provision of this Act or the application of such
30 provision to any person or circumstances is declared unconstitutional, the remainder of the
31 Act or the application of such provision to other persons or circumstances shall not be
32 affected by such declaration.

33 SEC. 67. *Repealing Clause.* - Republic Act No. 6969, Executive Order No. 192,
34 Republic Act No. 9003, Republic Act No. 7160, and Republic Act No. 2067, as amended, are

1 partly modified. All laws, decrees, issuances, rules and regulations, or parts thereof
2 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

3 SEC. 68. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication
4 in at least two (2) newspapers of general circulation

5 Approved,

FACT SHEET

House Bill Nos. 7, 211, 353 and 1203)

AN ACT PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Introduced by: **REPS. ALCALA, GONZALEZ (N), YAP AND TEODORO**

Committee Referral: **COMMITTEE ON ECOLOGY**

Committee Chairperson: **HON. DANILO RAMON S. FERNANDEZ**

OBJECTIVES:

- To facilitate compliance by clearly defining responsibilities, requirements and other protocols in hazardous, healthcare and radioactive wastes management.
- To provide clear guidelines and specifications of treatment, storage and disposal facilities including criteria of hazardous waste for disposal.
- To create a strong database by requiring generators to regularly submit self-monitoring reports.
- To provide a combination of strong "command and control" approach and market-based instruments, such as the provision of instruments of self-regulation and of higher fines and penalties to deter violations, respectively.
- To strengthen enforcement capacity of agencies concerned by providing them the necessary authority, powers and resources.

KEY PROVISIONS:

- Provides for the formulation and enforcement of a system of accountability for generators, including the promotion of extended producer responsibility, product stewardship and responsible care program.
- Requires generators and owners of treatment, storage and disposal facilities to use best available technologies and best environmental practices (BAT/BEP) in hazardous and radioactive waste management.
- Provides for the promulgation of guidelines for the generation, collection, segregation, transport, recovery, storage, treatment and disposal of hazardous and radioactive wastes including emergency and contingency plans for accidents involving such wastes.
- Strengthens the integration of hazardous and radioactive waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.
- Covers the generation, possession, collection, recovery, reuse, storage, transport, treatment and disposal of hazardous, radioactive and health wastes in the country for whatever purposes
- Provides for the management and regulation of the generation, collection, separation and recovery of wastes.

- Provides for the formulation and publication of criteria for identifying and listing the characteristics or types of hazardous and radioactive wastes that will be monitored and regulated.
- Sets standards or regulations for the operation of Treatment, Storage, and Disposal Facilities.
- Identifies and prescribes market-based instruments, extended producer responsibility, responsible care, products stewardship programs that shall promote cleaner production, waste minimization and resource recovery.
- Identifies the specific functions, powers, responsibilities, roles of the Department of Environment and Natural Resources, Department of Health, Philippine Nuclear Research Institute and Local Government Units, for the implementation and enforcement of this Act.
- Creates an Inter-agency Technical Advisory Council for purposes of policy integration, harmonization and coordination of functions.
- Establishes an Environmental Guarantee Fund that will finance the needs of emergency response, clean up or rehabilitation of areas that may be damaged during the generation, transport, treatment, storage or disposal of hazardous and radioactive wastes.
- Provides rewards and incentive schemes geared towards the promotion and consistence of this Act.
- Provides liabilities, prohibitions, fines, damages and penalties.
- Provides administrative sanctions, citizen suits and Strategic Legal Action Against Public Participation.

RELATED LAWS:

- R.A. 6969 – Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990
- R.A. 7160- Local Government Code
- R.A. 8749- Philippine Clean Air Act of 1990
- R.A.2067- Science Act of 1958
- P.D. 856 – Sanitation Code of the Philippines
- E.O. 192 – Reorganization Act of the Department of Environment and Natural Resources
- Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal