

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3161



Introduced by Representative EDGAR R. ERICE

EXPLANATORY NOTE

As one of the developing countries, Philippines is incessantly plagued for the past decades by a major problem involving waste management. The rapid population growth, urbanization and modernization in the country have resulted in the significant increase of waste generated especially in urban cities. This condition has created both environmental and health problems due to the inability of both national governments to implement proper waste management primarily because of scarce financial, human and technical resources.¹

Before the enactment of Republic Act No. 8749, otherwise known as the *Clean Air Act of 1999* (CCA), and Republic Act No. 9003, otherwise known as the *Ecological Solid Waste Management Act of 2000* (ESWA), the primary methods of waste disposal in the country are incineration and, dumping of solid wastes in open dumpsites and sanitary landfills. Incineration, however, was theoretically banned in 1999 by virtue of the passage of CCA due to the commonly held opinion that it is one of the leading sources of dioxin and furan, which are significant environmental pollutants. On 26 January 2001, ESWA was passed which essentially prohibited the operation of open dumpsites.

As of third quarter of 2010, only 33 landfills were established for the disposal of solid wastes of the whole country². Needless to state, it is undoubtedly insufficient to dispose of estimated 28,875 tons of garbage generated in the Philippines per day.³

It is high time, therefore, for the government to consider other viable alternatives for effective and sufficient system of waste disposal other than landfills.

¹ Kojima and Michida ed., *Economic Integration and Recycling in Asia: An Interim Report*, Chosakenkyu Hokokusho, Institute of Developing Economies, 2011, page 66.

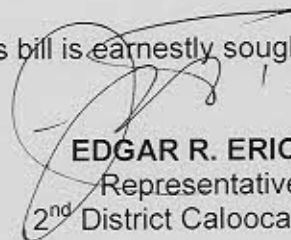
² Kojima and Michida ed., *Economic Integration and Recycling in Asia: An Interim Report*, Chosakenkyu Hokokusho, Institute of Developing Economies, 2011, page 78.

³ Kojima and Michida ed., *Economic Integration and Recycling in Asia: An Interim Report*, Chosakenkyu Hokokusho, Institute of Developing Economies, 2011, page 70.

Incinerators have undergone vast improvements in recent years and burning municipal waste now produces only minimal amounts of air pollution.⁴ According to a study conducted by the World Health Organization regarding the best practices to ensure substantial reductions in the formation, emission and exposure to toxic substances from waste incineration, proper design and operation of incinerators should achieve desired temperatures, residence times, and other conditions necessary to destroy pathogens, minimize emissions, avoid clinker formation and slagging of the ash, avoid refractory damage destruction, and minimize fuel consumption. Good combustion practice elements should also be followed to control dioxin and furan emissions.⁵

The reasons behind the banning of incineration in 1999 no longer applies today in light of the recent technological advancements with regard thereto. This bill, therefore, seeks for the utilization of incineration as a means to effectively and efficiently manage municipal, biomedical and hazardous wastes, amending for the purpose, Section 20 of the CCA. It cannot be overemphasized, however, that the incineration process to be adopted should comply with the minimum standards based on the average value of dioxins and furans emissions prescribed under Section 19 of CCA.

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



EDGAR R. ERICE
Representative
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⁴ *Incineration*. Retrieved 30 September 2013 from
http://www.swissworld.org/en/environment/waste_management/.

⁵ *3 Best Practices for Incineration*. Retrieved 30 September 2013 from
http://www.who.int/water_sanitation_health/medicalwaste/en/smincinerators3.pdf.

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AN ACT

ALLOWING THE USE OF INCINERATORS IN BURNING MUNICIPAL, BIO-MEDICAL AND HAZARDOUS WASTES AMENDING FOR THE PURPOSE SECTION 20 OF REPUBLIC ACT NO. 8749 ENTITLED "AN ACT PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL AND FOR OTHER PURPOSES."

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

SECTION 1. Section 20 of Republic Act No. 8749 is hereby amended to read as follows:

SECTION 20. [*Ban on Incineration.*] PROMOTION OF OTHER VIABLE ECOLOGICAL WASTE MANAGEMENT SYSTEM –
[Incineration, hereby defined as the burning of municipal, biomedical and hazardous waste, which process emits poisonous and toxic fumes is hereby prohibited; *Provided, however,* That the prohibition shall not apply to traditional small-scale method of community/neighborhood sanitation "siga", traditional, agricultural, cultural, health, and food preparation and crematoria; *Provided, Further,* That existing incinerators dealing with a biomedical wastes shall be out within three (3) years after the effectivity of this Act; *Provided, Finally,* that in the interim, such units shall be limited to the burning of pathological and infectious wastes, and subject to close monitoring by the Department.]

Local government units **INCLUDING PRIVATE CONTRACTORS OR ENTITIES WHO ARE AWARDED MANAGEMENT CONTRACTS OR CONCESSIONS FOR THE PROVISIONS OF SOLID MANAGEMENT** are hereby mandated to promote, encourage and implement in their respective jurisdiction a comprehensive ecological waste management that includes waste segregation, recycling and composting[.], **INCLUDING INCINERATION: PROVIDED, THAT THE INCINERATION PROCESS MEETS THE PRESCRIBED MINIMUM STANDARDS BASED ON THE AVERAGE VALUE OF DIOXINS AND FURANS EMISSIONS PRESCRIBED UNDER THIS ACT.**

With due concern on the effects of climate change, the Department shall promote the use of state-of-the-art, environmentally-sound and safe [non-burn] technologies for the handling, treatment, thermal destruction, utilization, and disposal of sorted, unrecycled, uncomposted, biomedical and hazardous wastes.

SEC. 2. *Repealing Clause.* – All laws, decrees, executive disorders, rules and regulations inconsistent with this Act are hereby repealed and modified accordingly.

SEC. 3. *Effectivity.* – This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,