

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6032



INTRODUCED BY: **REPRESENTATIVE JOSE L. ATIENZA, JR.**

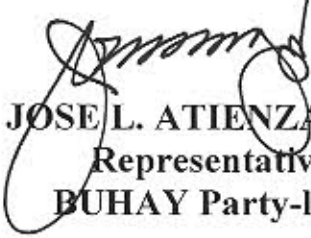
EXPLANATORY NOTE

This Bill seeks a total ban on the importation of all kinds of wastes from other countries. The country is still facing the problem of disposal of all our domestic wastes, and there is absolutely no reason to allow the importation of any kind of waste from other countries.

The Ecological Solid Waste Management Act of 2001 is still not being effectively and thoroughly enforced. Because of this, we continue to face the burden of disposing of our country's waste.

At present, there are about 900 open dumpsites operating in the country. These open dumpsites, while providing a temporary solution to the problem of disposal, greatly contribute to the release of greenhouse gases into the atmosphere and aggravate the environmental problems we are currently facing. A total ban on the importation of all kinds of wastes from other countries will not only protect the health of our people, but more importantly, protect our country from becoming the dumping ground of the world.

In light of the aforementioned, the immediate passage of this Bill is highly sought.


JOSE L. ATIENZA, JR.
Representative
BUHAY Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6032

INTRODUCED BY REPRESENTATIVE JOSE L. ATIENZA, JR.

AN ACT
PROHIBITING IMPORT OF ALL KINDS OF WASTE, AMENDING CERTAIN
PROVISIONS OF REPUBLIC ACT 6969, OTHERWISE KNOWN AS “TOXIC
SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTES CONTROL ACT OF 1990”

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

Section 1. This Act shall be known as the "Total Ban on Imported Waste Act of 2015".

Sec. 2. Section 3 of Republic Act 6969, otherwise known as “An Act to Control Toxic Substances and Hazardous and Nuclear Wastes, Providing Penalties for Violations Thereof, and for Other Purposes,” is hereby amended to read as follows:

“Section 3. *Scope.* - This Act shall cover the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of all unregulated chemical substances and mixtures, AND ALL RECYCLABLE AND NON-RECYCLABLE HAZARDOUS WASTES in the Philippines, including the entry even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purposes.”

Sec. 3. Paragraph (g), Section 5 of the aforementioned Republic Act is hereby amended to read as follows:

“Section 5. *Definition* – As used in this Act:

- a) xxx
- b) xxx
- c) xxx
- d) xxx
- e) xxx
- f) xxx
- g) **Hazardous wastes** are hereby defined as RECYCLABLE AND NON-RECYCLABLE substances AND MATERIALS that are without any safe commercial, industrial, agricultural or economic usage and are shipped, transported or brought from the country of origin for dumping or disposal into, FOR RECYCLING AND TREATMENT IN, or in transit through any part of the territory of the Philippines.
- h) xxx
- i) xxx
- j) xxx”

Sec. 4. Paragraph (h), Section 6 of the aforementioned Republic Act is hereby amended to read as follows:

“Section 6. *Functions, Powers and Responsibilities of the Department of Environment and Natural Resources.* - The Department of Environment and Natural Resources shall be the implementing agency tasked with the following functions, powers, and responsibilities:

- a) xxx
- b) xxx
- c) xxx
- d) xxx
- e) xxx
- f) xxx

- g) xxx
- h) To monitor and prevent the entry, even in transit, OF ALL KINDS OF HAZARDOUS AND NUCLEAR WASTES, AND THEIR DISPOSAL AND PLANNED TREATMENT into the country;
- i) xxx”

Sec. 5. Section 8 of the aforementioned Republic Act is hereby amended to read as follows:

“Section 8. *Pre-Manufacturing and Pre-Importation Requirements.* - Before any new chemical substances or mixture can be manufactured, processed or imported for the first time as determined by the Department of Environment and Natural Resources, the manufacturer, processor or importer shall submit the following information: the name of the chemical substances; its chemical identity and molecular structure; proposed categories of use; an estimate of the amount to be manufactured, processed or imported; processing and disposal thereof; and any test data related to health and environmental effects which the manufacturer, processor or importer has.

THE SAID REQUIRMENTS SHALL NOT APPLY TO ANY MANUFACTURER, PROCESSOR, OR IMPORTER WISHING TO BRING IN HAZARDOUS WASTE, RECYCLABLE OR OTHERWISE.”

Sec. 6. Section 8 of the aforementioned Republic Act is hereby amended to read as follows:

“Section 12. *Public Access to Records, Reports or Notification.* - The public shall have access to records, reports or information concerning chemical substances and mixtures, AND HAZARDOUS WASTES, including safety data submitted, data on emission or discharge into the environment, and such documents shall be available for inspection or reproduction during normal business hours except that the information or particular person thereof confidential and may not be made public when such would divulge trade secrets, production or sales figures or methods, production or processes unique to such manufacturer, processor, or distributor or would otherwise tend to affect adversely

the competitive position of such manufacturer, processor or distributor. The Department of Environment and Natural Resources, however, may release information subject to claim of confidentiality to a medical research or scientific institution where the information is needed for the purpose of medical diagnosis or treatment of a person exposed to the chemical substance or mixture.”

Sec. 7. Items (i) and (ii), Paragraph (b), and Paragraph (c) of Section 14 of the aforementioned Republic Act is hereby amended to read as follows:

“Section 14. *Criminal Offenses and Penalties* –

- a) i) xxx
- ii) xxx
- iii) xxx
- b) i) The penalty of imprisonment of TWENTY-FIVE (25) YEARS and one day to FIFTY (50) YEARS shall be imposed upon any person who shall violate section 13 (d) of this Act. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;”
- ii) In the case of corporations or other associations, the above penalty shall be imposed upon the managing partner, president or chief executive in addition to an exemplary damage of at least TWO MILLION pesos (PhP 2,000,000.00). If it is a foreign firm, the director and all officers of such foreign firm shall be barred from entry into the Philippines, in addition to the cancellation of its license to do business in the Philippines;
- iii) xxx
- c) Every penalty imposed for the unlawful importation, entry, transport, manufacture, processing, sale or distribution of chemical substances or mixtures, AND ALL HAZARDOUSE WASTES into or within the Philippines shall carry with it the confiscation and forfeiture in favor of the Government of the proceeds of the unlawful act and instruments, tools or other improvements including vehicles, sea

- d) vessels and aircraft used in or with which the offense was committed. CHEMICAL SUBSTANCES AND MIXTURES, AND ALL HAZARDOUS WASTES SO CONFISCATED AND FORFEITED BY THE GOVERNMENT WILL BE SENT BACK TO ITS COUNTRY OF ORIGIN FOR PROPER DISPOSAL.
- e) xxx

Sec. 8. Section 15 of the aforementioned Republic Act is hereby amended to read as follows:

“Section 15. *Administrative Fines.* - In all cases of violations of this Act, including violations of implementing rules and regulations which have been duly promulgated and published in accordance with Section 16 of this Act, the Secretary of Environment and Natural Resources is hereby authorized to impose a fine of not less than FIFTY thousand pesos (Php 50,000.00), but not more than ONE HUNDRED thousand pesos (PhP 100,000.00) upon any person or entity found guilty thereof. The administrative fines imposed and collected by the Department of Environment and Natural Resources shall accrue to a special fund to be administered by the Department exclusively for projects and research activities relative to toxic substances and mixtures”

Sec. 9. If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected by such declaration shall remain in full force and effect.

Sec. 10. Any law, decree, ordinance or administrative circular not consistent with any provision of this Act is hereby amended, repealed or modified accordingly.

Sec. 11. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,