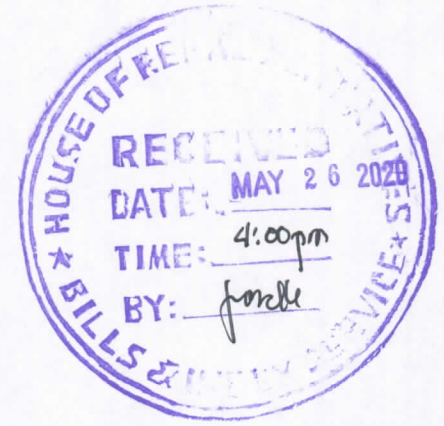


HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6814



Introduced by Representative Roman T. Romulo

EXPLANATORY NOTE

It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. This policy is enshrined no less than in our Constitution. One of the most troubling cases of inadequate institutional response is as regards the waste management system in the Philippines. Recent data shows that Metro Manila alone produces around 10,000 tons of solid waste per day.¹ Managing the sheer volume of waste that our country produces is by no means an easy task. Nonetheless, there is no cogent reason to shirk from our duty to endeavor to do so as efficiently as it is possible.

This bill seeks to contribute to the government's efforts in addressing our waste problem, particularly to address the absence of a law which sufficiently regulates E-Waste. Basel Action Network defines E-Waste as those that encompass a "*broad and growing range of electronic devices, ranging from large household devices such as refrigerators, air conditioners, cell phones, personal stereos, and consumer electronics to computers, which have been discarded by their users.*"²

The speed at which technology advances, succinctly defined 50 years ago in *Moore's Law*, and the profit-driven mindset of businesses have contributed to the short life cycle of devices. An estimated number of 39.3 million electronic products were rendered obsolete from 1995 to 2010 alone.³ This is not to say that the government has not been made aware of the issue of E-Waste in

¹ MMDA., "Solid Waste Management in Metro Manila 2018." Manila: MMDA, 2019.

² Puckett, Jim, and Theodore C. Smith. 2002. *Exporting harm: the high-tech trashing of Asia*. Seattle, WA: Basel Action Network.

³ Alam, Zeba F. "The Assessment of the E-Waste Management Generated from Cellular Phones, Laptops, and Laptops/Personal Computers in the Philippines." *Manila Journal of Science* 9 (2016).

the past. R.A. 6969, (Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990) tangentially touched upon E-Waste where it included provisions which regulate materials with hazardous components. This is inadequate as there is no explicit provision which defines e-waste, as well as its management, proper handling, and disposal. R.A. 9003 (Ecological Solid Waste Management Act of 2000) classified consumer electronics and white goods as special wastes requiring separate handling from other residential and commercial wastes. Despite being enacted 20 years ago, many of its provisions are left unfulfilled. It is a laudable law but its implementation has been nothing short of lackluster. No clear guidelines have been provided on how to handle E-Waste despite being recognized in this law. Electrical and Electronic Equipment (EEEs) involves an array of component parts, many of which contain hazardous chemicals, which require special recycling techniques to ensure that its impact on public health and our environment is minimized. Be it by lack of awareness or mere oversight on the part of administrations, past and present, it must be stated clearly that this problem needs to be addressed.

This bill seeks to fill the void in our programs on waste management of EEEs. The onus thus is on the Government to lead the charge and consolidate our efforts, which are few and far in between, and thereby institutionalize a formal and comprehensive e-waste management system.

In view of the foregoing, the approval of the proposed measure is earnestly sought.



ROMAN T. ROMULO
Lone District, Pasig City

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

**EIGHTEENTH CONGRESS
*First Regular Session***

HOUSE BILL NO. 6814

Introduced by Roman T. Romulo

**AN ACT PROMOTING THE ENVIRONMENTALLY SOUND MANAGEMENT OF E-
WASTE IN THE PHILIPPINES, AND FOR OTHER PURPOSES**

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

**CHAPTER I
DECLARATION OF POLICIES**

Section 1. Short title. This Act may be cited as the "E-WASTE MANAGEMENT ACT."

Section 2. Declaration of Policies. It is enshrined in the Philippine Constitution that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The State therefore adheres to the policy of protecting the environment from further destruction as a vital component to the promotion of the well-being of the Filipino people. An environmentally sound management of waste is necessary in pursuance of this policy. The management of e-waste, a special type of waste, shall likewise be guided by this policy.

The State shall take an active role in ensuring that e-waste management is accomplished in an environmentally sound manner that adheres to the following principles and agreements in which the country is a signatory and has committed compliance:

- a. the Basel Convention, which controls the transboundary movement and disposal of hazardous wastes;
- b. the principle of "extended producer's responsibility", which places the bulk of the responsibility in e-waste management on producers and/or distributors;
- c. The Basel Ban Amendment, which prohibits the transboundary movement of hazardous waste from developed to developing countries.

CHAPTER II

SCOPE AND GENERAL PRINCIPLES

Section 3. Scope. This Act shall cover the management disposal, recycling, and transboundary movement of e-waste units and all components which are part of the product at the time of recycling, including materials considered as hazardous to the environment or to human health.

Section 4. General Principles. The proper management of e-waste has become a necessity in the modern world due to rapidly developing technology and increasing levels of production and consumption. The special characteristic of e-waste as a composite of distinct materials, which can simultaneously be valuable and/or harmful, complicates the appropriate methods for its disposal and recyclability.

CHAPTER III

DEFINITION OF TERMS

Section 5. Definition of Terms. For the purposes of this Act, the following terms shall mean:

- a. "Collector" refers to any person, natural or juridical, who gathers e-waste from institutions and arranges for its delivery to a recycler and or the LGU's Collection Centers, and includes informal collectors who collect e-waste units from households,
- b. "Consumer" refers to any person, natural or juridical, who use EEE for whatever purpose, including those institutions which are heavily dependent on EEE, such as computer shops, hotels, and others;
- c. "Collection Center" refers to a place which shall be established by every Local Government Unit (LGU) or the Provincial Environment and Natural Resources Office (PENRO) at the provincial level; wherein collected e-waste may be placed treated, recycled, or disposed of;

- d. "Distributor" refers to any person, natural or juridical, who imports EEE from foreign producers and sells it to local companies or persons;
- e. "E-waste" refers to old, end-of-life, or discarded appliances that use electricity and other electrical and electronic equipment which have been disposed of by their original users;
- f. "Electrical and electronic equipment" or "EEE" refers to equipment that is dependent on electronic or electromagnetic currents in order to function properly, including equipment designed for the generation, transfer, storage, or measurement of such currents;
- g. "Extended Producer's Responsibility" or "EPR" refers to the principle where producers and/or distributors are expected to formulate a plan for the treatment or disposal of post-consumer products;
- h. "Producer" refers to any person, natural or juridical, who manufactures EEE, and which operates locally, including those who sell its products to local and foreign companies or persons;
- i. "Recycler" refers to any person, natural or juridical, who subjects e-waste to a processes in order to extract raw materials for beneficial use, and for other purposes, and includes recycling plants, junk shops, and other small scale recyclers

CHAPTER IV RESPONSIBILITIES

Section 6. Responsibilities of the producers and distributors. Producers and distributors shall have the following responsibilities:

- a. Monitor or track their products including the volume of their sales, imports, storage and amount of the products they recycle;
- b. Develop a comprehensive e-waste management system which includes the plans for the collection, recycling, and/or treatment of their end-of-life products subject to the approval of the Environmental Management Bureau (EMB);
- c. Maintain records of e-waste handled and make such records available to the public;
- d. Engage in a service contract with a recycling company that will be in charge of recycling the used and discarded products they have manufactured or sold, unless they have their own in-house recycling facility .

e. Label their EEE products with information about the following -

- i. Information on the toxic and hazardous substances contained in their products,
- ii. information on the proper handling and disposal of the EEE; and
- iii. means and mechanisms available for their consumers to return e-waste for recycling.

No producer or distributor shall be allowed to operate or continue to operate without presenting its comprehensive e-waste management system to the government agency with due authority.

Section 7. Responsibilities of the National Government. The national government shall have the following responsibilities:

- a. Increase the existing taxes or levies on the production, sale and/or distribution of EEE. The taxes collected from EEE production, sale and/or distribution shall be used to finance the e-waste management program;
- b. Monitor the compliance of the companies to their responsibilities under the e-waste management program;
- c. Direct the local government units (LGUs) to establish collection centers and facilities for e-waste collection, treatment and disposal;
- d. Ban the import of end-of-life EEEs including those covered by the provisions of the treaties/international agreements that may come in conflict with this bill once it is implemented; and
- e. Provide conditions and incentives that will encourage EEE consumers to recycle e-waste especially bulk consumers or those who require the use of EEEs in their small-scale business operations such as laundry shops, computer shops etc.

Section 8. Responsibilities of Local Government. The local government shall have the following responsibilities:

- a. The local government units shall be responsible for the management of e-waste in their respective areas;

- b. Launch awareness campaigns to educate consumers on the dangers of improper e-waste handling and management;
- c. Establish e-waste collection centers;
- d. Implement capacity-building programs for small-scale collectors and recyclers that will help their business operations become more efficient and safer; and
- e. Ensure that the producers and distributors have a comprehensive e-waste management system prior to authorizing their operation in its jurisdiction.

Section 9. Responsibilities of Recyclers. Recyclers shall have the following responsibilities:

- a. Register with the Department of Environment and Natural Resources and comply with the standards the latter shall set;
- b. Establish environmentally sound recycling facilities that duly comply with this Act and existing laws and policies; and
- c. Ensure the safe removal, separation and recycling of elements and minerals found in EEE.

Section 10. Responsibility of Consumers. Consumers shall ensure that their e-waste is channeled to the designated collection center in their area or to a registered recyclers.

CHAPTER V RECYCLER'S REGISTRATION PROGRAM

Section 11. Prohibition of importation of products that have reached 'end-of-life'. The importation of electrical and electronic products that have reached the end-of-life is prohibited. The importers of used EEEs shall issue a certification that their goods have not yet reached its end-of-life and such certification shall form part of their importation documents to be submitted to the Bureau of Customs and the Department of Trade and Industry.

CHAPTER VI VIOLATIONS

Section 12. Prohibited Acts. The following acts and omissions shall be considered unlawful -

a. In general:

- i. Failure or refusal to dispose of e-waste in accordance with the e-waste management system of the respective LGUs;
- ii. Knowingly using products which are imported, manufactured, processed or distributed in violation of this Act or implementing rules and regulations or orders; and
- iii. Cause, aid or facilitate, directly or indirectly, in the storage, importation or bringing into Philippine territory, including its maritime economic zones, even in transit, either by means of land, air or sea transportation or otherwise keeping in storage any amount of e-waste in any part of the Philippines.

b. Producers/Distributors.

- i. Failure to submit reports, notices or information, or refusal to provide access to records as required by this Act, or permit inspection of establishment where EEEs are manufactured, processed, stored or otherwise held;
- ii. Failure or refusal to comply with the pre-manufacture and pre-importation requirements;
- iii. Falsifying reports, notices, records, or information as required by this Act;
- iv. Falsifying or failure to include EEE labels as provided by this act;
- v. Failure or refusal to engage a recycling company to recycle their products, unless they have their in-house recycling facility;
- vi. Operating or continued operation without an approved comprehensive e-waste management system as approved by EMB;

c. Local Government Units

- i. Failure or refusal to submit a comprehensive e-waste disposal scheme as provided in this act; *Provided*, That such submission shall be no later than 6 months after the promulgation of the IRR of this Act. *Provided further*, That such submission later than that stated, and every month thereafter, shall be considered as failure or refusal to submit under this act;

ii. Failure or refusal to establish e-waste collection centers. Provided, That such establishment shall be no later than 6 months after the promulgation of the IRR. Provided further, That such establishment later than that stated, and every month thereafter, shall be considered as failure or refusal to establish under this act;

d. Recyclers

i. Handling of e-waste without the DENR registration as provided in this act;

ii. Failure or refusal to comply with the standards set by the DENR for handling, treatment, recycling, and disposal of e-waste.

CHAPTER VII

PENALTIES AND FINES

Section 13. Criminal Offenses and Penalties.

a. In General:

i. The penalty of imprisonment of one (1) day to thirty (30) days and a fine ranging from ten thousand pesos (P10,000.00) to one hundred thousand pesos (P100,000.00) shall be imposed upon any person who shall violate Section 12 (a)(i) and (ii) of this Act and shall not be covered by the Probation Law. If the offender is a foreigner, aside from the penalty of imprisonment and fine, he or she shall be deported and barred from any subsequent entry into the Philippines or business transactions with local businessmen for a period of (5) years after serving his or her sentence;

ii. The penalty of imprisonment of six (6) months and one (1) day to six (6) years, shall be imposed upon any person who shall violate Section 12(a)(iii) of this Act. If the offender is a foreigner, aside from the penalty of imprisonment and fine, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence;

iii. The person or firm responsible or connected with the bringing or importation into the country of e-wastes shall be under obligation to transport or send back said prohibited wastes;

iv. In the case of corporations or other associations, the above penalties shall be imposed upon the managing partner, president or chief executive in addition to an exemplary damage of at least Five million pesos (P5,000,000.00). If it is a foreign firm, the director and all the officers of such foreign firm shall be barred from entry into the Philippines, and the cancellation of its license to do business in the Philippines in addition to the imposition of penalties herein provided. ;

v. In case the offender is a government official or employee, the above penalties shall be imposed upon him or her, and if further acts of graft and corruption as stated in Republic Act 3019 be found, he or she shall, be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position;

vi. Every penalty imposed for the unlawful importation, entry, transport, disposal, or sale of e-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 vessels, and aircrafts used in or with which the offense was committed. E-waste so confiscated and forfeited by the Government at its option shall be turned over to DENR for safekeeping and proper disposal; and

vi. Any and all means of transportation, including all facilities and appurtenances that may have been used in transporting to or in the storage in the Philippines of any significant amount of e-wastes shall at the option of the government be forfeited in its favor.

b. Producers and Distributors.

i. A fine ranging from one hundred thousand pesos (P100,000.00) to one million pesos (P1,000,000.00) shall be imposed upon any person who shall violate Section 12 (b)(i), (ii), and (v) of this Act;

ii. A fine ranging from one million pesos (P1,000,000.00) to five million pesos (P5,000,000.00) shall be imposed upon any person who shall violate Section 12 (b)(iii) and (iv) of this Act;

iii. A fine ranging from one million pesos (P1,000,000.00) to five million pesos (P5,000,000.00) shall be imposed upon any person who shall violate Section 12 (b)(vi) of this Act; and

iv. In the case of corporations or other associations, the above penalties shall be imposed upon the managing partner, president or chief executive in addition to an exemplary damage of at least Five million pesos (P5,000,000.00). If it is a foreign firm, the director and all the officers of such foreign firm shall be barred from entry into the Philippines for a period of five (5) years, and the cancellation of its license to do business in the Philippines, in addition to the penalties herein imposed.

c. Local Government Units

i. The head of the LGU and the responsible government officer shall be accountable for the non-compliance of the local government unit with this Act. Aside from the penalties provided for in Sec. 13 (a) (v) of this Act against the pertinent government officials, a fine ranging from the amount of fifty million pesos (P50,000,000.00) to one hundred and fifty million pesos (P150,000,000.00) shall be imposed on any Local Government Unit who shall violate Section 12(c)(i) and (ii);

ii. The abovementioned fine shall accrue to a special fund to be administered by the DENR exclusively for projects and research activities related to improving the control and management of e-waste.

d. Recyclers

i. A fine ranging from fifty thousand pesos (P50,000.00) to five hundred thousand pesos (P500,000.00) shall be imposed upon any person who shall violate Section 12 (d)(i) and (iii) of this Act;

e. In case any violation of this Act is committed by a partnership, corporation, association or any juridical person the partner, president, director or manager who shall consent to or shall knowingly tolerate such violation shall be directly liable and responsible for the act of the said partnership, corporation, association, or juridical person and held criminally liable as a co-principal. Provided, That there is a disputable presumption that the partner, president, director, or manager of the partnership, corporation, association, or any juridical person consented to or had knowledge of the prohibited act or violation committed as defined under this law;

Section 14. 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 12 of this Act, the Secretary of DENR is hereby authorized to impose a fine of not less than Fifteen Thousand Pesos (P15,000.00) but not more than Seventy-five

Thousand Pesos (P75,000.00) upon any person found guilty thereat. If the violator is a company with a capital of above Five Million Pesos (P5,000,000.00), the fine shall not be less than Three Hundred Thousand (P300,000.00) but not more than Nine Hundred Thousand Pesos (P900,000.00). The administrative fines imposed and collected by the DENR shall accrue to a special fund to be administered by the Department exclusively for projects and research activities related to improving the control and management of e-waste.

CHAPTER VIII MISCELLANEOUS PROVISIONS

Section 15. Appropriation. Such amount as may be necessary to implement the provisions of this Act is hereby annually appropriated and included in the budget of the Department of Environment and Natural Resources.

Section 16. Implementing Rules and Regulations. Within ninety (90) days from the approval of this Act, the Secretary of DENR in consultation with the Secretary of DILG, and other concerned government agencies and stakeholders shall formulate the rules and regulations implementing the provisions of this Act.

Section 17. Separability Clause. If any provision of this Act is declared void or unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect

Section 18. Repealing Clause. All laws, presidential decrees, executive orders and issuances, and rules and regulations which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 19. Effectivity. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in any newspaper of general circulation,

Approved,