

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2959



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

**AN ACT
PROVIDING FOR THE COMPREHENSIVE MANAGEMENT
OF HAZARDOUS WASTE**

EXPLANATORY NOTE

The 1987 Constitution mandates the State to provide a balanced and healthful ecology and promote the right of the people and instill health consciousness among them.

Although there are existing laws that protect human health and the environment from potential risks of hazardous waste, there is an increasing need for new ways to sustain a good quality of life as population increases in the information age. Healthcare waste, E-waste, and special household hazardous waste pile up as upgrades of new products and gadgets become available for use by the population.

This proposed bill seeks to provide for a rational and comprehensive policy for hazardous waste management that promotes cleaner production, waste minimization and resource recovery, and proper treatment and disposal of hazardous waste, within the framework of sustainable development.

To achieve this goal, the bill, among others: 1.) Provides for a system of identifying and managing hazardous waste, including the formulation of the National Hazardous waste Management Framework; 2.) Requires the application of best available techniques and best environmental practices for the management of hazardous waste in treatment, storage and disposal (TSD); 3.) Creates the Interagency Technical Advisory Council of government and civil society representatives, for purposes of ensuring policy integration, and harmonization and coordination of functions pertaining to hazardous waste management; and 4.) Tasks the Department of Environment and Natural Resources (DENR) to establish guidelines for manufacturers, importers of products and recyclable materials containing hazardous substances; and for generators, transporters, and owners of hazardous waste TSD facilities.

This bill was filed during the 17th, 18th and 19th Congresses. Due to time constraints, however, the TWG that was created for the purpose of consolidating all other bills that were filed with a similar subject matter was not able to report to the main committee, the Committee on Ecology This bill is re-filed for the consideration of the 20th Congress.

Support for the enactment of his measure is earnestly requested.

A handwritten signature in black ink, appearing to read 'L. Villarica', with a stylized flourish at the end.

REP. LINABELLE RUTH R. VILLARICA

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title.- This Act shall be known as the "Hazardous Waste Management Act".

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 waste within the framework of sustainable development, which includes healthcare waste, E-waste, and special household hazardous waste. Towards this end, the State shall:

- (a) Develop and implement an integrated and comprehensive national and local hazardous waste management program, focusing on pollution prevention, control and resource conservation and recovery, that shall:
 1. Improve waste management techniques, organizational arrangements, and methods of collection, separation, and recovery of hazardous waste;
 2. Minimize the generation of waste by encouraging cleaner production, process substitution, resource recovery, recycling and treatment;
 3. Promote environmentally safe disposal of residue; and
 4. Raise public awareness and integrate public participation on the development and implementation of hazardous waste programs;
- (b) Promulgate guidelines for the generation, collection, segregation, transport, recovery, storage, treatment, and disposal of hazardous waste, including safeguards, emergency, and contingency plans for accidents involving such waste;
- (c) Establish measures to determine if imported reusable raw materials are hazardous or contain hazardous substances;
- (d) Promote a national research and development program for improved hazardous waste management, resource conservation, and cleaner production techniques;
- (e) Formulate and enforce a system of accountability for generators, including the promotion of cleaner production techniques, extended producer responsibility, product stewardship, and social responsibility program;

- (f) Strengthen the integration of hazardous waste management and resource conservation and recovery topics into the formal and non-formal education academic curricula, in order to promote environmental awareness and action among the citizenry; and,
- (g) Regulate the entry and transit of hazardous waste for whatever purpose, consistent with international law, including multilateral or bilateral international agreements.

SEC. 3. Definition of Terms.- As used in this Act:

- (a) **Best available technique** refers to any state-of-the-art technology or technological method, which is attainable, accessible, and necessary to meet the standards promulgated pursuant to this Act, and other relevant environmental laws;
- (b) **Best environmental practice** refers to application of the most appropriate combination of environmental control measures and strategies;
- (c) **Contaminated site** refers to an area where the presence of soil contamination presents a potential risk to humans, water, ecosystems, or other receptors based on the standards to be set pursuant to Section 17 hereof;
- (d) **Disposal** refers to the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into the environment;
- (e) **E-waste** refers to discarded electrical and electronic equipment, units ,devices, or any part thereof destined for recovery, recycling, treatment, or disposal;
- (f) **Hazardous waste** refers to any equipment. device, material, or substance, discarded from any household, commercial or industrial establishment, institution, or healthcare facility, which waste may significantly contribute or pose an unreasonable risk or potential threat to human health and the environment due to its concentration or physical, chemical, or infectious characteristic, including its toxicity, reactivity, ignitability and corrosivity;
- (g) **Hazardous waste management** refers to the systematic administration of activities which provide for the identification, listing, collection, segregation at source storage, transport, recovery, processing, reprocessing, treatment, and disposal of hazardous waste;
- (h) **Healthcare waste** refers to the pathological and non-pathological infectious waste generated from any healthcare facility, including those generated from any household, commercial, or industrial establishment;
- (i) **Manifest or consignment note** refers to a record prescribed by the Department of Environment and Natural Resources (DENR) accompanying the hazardous waste from the point of generation to final disposition thereof;
- (j) **Open burning** refers to the destruction of waste by means of direct exposure to fire;
- (k) **Resource recovery** refers to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use, provided that the recovery excludes incineration as defined under Republic Act No.8749, otherwise known as the "Clean Air Act of 1999";
- (l) **Segregation** refers to a waste management practice of separating different materials found in hazardous waste, in order to promote recycling of resources and to reduce the volume of waste for more efficient collection and disposal;
- (m) **Special household hazardous waste** refers to consumer or industrial goods or

products discarded from households, including E-waste and healthcare waste which, by their hazardous content or substance can, at the end of their shelf life, become hazardous when indiscriminately disposed and released to the environment;

- (n) **Storage** refers to the containment of hazardous waste, either on a temporary basis or for a period of years, consistent with the guidelines prescribed by the DENR and in such a manner as not to constitute disposal of the waste;
- (o) **Surface impoundments** refer to pits, ponds, lagoons, and dike areas that are either natural topographic depression or man-made excavations that are primarily of earthen materials. These are designed and constructed to hold or store and treat liquid waste or waste containing free liquids through processes such as evaporation cooling, aeration, photo decomposition, and settling; and,
- (p) **Treatment** refers to any method, technique, or process designed to change the physical, chemical or biological character or composition of any hazardous waste so as to render such waste nonhazardous, safe for transport, feasible for recovery and storage, or reduced in volume.

SEC. 4. Coverage of this Act.- This Act shall apply to the generation, possession, collection, recycling, recovery, storage, transport, treatment, and disposal of hazardous waste in the country.

For the purposes of this Act, hazardous waste shall cover the following:

- (a) hazardous waste, in general;
- (b) special household hazardous waste;
- (c) healthcare waste; and,
- (d) E-waste.

This Act shall likewise cover the entry into or transit through Philippine territory of hazardous waste.

CHAPTER II

MANAGEMENT SYSTEM

Article One

General Provisions

SEC. 5. Identification and Listing of Hazardous Waste.- Within six (6) months from the effectivity of this Act, the DENR shall, after notice and public consultation, develop, formulate and publish the criteria for identifying and listing the characteristics of hazardous waste, taking into account relevant factors such as toxicity, reactivity, ignitability, corrosivity, degradability in nature, and potential for accumulation in tissue. The criteria shall be reviewed and revised every five (5) years thereafter, or as the need arises.

SEC. 6. Notification of Hazardous Waste Activity.- Upon the effectivity of this Act any person generating or managing hazardous waste is required to notify, in writing, the DENR the Department of Health (DOH) and Philippine Nuclear Research Institute (PNRI) of their hazardous waste activities, and register the same therewith, specifying the types of waste, quantities, and incidents involving hazardous waste, among others.

SEC. 7. National Hazardous Waste Status Report.- Within six (6) months after the formulation of the criteria for the identification and listing of hazardous waste pursuant to this

Act, the DENR, in coordination with the DOH and other concerned agencies. shall prepare an annual National Hazardous Waste Management Status Report, hereinafter referred to as the Status Report, which shall be used as a basis in formulating the National Hazardous Waste Management Framework as mandated in Section 8 of this Act. The Status Report shall include the following:

- (a) Inventory of existing hazardous waste and their depots and facilities;
- (b) General waste characterization, taking into account the source, type, and quantity of hazardous waste generated and other factors;
- (c) Projection of hazardous waste generation, including quantity for reduction, and recovery;
- (d) Listing of treatment, storage, disposal (TSD) facilities, including transporters of hazardous waste; and,
- (e) Listing of identified contaminated sites.

SEC. 8. National Hazardous Waste Management Framework.- Within eighteen (18) months from the effectivity of this Act, the DENR, in coordination with the DOH and other appropriate agencies and entities, shall prepare and formulate a National Hazardous Waste Management Framework, herein referred to as the "Framework", which shall be updated every five (5) years thereafter. It shall embody policies established pursuant to this Act, and shall specifically contain the following:

- (a) Goals and targets for waste reduction;
- (b) Strategies and techniques for hazardous waste control;
- (c) Systems for the proper transport, treatment, storage, and disposal of hazardous waste;
- (d) Period of compliance for waste reduction;
- (e) Monitoring and evaluation;
- (f) Information and education campaign;
- (g) Human resource welfare and development; and,
- (h) Roles and responsibilities of relevant government agencies.

The Framework shall be adopted as the official blueprint for hazardous waste management and shall be complied with by all relevant government agencies.

SEC. 9. Use of Best Available Technique and Best Environmental Practice in Hazardous Waste Management.- Generators and owners of TSD facilities shall be required to use the best available technique and best environmental practice (BAT/BEP) in hazardous waste management. The Industrial Technology Development Institute of the Department of Science and Technology (DOST), in coordination with the Inter-Agency Technical Advisory Council created herein, shall formulate the criteria in assessing the proposed BAT/BEP to be used. In the formulation and imposition of these criteria, the relative economic feasibility of the technology shall also be considered.

SEC. 10. Market-Based Instruments.- Within six (6) months from the effectivity of this Act, the DENR, in coordination with the manufacturers and importers of commercial and industrial products containing regulated hazardous substances, and other relevant stakeholders shall establish the guidelines for the implementation of market-based instruments that promote cleaner production, waste minimization and resource recovery, and proper treatment and disposal of hazardous waste, which may include extended producer responsibility, buy-back

programs, social responsibility, and product stewardship programs.

SEC. 11. Importation of Recyclable Materials Containing Hazardous Substances.- The DENR shall promulgate the rules and regulations on the importation of recyclable materials containing hazardous substances. and shall ensure that these are consistent with international law and agreements and applicable standards for the protection of the environment.

Article Two

Responsibilities of Waste Generators, Transporters, and Owners of Waste Treatment, Storage, and Disposal Facilities

SEC. 12. Responsibilities of Generators of Hazardous Waste.- Within six (6) months after the effectivity of this Act, the DENR, in consultation with other relevant agencies and stakeholders shall establish the responsibilities of generators of hazardous waste to ensure the proper management of the generated hazardous waste. Waste generators shall bear the cost for the proper storage, transport, treatment, and disposal of waste. Among other responsibilities hazardous waste generators shall perform the following:

- (a) Keep a record of the nature, composition, quantities, and disposition of the hazardous waste generated at their facility, and of the trainings undergone by their personnel in waste handling and emergency procedures;
- (b) Use appropriate storage facilities and containers to prevent the release of hazardous substances to the environment;
- (c) Allocate funds for the treatment, storage, and disposal of hazardous waste, taking into account the "Polluter Pays" principle and other relevant standards;
- (d) Properly label all containers used for the storage, transport, or disposal of hazardous waste;
- (e) Use a manifest or consignment note system and any other means necessary to assure that all hazardous waste generated are designated and recorded for treatment, storage, or disposal in registered TSD facilities. The manifest shall also record transportation details of said waste;
- (f) Establish emergency and contingency plans to minimize damage in case of accidents, and to contain and mitigate the effects of spills and accidents that may occur in connection with the generation, transport, storage or disposal of such waste;
- (g) Employ the services of transporters and TSD facilities that have been issued permits pursuant to this Act; and,
- (h) Submit relevant data to the DENR and other relevant agencies, as may be required.

SEC. 13. Responsibilities of Transporters of Hazardous Waste.- Within six (6) months after the effectivity of this Act, the DENR, in coordination with the DOH and the Department of Transportation (DOTr), shall establish the responsibilities of waste transporters and prescribe guidelines for the transport of hazardous waste to protect human health and the environment. The responsibilities of hazardous waste transporters shall include the following:

- (a) Keep a record of waste transportation activities, indicating therein the sources of transported waste and the points where the same were delivered;
- (b) Register carriers following safety standards that prioritize public health and protection of the environment.
- (c) Transport waste only if properly labeled, consistent with international standards:

- (d) Transport waste to the TSD facility designated by the generator;
- (e) Establish emergency and contingency plans to minimize damage in case of accidents, and to contain and mitigate the effects of spills and accidents that may occur in connection with the transport of such waste; and,
- (f) Coordinate with other concerned government agencies in connection with the transport of hazardous waste to designated TSD facilities.

SEC. 14. Responsibilities and Standards of Performance for Owners of Hazardous Waste TSD Facilities.- Within six (6) months after the effectivity of this Act, the DENR, in coordination with the DOH, shall establish the responsibilities of the owners of TSD facilities for hazardous waste: *Provided, That* the DENR, and the DOH where applicable, shall distinguish the respective standards to be observed by new and existing facilities at the time of the effectivity of this Act. These standards shall include the following:

- (a) Performance standards for the design, construction, operation, maintenance, and monitoring of the facility;
- (b) Financial and personnel requirements and standards to ensure adequate resources throughout the life cycle of the facility;
- (c) Requirements, standards, procedures, and permits necessary for the closure, decommissioning and post-closure care, monitoring and maintenance and use of the facility;
- (d) Waste acceptance requirements and procedures for different types of hazardous waste packages; and,
- (e) Management, engineering controls, medical surveillance, and use of personnel protective equipment to minimize the exposure of workers to the hazards associated with the collection, transport, storage, treatment, and disposal of hazardous waste.

SEC. 15. Categories of TSD Facilities.- Within six (6) months from the effectivity of this Act, the DENR shall formulate specific, relevant, and appropriate criteria for waste acceptance and standards for the different categories of TSD facilities as follows:

- (a) *Facilities that employ fixed or mobile equipment to conduct on-site treatment and disposal of hazardous waste generated or produced at the premises for noncommercial purposes.* - The DENR shall encourage on-site treatment of hazardous waste by, providing for incentives pursuant to Chapter V of this Act, among other things: *Provided, That* generators that undertake partial treatment of waste shall not be placed under this category;
- (b) *Facilities that conduct treatment of hazardous waste;*
- (c) *Landfills that accept hazardous waste for disposal.* - The DENR, after due review and public consultation, shall promulgate criteria and regulations on the disposal of hazardous waste in landfills, taking into account the following factors:
 1. Long-term environmental uncertainties associated with land disposal of hazardous waste;
 2. Prioritization of appropriate management of hazardous waste; and,
 3. Persistence, toxicity, mobility of hazardous waste and its hazardous components, and their propensity to bioaccumulate.

For this purpose, utmost care shall be exercised to ensure that the hazardous constituents of waste disposed in landfills do not migrate to the environment. The disposal in waste landfills containing hazardous solvents, pesticides, and polycyclic hydrocarbons

as determined by the DENR after public consultation, is prohibited.

- (d) *Facilities that recycle or reprocess hazardous waste that is not generated or produced at the premises.* - These are facilities that receive and undertake off-site treatment of hazardous waste, including the recovery of valuable materials from it, use of it as input material or as fuel for production, or its production into compost through biological treatment. This category includes facilities for recycling of used lead-acid batteries, precious and non-precious metals, and oil. The DENR, in coordination with the DOST, shall promulgate standards for this category;
- (e) *Facilities that receive hazardous waste off-site or outside of the premises where the waste is generated or produced, and transforms the physical or chemical characteristics of the hazardous waste, for disposal into landfills and other disposal sites;*
- (f) *Facilities that store, within an allowable period, hazardous waste that is not generated or produced within its premises.* - In these facilities, the storage of any hazardous waste is prohibited unless such storage is undertaken solely for the purpose of consolidation prior to proper recovery, treatment or disposal, but which consolidation shall not take longer than the period prescribed by the DENR; and,
- (g) *Other land disposal facilities.* - Engineered facilities under this category include deep injection wells, borehole facilities, near surface facilities, surface impoundments, land farming, and abandoned underground mines.
- (h) *TSD and reception facilities in ports* - These facilities shall be organized and managed by the Philippine Ports Authority (PPA). Furthermore, no port shall be established or allowed to operate without an accompanying port reception facility.

The DENR shall, as the need arises, revise the regulations, standards, guidelines, and categories of TSD facilities, taking into account improvements in the technology of control and measurement.

SEC. 16. Closure Plan and Post-Closure of Facility.- The owner of a TSD facility shall submit a closure plan to address the potential environmental impact and health risk arising from the facility. The plan shall include rehabilitation, remediation, and monitoring measures and processes, as well as the budgetary, resource, and personnel requirements necessary to implement the closure. Submission of the plan shall be required prior to the operation of new facilities. For existing facilities, the plan shall be submitted within six (6) months after the effectivity of this Act. The plan shall be reviewed and approved by the DENR.

Prior to the closure or termination of the TSD operation, the owner of the facility shall secure a hazardous waste post-closure permit from the DENR. The permit shall be maintained during the period of strict implementation of the approved post-closure plan.

SEC. 17. Guidelines for the Management of Contaminated Sites.- Within six (6) months from the effectivity of this Act, the DENR, in coordination with other relevant government agencies, shall formulate the identification, characterization, remediation, clean up, and site control guidelines for the determination and management of contaminated sites. The DENR shall update these guidelines as the need arises.

The DENR shall maintain a Registry of contaminated sites and make this information accessible to the public.

Article Three

Registration Certificate and Fees

SEC.18. Registration Certificate for Treatment, Storage, or Disposal of Hazardous Waste.- Any person or entity who is operating or intends to operate a TSD facility for hazardous waste pursuant to this Act, shall secure a registration certificate as prescribed under this section. The DENR shall prescribe reasonable fees for the issuance of the said registration certificate.

The registration certificate shall be issued annually during the first three (3) years of operation of a TSD facility. Thereafter, the DENR may issue a registration certificate with a validity of five (5) years to a TSD facility that has satisfactorily complied with the rules and regulations issued pursuant to this Act for the first three (3) years of its operation: *Provided, That* the TSD facility shall undergo an annual audit to be conducted by a multidisciplinary body constituted and authorized by the IATAC.

The DENR shall modify, suspend, or revoke such registration for noncompliance by a TSD facility with the relevant provisions of this Act, or with the terms and conditions of such registration.

SEC. 19. Registration Certificate for Hazardous Waste Transporter.- The hazardous waste transporter that has a service agreement with a TSD facility shall be required to secure a hazardous waste transport registration certificate from the DENR. The validity of a transport registration certificate shall coincide with the validity of the registration certificate issued to the TSD facility.

The DENR shall modify, suspend, and revoke the registration for noncompliance by a transporter with the provisions of this Act or with the terms and conditions of such registration.

Article Four

Hazardous Healthcare Waste

SEC. 20. Listing of Hazardous Healthcare Waste Categories.- Within six (6) months from the effectivity of this Act, the DOH, in coordination with the DENR and the Department of Interior and Local Government (DILG), and after public consultation, shall formulate the criteria for identifying and listing the categories of hazardous healthcare waste to be tracked and regulated. In the formulation of the criteria, the DOH shall take into account relevant factors such as the presence of infectious agents, toxicity, reactivity, ignitability, and corrosivity. For radioactive healthcare waste, the rules and regulations issued by the Philippine Nuclear Research Institute shall apply.

SEC. 21. Management of Hazardous Healthcare Waste in Hospitals and Other Healthcare Facilities.- For the safe and environmentally sound management of hazardous healthcare waste in hospitals and other healthcare facilities, the DOH shall promulgate rules and regulations applicable to generators, transporters, and owners of TSD facilities established pursuant to Sections 12, 13, and 14 hereof. These shall include the effective and proper handling, collection, transport, treatment, storage, and disposal of such waste. The rules and regulations shall include guidelines that will prevent significant adverse impacts on health and the environment. For this purpose, the rules and regulations shall include the following:

- (a) Waste minimization and segregation at source practices in hospitals and other healthcare facilities;
- (b) Provision of appropriately labeled storage, receptacle, or bin for each healthcare waste category;
- (c) Collection and storage of all hazardous healthcare waste in designated on-site storage areas until transported to a TSD facility;
- (d) On-site treatment of hazardous healthcare waste through appropriate treatment methods;
- (e) On-site treatment by healthcare facilities with the capacity to manage the hazardous healthcare waste of other healthcare facilities. Services to other healthcare facilities shall be approved by the DENR. For the off-site treatment, storage, and disposal requirements of the hazardous waste, the standards established for facilities under paragraphs (b) to (f) of Section 15 of this Act shall apply;
- (f) Treatment of hazardous liquid waste by all healthcare facilities in compliance with the provisions of Republic Act No. 9275, otherwise known as the "Philippine Clean Water Act of 2004", and disposal of treated sludge in conformity with this Act; and,
- (g) Creation of a committee on hazardous healthcare waste management in all healthcare facilities that shall develop and implement an action plan for the proper management of healthcare waste. The plan shall include strategies to ensure immediate and appropriate action in emergencies arising from hazardous waste. The creation of this committee shall be mandatory in all hospitals. For other healthcare establishments, a hazardous waste management officer shall be designated.

Article Five

Special Household Hazardous Waste

SEC. 22. Collection of Special Household Hazardous Waste.- The local government units (LGUs) shall be responsible for the collection of special household hazardous waste characterized as such pursuant to Section 5 hereof. The LGUs may enter into agreements with entities duly accredited by the DENR for the collection of special household hazardous waste.

The owners of material recovery facilities (MRFs) that are duly authorized to collect special household hazardous waste, and transporting services that transport such waste from households to MRFs, shall register their facilities or services with the concerned LGU.

SEC. 23. Management of Special Household Hazardous Waste.- The management of special household hazardous waste shall be undertaken by the LGUs pursuant to Section 26 hereof. This shall include the segregation, collection, transport, treatment, storage, and disposal of special hazardous waste, which shall be regulated in accordance with this Act.

CHAPTER III

INSTITUTIONAL MECHANISM

SEC. 24. Lead Agency. - The DENR shall be the primary government agency responsible for the implementation and enforcement of this Act, including in special economic and freeport zone areas, unless otherwise provided herein. As such, it shall have the following functions, powers, and responsibilities:

- (a) Develop and implement programs to achieve the goals and objectives set under this

Act;

- (b) Prepare an annual National Hazardous Waste Status Report;
- (c) Prepare a National Hazardous Waste Management Framework every five (5) years;
- (d) Develop and promulgate the criteria for identifying and listing the characteristics of hazardous waste;
- (e) Establish, enforce, review, and revise standards for generators, transporters, owners, and operators of hazardous waste TSD facilities;
- (f) Exercise jurisdiction over all aspects of hazardous waste including its generation, possession, collection, destruction, recovery, use, storage, transportation, treatment, disposal and entry, even in transit, into Philippine territory;
- (g) Evaluate applications and issue permits and licenses pursuant to this Act;
- (h) Revoke, modify, or deny, in accordance with standards, rules, and regulations, the hazardous waste transporter licenses, TSD facility permits, or other licenses issued in accordance with this Act;
- (i) Collaborate with other national government agencies, LGUs, academic institutions, civil society, and the private sector to attain the objectives of this Act;
- (j) Accept, receive, and administer grants, funds, or gifts from public and private agencies, for the purpose of carrying out government programs for hazardous waste management;
- (k) Encourage, coordinate, participate in, or conduct studies, investigations, research, and technical demonstrations relating to hazardous waste management as it may deem advisable and necessary for the discharge of its duties pursuant to this Act;
- (l) Encourage waste reduction, resource recovery and exchange, and energy conservation in hazardous waste management;
- (m) Oversee any corrective action undertaken pursuant to the rules and regulations issued in accordance with this Act;
- (n) Formulate and undertake the appropriate protocol with other concerned agencies for an immediate and coordinated response to hazardous waste-related emergency incidents;
- (o) Formulate and implement rules and regulations that will enable the country to comply with international agreements on hazardous waste management;
- (p) Issue an order against any person or entity, and impose fines or other administrative penalties under this Act;
- (q) Recommend to the Department of Justice (DOJ) the filing of appropriate criminal charges for violation of this Act; and,
- (r) Exercise such powers and perform such other functions, as may be necessary to carry out the objectives of this Act.

SEC. 25. Role of the DOH.- The DOH shall be primarily responsible in performing the following duties and responsibilities:

- (a) Develop, promulgate, and publish criteria in identifying and listing the categories of hazardous healthcare waste to be monitored and regulated;
- (b) Develop and promulgate the rules and regulations for the effective management of hazardous healthcare waste in hospitals and other healthcare facilities; and,
- (c) Exercise such powers and perform such other functions as may be necessary to carry out the provisions of this Act.

SEC. 26. Role of LGUs. - The LGUs shall perform the following duties and responsibilities:

- (a) Share the responsibility for the implementation, enforcement, and monitoring of the

provisions of this Act within their territorial jurisdiction, such as the registration and compliance monitoring of hazardous waste generators, transporters, and TSD facilities;

- (b) Develop and implement a special household hazardous waste management program as part of their Ten-Year Solid Waste Management Plan under Republic Act No.9003 otherwise known as the "Ecological Solid Waste Management Act of 2000";
- (c) Prepare a compliance scheme in accordance with their special household hazardous waste management program;
- (d) Ensure the proper segregation and collection of special household hazardous waste;
- (e) Develop and enhance the plans and programs of local governments on community preparedness and response to hazardous waste emergencies;
- (f) Participate in all efforts concerning hazardous waste management; and,
- (g) Enact appropriate ordinances to implement their role in pursuance of this Act.

SEC. 27. The Inter-Agency Technical Advisory Council.- For purposes of policy integration and harmonization and coordination of functions, there is hereby created an Inter-Agency Technical Advisory Council (IATAC), to 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;
- (a) (e) Secretary of Finance;
- (e) Secretary of Trade and Industry;
- (f) Secretary of National Defense;
- (g) Secretary of Foreign Affairs;
- (h) Secretary of Transportation;
- (i) Secretary of Interior and Local Government;
- (j) Secretary of Labor and Employment;
- (k) Secretary of Energy;
- (l) Director General of the Philippine Economic Zone Authority, in representation of and in consultation with other economic and freeport zones;
- (m) Representative of civil society;
- (n) Representative of business and industry;
- (q) Representative of TSD facility operators; and,
- (r) Representative of the academe.

The representatives of civil society organizations, the academe, TSD facility operators, and the 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.

The IATAC shall constitute and authorize a multidisciplinary body to conduct an annual audit and to determine the compliance of TSD facility operators with the terms and conditions stipulated in the permits and licenses issued pursuant to this Act.

SEC. 28. The IATAC Technical Working Group.- The IATAC shall be supported by a technical working group, which shall be composed of representatives from the following agencies and institutions:

- (a) Environmental Management Bureau of the DENR;
- (b) Disease Prevention and Control Bureau of the DOH;
- (c) Industrial Technology Development Institute of the DOST;
- (d) Philippine Nuclear Research Institute of DOST;
- (e) Bureau of Soil and Water Management of the Department of Agriculture (DA);
- (f) Fertilizer and Pesticide Authority of the DA;
- (a) (g) Bureau of Customs of the Department of Finance;
- (g) Bureau of International Trade Relations of the Department of Trade and Industry (DTI):
- (h) Board of Investments of the DTI;
- (i) Bureau of Import Services of the DTI;
- (j) Department of National Defense:
- (k) Land Transportation Office of the DOTr;
- (l) Occupational Health and Safety Center of the Department of Labor and Employment;
- (m) Philippine Coast Guard:
- (n) Civil society organizations;
- (o) Business and Industry;
- (p) Academe; and.
- (q) Other agencies and sectors as may be necessary.

Representatives of civil society organizations, industry, and the academe shall be 15 nominated through a process designed by the IATAC.

SEC. 29. Linkage Mechanism.- The DENR and its concerned agencies may coordinate and enter into formal agreements with other government agencies, civil society. Industrial sector and other concerned sectors in the furtherance of the policies of this Act: *Provided, That* the DENR shall coordinate with the DILG and the Philippine National Police (PNP) and the DOTr and PCG in the case of ship transporters, in the enforcement of the guidelines, rules, and regulations on the transport of hazardous waste pursuant to this Act.

SEC.30.Visitorial Powers.-The Secretaries of the DENR, and the DOH insofar as healthcare facilities and healthcare TSD providers are concerned, or their authorized representatives, or with the PCG insofar as ships and ports are concerned, shall have the right to visit the premises and inspect the documents of any generator, transporter, or TSD facility or port reception facility?, to determine any violation or to aid in the effective enforcement of this Act and its implementing rules and regulations. Likewise, these authorities shall have access and right to copy therefrom, the records required, pursuant to the provisions of this Act. This section shall not apply to private dwellings, unless the visitorial power is otherwise judicially authorized.

CHAPTER IV FINANCING HAZARDOUS WASTE MANAGEMENT

SEC. 31. Financial Liability for Environmental Rehabilitation.- The DENR shall require the generators and owners of TSD facilities to establish an Environmental Guarantee Fund (EGF) or Marine Environmental Monetary Fund (MEMF) in the case of vessels as part of the Environmental Management Plan submitted, in line with the application for an Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586 and its implementing rules and regulations. The EGF or MEMF shall be used for emergency response, cleanup, rehabilitation, and remediation of areas that may be damaged during the

generation, transport, treatment, storage, or disposal of hazardous waste, and post-closure activities of the facility. The 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 DENR.

The EGF and MEMF may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, self-insurance, and any other instrument as may be identified DENR. Consideration of the guarantee instrument or combinations thereof shall include an assessment of the risks involved. Generators and owners of TSD facilities required to put up guarantee instruments shall furnish the DENR with evidence of availment of such instruments.

CHAPTER V INCENTIVES

SEC. 32. Rewards.- Rewards, monetary or otherwise, shall be granted to individuals, private organizations and entities, including non-government organizations (NGOs) that have undertaken outstanding and innovative projects, technologies, processes, and techniques, or activities for the management of hazardous waste.

SEC. 33. Incentives Scheme.- An incentive scheme is hereby provided for the purpose of encouraging enterprises, private entities, LGUs, and NGOs, to develop or undertake effective hazardous waste management, or actively participate in any program geared towards the promotion thereof, consistent with the objectives of this Act.

- (a) Tax, Duty Exemption, and other incentives under Republic Act No. 11534, otherwise known as the "Corporate Recovery and Tax Incentives for Enterprises Act" or the "CREATE" Law.-Upon the effectivity of this Act, registered business enterprises that use, acquire, and import machinery, equipment, technology, spare parts and specialized types of vehicles used for the transport, processing, storage, and treatment of hazardous waste, including cleaner production and waste minimization technologies, may avail of the incentives of at least Tier II provided under Title XIII of the National Internal Revenue Code, as amended;
- (b) Exemption from Value-Added Tax (VAT) on the Sale of Domestic Capital Equipment- Within five (5) years from the effectivity of this Act, the sale of domestic capital equipment, including its spare parts, to registered enterprises, LGU's, and NGOs, to be used for the processing, storage, and treatment of hazardous waste, shall be exempted from the VAT imposed under the National Internal Revenue Code of 1997, as amended: *Provided*, That the said incentive shall be subject to the same conditions and prohibitions cited in the preceding paragraph
- (c) Tax Exemption of Donations, Legacies, and Gifts- All donations, legacies, and gifts made by any person or entity in favor of LGUs and NGOs for the support and maintenance of programs for the effective hazardous waste management, shall be exempt from donor's tax pursuant to the National Internal Revenue Code of 1997, as amended.
- (d) Financial Assistance Program-Government and private financial institutions, in accordance with, and to the extent allowed by the enabling provisions of their respective charters or applicable laws, may accord high priority to individuals, enterprises, or private entities engaged in hazardous, medical, and special hazardous waste management by providing special financial services, including the grant of preferential rates; and.

- (e) Extension of Grants to LGUs. - Cities or municipalities that opt to develop special household hazardous waste management plans, or have adopted innovative waste management programs, may be entitled to receive grants in order to develop their technical capacities and efficiently implement their plans.

CHAPTER VI CIVIL LIABILITY AND PENAL PROVISIONS

SEC. 34. Generator's Liability.- generator is primarily responsible for the management of hazardous waste until said waste has been certified as properly treated or disposed by a duly accredited TSD facility: *Provided, That* for exported waste that is treated and disposed of in accordance with international agreements and their amendments, the TSD facilities in the country of destination shall issue the certificate of treatment and disposal. All other environmental service providers involved in the transport, treatment, storage, and disposal of said waste shall be jointly and severally liable with the generator for any adverse environmental impact that results from the improper management of the waste.

SEC. 35. Prohibited Acts.- The following acts are prohibited:

- (a) Discarding, throwing, dumping, or storing of hazardous waste listed pursuant to this Act, or causing or permitting the commission of same acts, in public places, in municipal solid waste facilities, or in other areas or facilities not designed therefor;
- (b) Undertaking activities involving the collection or transport of hazardous waste in violation of the standards and other requirements or permits set forth in this Act;
- (c) Causing or permitting the collection of unsegregated or unsorted hazardous waste;
- (d) Operating a TSD facility without the permit required under this Act;
- (e) Transporting hazardous waste without the permit or license required under this Act;
- (f) Mixing of source-separated recyclable material with other hazardous waste in any vehicle, container, or receptacle used in hazardous waste collection, transportation or disposal;
- (g) Disposing of hazardous waste in open and controlled dumps as enjoined in this Act, or causing and permitting the same;
- (h) Establishing and operating of open and controlled dumps for hazardous waste;
- (i) Transporting and dumping of collected hazardous waste in areas other than the facilities prescribed under this Act;
- (j) Open burning of hazardous waste;
- (k) Transporting any hazardous waste to a TSD facility that is not authorized to receive such waste pursuant to this Act;
- (l) Treating, storing, or disposing of any hazardous waste without proper permit or license, or in knowing violation of any material condition or requirement of such permit or license, or in violation of any standard promulgated pursuant to this Act;
- (m) Making any false material statement, representation, or certification in any application, label, permit, record, report, manifest, or other document filed, or required to be maintained under this Act;
- (n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data required under this Act;
- (o) Generating, treating, storing, transporting, disposing, or handling of any hazardous waste, and in connection therewith, willfully destroying, altering or concealing any record required to be maintained under this Act;

- (p) Owning, maintaining, or operating any hazardous waste disposal facility in violation of the hazardous waste management standards or the rules and regulations issued pursuant to this Act;
- (q) Failing to notify the DENR, DOH and PNRI of hazardous waste activities pursuant to Section 6 hereof;
- (r) Importing, causing, or permitting the entry, even in transit, of any hazardous waste into Philippine territory in violation of the provisions of this Act, its implementing rules and regulations, and relevant international agreements and protocols;
- (s) Constructing, substantially altering, or operating a hazardous waste TSD facility, including all post-closure activities and operations specified in the rules and regulations, without first obtaining a permit as specified in this Act; [and.]
- (t) Site preparation, construction, expansion, or operation of TSD facilities without an Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586 and this Act; and
- (u) Discharging and dumping of hazardous or radioactive wastes from ships, and deep-sea injection.

SEC. 36. Fines, Damages, and Penalties.-

- (a) Unless otherwise provided herein, any person who commits any of the prohibited acts described under Section 35, or violates any of the provisions of this Act, the standards established pursuant to this Act, or its implementing rules and regulations, shall be fined by the Pollution Adjudication Board (PAB), after due hearing conducted thereon, in the amount of not less than Fifty thousand pesos (P 50,000.00) but not more than One million pesos (P 1,000,000.00) for every violation: *Provided, That* for violation of Section 35 involving the prohibited acts under paragraphs (a).(g), (h), (i), (l), (p), (s) and (t) thereof, the fine shall be imposed for each day of violation.
- (b) For purposes of the application of the fines, the PAB shall, within one (1) year from the effectivity of this Act, establish a fine rating system to allow for the adjustment of the maximum fine, based on the violator's ability to pay, degree of willfulness, degree of negligence, degree of severity of the offense, history of non-compliance, and degree of recalcitrance.
- (c) The PAB may order the suspension of development or construction, cessation of operations, or closure of the facility, until such time that proper environmental safeguards are in place, or are in compliance with this Act, or its rules and regulations are undertaken by the offender, without prejudice to the issuance of an ex parte order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case: *Provided, That* if the prohibited act shall require a cleanup and rehabilitation of the environment, the offender shall also be required to restore the area or pay for the restoration thereof. The PAB may also award such damages as it may deem just and fair under the circumstances in favor of a private complainant.

The PAB shall issue a resolution recommending that the proper government agencies file criminal charges against any person who commits a gross violation of this Act. Gross violation shall mean any of the following:

- 1. Deliberate disposal of hazardous waste without the required permit issued pursuant to this Act;
- 2. Three (3) or more violations of paragraphs (a), (d), (e), (g), (k), (l) and (m) of

Section 35 hereof within a period of two (2) years; or,

3. Blatant disregard of the orders of the PAB such as the nonpayment of fines, breaking of seals, or operation of the source of pollution, despite the existence of an order for closure, discontinuance or cessation of operation, or the unjustified refusal for the entry or access to any premises of an authorized DENR representative.

- (b) In case of gross violation of this Act, the offender shall pay a fine of not less than Five hundred thousand pesos (P 500,000.00) but not more than Five million pesos (P 5,000,000.00), or be punished with imprisonment of not less than three (3) years but not more than ten (10) years, or both, at the discretion of the court. If the offender is a juridical person, the chief executive officer and the pollution control officer or its equivalent, shall suffer the penalty herein provided: *Provided*, That the officers and incorporators of TSD facilities who violated the post-closure requirements issued pursuant to Section 16 hereof, shall be banned from setting up any TSD facility and hazardous waste transport company, and engaging in the operation of the same.

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

- (c) To compensate for inflation and to maintain its deterrent function, the fines prescribed herein shall be reviewed and revised every three (3) years, or whenever necessary.

SEC. 37. Administrative Sanctions.- Local government officials and officials of concerned government agencies who fail to comply with and enforce the rules and regulations promulgated relative to this Act, shall be charged administratively in accordance with Republic Act No. 7160 or the "Local Government Code of 1991" and Executive Order No. 292 or the Administrative Code of 1987" and other existing laws, rules, and regulations.

SEC. 38. Administrative Action.- Without prejudice to the right of any affected person to file an administrative complaint against a violator of this Act, the DENR and the DOH shall, at their instance or upon a verified complaint by any person, institute administrative and civil proceedings against a person who violates the standards or limitations set under this Act, or any order, rule, or regulation issued by the DENR and the DOH with respect to such standards and limitations.

SEC. 39. Citizen's Suit.- For purposes of enforcing the provisions of this Act or the rules and regulations issued to implement it, any citizen may file an appropriate civil, criminal, or administrative action in the proper courts or bodies against the following:

- (a) Any person who violates or fails to comply with the provisions of this Act or its implementing rules and regulations;
- (b) The DENR or other implementing agencies with respect to orders, rules, and regulations issued that are inconsistent with this Act; or
- (c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty under this Act or the rules and regulations issued to implement it, or abuses the authority vested in them in the performance of duty, or improperly conducts the duties under this Act or the rules and regulations issued to implement it: *Provided, however*, That a suit can be filed only after a thirty (30)-day

notice had been given to the public officer and the alleged violator concerned, and when no appropriate action had been taken thereon.

The court shall exempt such action filed from the payment of filing fees, and upon *prima facie* evidence showing the non-enforcement or violation complained of. The plaintiff shall also be exempt from the filing of an injunction bond for the issuance of a preliminary injunction.

Within thirty (30) days, the court shall determine if a complaint is malicious or baseless, and shall accordingly dismiss the action and award attorney's fees and damages.

SEC. 40. Suits and Strategic Legal Action Against Public Participation (SLAPP) and the Enforcement of this Act.- Where a suit is brought against a person who filed an action as provided for in Section 39 of this Act, or against any person, institution or government agency tasked to implement this Act, it shall be the duty of the investigating prosecutor or the court, as the case may be, to immediately make a determination within a period not exceeding thirty (30) days whether the legal action has been filed to harass, vex, exert undue pressure, or stifle such legal recourses of the person complaining of a violation or enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the court shall dismiss the case and award attorney's fees and double damages to the respondent.

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

CHAPTER VII MISCELLANEOUS PROVISIONS

SEC. 41. Mandatory Public Hearings.- The DENR shall determine the process by which the public hearings relative to the formulation of the Framework mandated under Section hereof shall be undertaken.

SEC. 42. Research on Hazardous Waste Management. - The DENR after consultations with the concerned agencies, shall encourage and render financial and other assistance to appropriate government and private agencies, institutions, and individuals in the promotion and conduct of researches, experiments, and other studies on hazardous waste management, particularly those relating to the:

- (a) Adverse effects on health as a result of the release into the environment of hazardous waste, and methods to eliminate said effects or mitigate the health risks related thereto;
- (a) (b) Operation and financing of hazardous waste disposal programs;

- (b) Planning, implementation, and operation of resource recovery and resource conservation systems;
- (c) Production of usable forms of recovered resources, including fuel from hazardous waste;
- (d) Development and application of new and improved methods of collecting, separating, and disposing of hazardous waste, and processing and recovery of materials and energy from hazardous waste;
- (e) Cleaner production technologies;
- (f) Improvements in land disposal practices for hazardous waste; and,
- (g) Development of new uses of recovered resources and identification of existing or potential markets of recovered resources.

The DENR, the DOH, and the DOST or their authorized representatives, may award grants or enter into contracts with government agencies, NGOs, and private persons to conduct hazardous waste research and studies.

SEC. 43. Public Education and Information. - The DENR and the DOH, in coordination with the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA), the Commission on Higher Education (CHED), the DILG, the Philippine Information Agency (PIA), and the LGUs, shall conduct a continuing education and information campaign on hazardous waste management. Such education and information program shall:

- (a) Aim to create public awareness on the impacts of hazardous waste and methods to prevent or minimize its adverse effects;
- (b) Focus on activities that are feasible and offer the greatest impact on hazardous waste management; and,
- (c) Encourage the general public, accredited NGOs, and POs to publicly endorse and patronize environment-friendly products.

SEC. 44. Environmental Education in the Formal and Non-formal Sectors.-The National Government, through the DepEd and in coordination with concerned government agencies, NGOs, and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the principles underlying hazardous waste management, in order to promote environmental awareness and affirmative action among the citizenry.

SEC. 45. Role of Business and Industry.- The DENR, DTI, and the DOH shall encourage commercial and industrial establishments, through appropriate incentives other than tax incentives, to initiate, participate, and invest in integrated hazardous waste management projects; to manufacture environment-friendly products; to introduce, develop and adopt innovative processes that result in recycling of materials, conservation of raw materials and energy, and reduction of waste and prevention of pollution; and to undertake community activities to promote and propagate effective hazardous waste management practices.

CHAPTER VIII FINAL PROVISIONS

SEC. 46. Appropriations.- The amount necessary for the implementation of this Act

shall be included in the respective budgets of the DOTr-PCG in the annual General Appropriations Act.

SEC. 47. Joint Congressional Oversight Committee.- In addition to its mandated functions, the Joint Congressional Oversight Committee created under Republic Act No. 9003 shall also monitor the implementation of this Act.

SEC. 48. Report to Congress.- The DENR shall render a detailed report to Congress, not later than March 30 of every year, following the approval of this Act, of its accomplishments and progress on hazardous waste management during the previous year, and shall submit the necessary recommendations in areas requiring legislative action.

SEC. 49. Transitory Provision.- Pending the establishment of the Framework mandated under Section 8 hereof and the promulgation of the implementing rules and regulations of this Act, pertinent existing laws, regulations, programs and projects on hazardous waste management shall continue to be enforced: *Provided*. That for specific undertakings, these may be revised in the interim in accordance with the intentions of this Act.

SEC. 50. Implementing Rules and Regulations.- Within one (1) year from the effectivity of this Act, the DENR and the DOH shall promulgate the rules and regulations for the effective implementation of this Act: *Provided*. That rules and regulations issued by other government agencies and instrumentalities relative to hazardous waste management consistent with this Act, shall supplement the rules and regulations issued by the DENR and the DOH. pursuant to the provisions of this Act.

There shall be a regular mandatory review of the rules and regulations issued to implement this Act. including the standards set pursuant to the provisions of this Act.

SEC.51. Separability Clause.- If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 52.Repealing Clause.-Republic Act No. 6969 otherwise known as the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990". Republic Act No. 9003. and Republic Act No. 7160, as amended, are modified accordingly. All laws, decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC.53. Effectivity.-This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.