

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
First Regular Session

HOUSE BILL NO. 4281



Introduced by MARIA VANESSA C. AUMENTADO

EXPLANATORY NOTE

The Philippine Congress enacted the Toxic Substances and Hazardous and Nuclear Wastes Control Act (Republic Act No. 6969) in 1990, however, the country's regulatory framework for hazardous waste remains fragmented and outdated. Existing policies suffer from weak enforcement and limited public awareness. Consequently, illegal dumping persists, treatment facilities are scarce, and the long-term damage to communities and ecosystems continues to escalate. Compounding these challenges are the lack of harmonization between national regulations and emerging international commitments (e.g., the Minamata Convention on Mercury), the non-operationalization of the Extended Producer Responsibility (EPR) system for managing hazardous waste, such as waste electrical and electronic equipment (WEEE) or e-waste, as well as the absence of clear guidelines for the cleanup, remediation, and rehabilitation of contaminated sites.

The measure responds to the growing volume of e-waste driven by rapid advancements in artificial intelligence and other technologies, as well as the increasing generation of healthcare waste arising from pandemics. It mandates manufacturers and importers of commercial and industrial products containing hazardous substances to adopt Extended Producer Responsibility (EPR), implement social responsibility initiatives, and establish buy-back and product stewardship programs to ensure the safe and sustainable management of their products throughout their entire lifecycle. Furthermore, the bill provides clear guidelines for the cleanup, remediation, and rehabilitation of contaminated sites, addressing a critical gap in the current regulatory framework.

This bill seeks to establish a comprehensive, science-based, and sustainable approach to regulating hazardous waste. It sets clear definitions and classifications, outlines the responsibilities of generators, transporters, and treatment facilities, and strengthens the role of national and local government units in enforcement and compliance monitoring. It encourages public participation, promotes education and training, and creates incentives for safer waste treatment technologies. It is designed not only to penalize violators, but more importantly, to guide and support industries and institutions in adopting responsible waste management practices.

By institutionalizing these measures, the proposed legislation affirms the State's commitment to safeguarding the environment and promoting the right of every Filipino to a healthful ecology, as enshrined in the Constitution.

I humbly ask for your full support in the passage of this measure. Let us take decisive action before this problem grows beyond our control. Together, let us make the Philippines a cleaner, safer, and more resilient nation.

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

A handwritten signature in black ink, appearing to be 'MA' with a checkmark-like flourish.

MARIA VANESSA C. AUMENTADO

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AN ACT
PROVIDING FOR THE COMPREHENSIVE MANAGEMENT
OF HAZARDOUS WASTE

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

CHAPTER I
GENERAL PROVISIONS

1 **SECTION 1. Short Title.** – This Act shall be known as the “Hazardous Waste Management
2 Act”.

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to advance the
4 protection of human health and the environment from the potential risks of hazardous waste, which
5 includes healthcare waste, E-waste, and household hazardous waste, within the framework of
6 sustainable development. Towards this end, the State shall:

- 7 (a) Develop and implement an integrated and comprehensive national and local hazardous
8 waste management program, focusing on pollution prevention, control and resource
9 conservation and recovery;
- 10 (b) Promulgate guidelines for the generation, collection, segregation, transport, recovery,
11 storage, treatment, and disposal of hazardous waste, including safeguards, emergency,
12 and contingency plans for accidents involving such waste;
- 13 (c) Establish control measures on the importation of recyclable materials that are hazardous
14 waste or containing hazardous substances, to prevent entry of misdeclared waste;
- 15 (d) Promote a national research and development program for improved hazardous waste
16 management, resource conservation, and cleaner production techniques;
- 17 (e) Formulate and enforce a system of accountability for generators, including the promotion
18 of cleaner production techniques, extended producer responsibility, product stewardship,
19 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) ***Contaminated site*** refers to an area where the presence of any contaminant of potential concern presents a risk to humans, water, ecosystems, or other receptors based on the standards to be set pursuant to this Act;
- (b) ***Department*** refers to the Department of Environment and Natural Resources;
- (c) ***Disposal*** refers to the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into the environment;
- (d) ***E-waste*** refers to discarded electrical and electronic equipment, gadgets, units, devices, or any part thereof destined for recovery, recycling, treatment, or disposal;
- (e) ***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;
- (f) ***Hazardous Waste Generator*** refers to any person who generates hazardous waste covered by this Act. MRFs collecting household hazardous waste shall be considered as Hazardous Waste Generators in this Act;
- (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) ***Hazardous healthcare waste*** refers to all the solid and liquid waste generated as a result of diagnosis, treatment, or immunization of human beings; research using laboratory animals for the improvement of human health; production or testing of biological products; and other activities performed by a hospital and other health facilities. This includes waste from sharps, infectious, pathological, anatomical, pharmaceutical, genotoxic, chemical, radioactive, and pressurized containers.
- (i) ***Manifest*** or ***consignment note*** refers to a record prescribed by the Department accompanying the hazardous waste from the point of generation to final disposition thereof;
- (j) ***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;

- (k) **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;
- (l) **Household hazardous waste** refers to consumer or industrial goods or products discarded from residential sources that are classified or regulated as hazardous waste, such as used vegetable oil, lead acid battery, busted fluorescent lamps, E-waste, and healthcare waste;
- (m) **Storage** refers to the containment of hazardous waste, consistent with the guidelines prescribed by the Department and in such a manner as not to constitute disposal;
- (n) **Treatment** refers to any method, technique, or process designed to change the physical, chemical or biological characteristic or composition of any hazardous waste so as to render such waste non-hazardous, safe for transport, feasible for recovery and storage, or reduced in volume; and
- (o) **Hazardous Waste Service Providers** refer to: (1) transporters, or those individuals or entities that collect or haul hazardous wastes from the generator's site to the treatment, storage, and disposal (TSD) facility; (2) TSD facilities, or those facilities where hazardous wastes are transported, stored, treated, recycled, reprocessed, or disposed of; or (3) exporters of hazardous wastes for the purpose of final recycling, recovery, treatment, and disposal of these wastes.

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. This will include the export, import, and transit of hazardous waste in the Philippine territory, including the economic and freeport zones and such other areas that may be defined as special customs territories.

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

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

CHAPTER II MANAGEMENT SYSTEM

Article One General Provisions

SEC. 5. Identification and Listing of Hazardous Waste. – Within twelve (12) months from the effectivity of this Act, the Department 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

1 in nature, and potential for accumulation in tissue. The criteria shall be reviewed and revised every
2 five (5) years thereafter, or as the need arises.

3 **SEC. 6. Registration of Hazardous Waste Generators.** – Within twelve (12) months upon
4 the effectivity of this Act, a hazardous waste generator shall register individually or in cluster, its
5 entity and the types and quantities of waste generated with the Department: *Provided*, That generators
6 considered small and micro enterprises as defined under Republic Act No. 9501, otherwise known as
7 the “Magna Carta for Micro, Small, and Medium Enterprises”, shall be registered with the local
8 government units (LGUs). The LGUs shall submit the appropriate report to the Department.

9 A Materials Recovery Facility (MRF), established pursuant to Republic Act No. 9003 otherwise
10 known as the “Ecological Solid Waste Management Act of 2000”, consolidating household hazardous
11 wastes prior to its transport, treatment and disposal, shall be considered as hazardous waste generator,
12 and shall be registered with the Department by the LGU.

13 **SEC. 7. National Hazardous Waste Status Report.** - Within twelve (12) months after the
14 formulation of the criteria for the identification and listing of hazardous waste pursuant to this Act,
15 the Department shall prepare an annual National Hazardous Waste Management Status Report,
16 hereinafter referred to as the Status Report, which shall be used as a basis in formulating the National
17 Hazardous Waste Management Framework as mandated in Section 8 of this Act. The Status Report
18 shall include the following:

- 19 (a) Inventory of existing hazardous waste and their depots and facilities;
20 (b) General waste characterization, taking into account the source, type, and quantity of
21 hazardous waste generated and other factors;
22 (c) Listing of hazardous waste service providers; and,
23 (d) Listing of identified contaminated sites.

24 **SEC. 8. National Hazardous Waste Management Framework.** – Within eighteen (18)
25 months from the effectivity of this Act, the Department shall prepare and formulate a National
26 Hazardous Waste Management Framework, herein referred to as the “Framework”, which shall be
27 updated every five (5) years thereafter. It shall embody policies established pursuant to this Act, and
28 shall specifically contain the following:

- 29 (a) Strategies and techniques for hazardous waste management;
30 (b) Systems for the proper handling, segregation, collection, transport, treatment, storage, and
31 disposal of hazardous waste;
32 (c) Goals and targets for waste reduction and recovery;
33 (d) Roles and responsibilities of relevant government agencies; and
34 (e) Monitoring and evaluation.

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

9 **SEC. 10. Producer And Importer Responsibility Schemes.** – Twelve (12) months after the
10 effectivity of this Act, all manufacturers and importers of commercial and industrial products
11 containing hazardous substances regulated under this act, and other relevant stakeholders, shall adopt
12 an appropriate program to ensure cleaner production, waste minimization, and resource recovery.
13 This may include the following activities: product or process redesign, extended producer
14 responsibility, buy-back programs, social responsibility, and product stewardship programs. The
15 Department shall establish implementation guidelines and develop market-based instruments and
16 other control measures to facilitate the achievement of program targets: *Provided*, That within five
17 (5) years upon effectivity of this Act, the targets established in the program for cleaner production,
18 waste minimization, and resource recovery shall be fully implemented.
19

20 **SEC. 11. Importation of Recyclable Hazardous Waste and Materials** - The Department
21 shall establish control measures on the importation of recyclable materials that are hazardous waste
22 or containing hazardous substances, consistent with international law and agreements and applicable
23 standards for the protection of the environment.

24
25 **Article Two**
26 **Responsibilities of Hazardous Waste Generators and Service Providers**
27

28 **SEC. 12. Responsibilities of Generators of Hazardous Waste.** – Within twelve (12) months
29 after the effectivity of this Act, the Department shall establish the duties and responsibilities of
30 generators of hazardous waste to ensure the proper management of the generated hazardous waste.
31 Appropriate documentation, methods, strategies, and emergency or contingency plans to minimize
32 damage in case of accidents, shall be covered under these responsibilities to ensure that the proper
33 generation, storage, transport, treatment, and disposal of wastes are executed and monitored. Waste
34 generators shall bear the cost for the proper storage, transport, treatment, and disposal of waste.

35 **SEC. 13. Responsibilities and Standards of Performance for Hazardous Waste Service**
36 **Providers.** – Within twelve (12) months after the effectivity of this Act, the Department shall
37 establish the responsibilities, standards of performance, and operational guidelines for hazardous
38 waste service providers, for the protection of human health and the environment. For this purpose,
39 the following shall be considered:

- 40 (a) **Transporters of Hazardous Waste** - The responsibilities and guidelines for the transport of
41 hazardous waste shall be established by the Department in coordination with the
42 Department of Health (DOH) and the Department of Transportation (DOTr). The
43 responsibilities shall include appropriate system, documentation, and safety standards,

1 including on transport vehicle, garage or holding facility, labeling, compatibility of wastes,
2 training, emergency preparedness and response.

- 3 (b) Owners of TSD Facilities – Responsibilities of TSD Facilities shall ensure that hazardous
4 waste is managed in an environmentally sound manner. These shall include standards of
5 performance in operation, maintenance, monitoring, decommissioning, abandonment and
6 closure of the TSD facility. The Department shall, whenever applicable, distinguish the
7 respective standards to be observed by new and existing facilities at the time of the
8 effectivity of this Act.

9 **SEC. 14. Categories of TSD Facilities.** – Within twelve (12) months from the effectivity of
10 this Act, the Department shall formulate specific, relevant, and appropriate criteria and standards in
11 establishing different categories of TSD facilities. The Department shall consider the following
12 categories:

- 13 (a) Facilities that employ fixed or mobile equipment to conduct on-site treatment and disposal
14 of hazardous waste generated or produced at the premises for noncommercial purposes;
- 15 (b) Facilities that conduct treatment of hazardous waste;
- 16 (c) Facilities that recycle or reprocess hazardous waste that is not generated or produced at the
17 premises;
- 18 (d) Facilities that receive hazardous waste off-site or outside of the premises where the waste
19 is generated or produced, and transforms the physical or chemical characteristics of the
20 hazardous waste, for disposal into landfills and other disposal sites;
- 21 (e) Facilities that store, within a reasonable period, hazardous waste that is not generated or
22 produced within its premises;
- 23 (f) Other engineered land disposal facilities that include deep injection wells, borehole
24 facilities, near surface facilities, surface impoundments, land farming, and abandoned
25 underground mines;
- 26 (g) Facilities that undertake shipbreaking, as defined in international treaties or conventions,
27 for the purpose of recovering components and which generate hazardous waste in the
28 process;
- 29 (h) TSD and reception facilities in ports; and
- 30 (i) Landfills that accept hazardous waste for disposal.

31 **SEC. 15. Hazardous Waste Reception Facilities in Ports.** Within two (2) years following
32 the effectivity of this law, airports or seaports shall establish a hazardous waste reception facility or
33 a system for the direct collection of such waste from aircraft or ships by a hazardous waste service
34 provider.

35 **SEC. 16. Closure Plan and Post-Closure of Facility.** The owner of a TSD facility must submit
36 a closure plan to the Department at least six (6) months before initiating the closure. The plan shall

1 include details on decontamination and remediation measures, budgetary and personnel requirements,
2 and other necessary information that may be required by the Department. The Department shall
3 review and approve the closure plan and issue a hazardous waste post-closure permit. The permit
4 shall be maintained during the implementation of the approved post-closure plan.

5 **SEC. 17. Guidelines for the Management of Contaminated Sites.** – Within twelve (12)
6 months from the effectivity of this Act, the Department, in coordination with other relevant
7 government agencies, shall formulate the identification, characterization, remediation, clean up, and
8 site control guidelines for the determination and management of contaminated sites. The Department
9 shall update these guidelines as the need arises.

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

12 **Article Three** 13 **Registration of Hazardous Waste Service Providers and Fees** 14

15 **SEC. 18. Registration of Hazardous Waste Service Providers.** No hazardous waste service
16 provider shall be allowed to operate unless the same is duly registered with the Department: *Provided,*
17 that a transporter of hazardous waste shall not be registered unless it has a service agreement with a
18 TSD facility.

19 Upon effectivity of the law, hazardous waste service providers shall secure annual registration
20 certificates from the Department. The Department shall issue a registration certificate with a validity
21 of five (5) years to a hazardous waste service provider that has been in operation for three (3) years
22 in compliance with the Implementing Rules and Regulations established pursuant to this Act. The
23 Department shall prescribe reasonable fees for the issuance of the said registration certificates.

24 The Department shall modify, suspend, or revoke such registration for noncompliance by a
25 hazardous waste service provider with the relevant provisions of this Act, or with the terms and
26 conditions of such registration.

27 **SEC. 19. Hazardous Waste Transport Via Ships.** The DOTr-PCG, in coordination with the
28 Department and MARINA, shall establish a permitting system to ensure safety in the transport of
29 hazardous waste via ships/vessels in the Philippines. The DOTr-PCG shall ensure that the packaging
30 requirements established pursuant to the International Maritime and Dangerous Goods (IMDG) Code
31 are complied with by the duly registered transporter. Vessels transporting or carrying hazardous waste
32 shall only be intended for the said purpose.
33
34

35 **Article Four** 36 **Hazardous Healthcare Waste** 37

38 **SEC. 20. Listing of Hazardous Healthcare Waste Categories.** – Within twelve (12) months
39 from the effectivity of this Act, the DOH, in coordination with the Department, shall formulate the
40 criteria for the classification and listing of the categories of hazardous healthcare waste to be regulated
41 and monitored. In the formulation of the criteria, the DOH shall take into account relevant factors
42 such as the presence of infectious agents, toxicity, reactivity, ignitability, and corrosivity. For

radioactive healthcare waste, the rules and regulations issued by the agency principally mandated to regulate radioactive and nuclear wastes 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 strictly implement the appropriate manual established for its purpose. 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.

Article Five

Household Hazardous Waste

SEC. 22. Collection of Household Hazardous Waste. – The LGUs shall be responsible for the collection of household hazardous waste characterized as such pursuant to Section 5 hereof. The LGUs may enter into agreements with duly registered service providers for the collection, transport, treatment and disposal of household hazardous waste.

The owners or operators of material recovery facilities (MRFs) that are duly authorized to collect 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 Household Hazardous Waste. – Unless otherwise provided in this Act, the management of household hazardous waste shall be the sole responsibility of the LGUs pursuant to Section 26 hereof. For this purpose, LGUs shall ensure strict implementation of the standards and guidelines for the proper segregation, collection, transport, treatment, storage, and disposal of household hazardous waste.

CHAPTER III

INSTITUTIONAL MECHANISM

SEC. 24. Lead Agency. – The Department 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. It shall undertake the necessary coordination or consultation with concerned government agencies in the implementation 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;
- (b) Within twelve (12) months after effectivity of this Act, develop and implement a household hazardous waste management program as part of their Ten-Year Solid Waste Management Plan under Republic Act No. 9003;
- (c) Prepare a compliance scheme in accordance with their household hazardous waste management program;
- (d) Ensure the proper segregation, collection of household hazardous waste, and operationalization of the Materials Recovery Facility pursuant to Republic Act No. 9003;
- (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. – There is hereby created an Inter-Agency Technical Advisory Council (IATAC) for purposes of policy integration, and harmonization and coordination of functions. It shall be composed of thirteen (13) members from the government sector and four (4) members from the private sector. The government sector shall be represented by the heads of the following agencies in their *ex officio* capacity:

- (a) Department of Environment and Natural Resources, as Chairperson;
- (b) Department of Health, as Co-chairperson;
- (c) Department of Science and Technology, as Co-chairperson;
- (d) Department of Agriculture;
- (e) Department of Finance;
- (f) Department of Trade and Industry;
- (g) Department of Foreign Affairs;
- (h) Department of Transportation;
- (i) Department of the Interior and Local Government;
- (j) Department of Labor and Employment;
- (k) Department of Energy;

(l) Department of Justice;

(m) Department of Philippine Economic Zone Authority, in representation of and in consultation with other economic and freeport zones.

The private sector shall be represented by the following:

(n) One (1) representative from civil society;

(o) One (1) representative from TSD facility operators;

(p) One (1) representative from hazardous waste transporters; and

(q) One (1) representative from the academe.

The representatives from the private sector shall be nominated through a process designed by the IATAC and shall be appointed by the Chairperson of the Council, for a term of three (3) years.

SEC. 28. The IATAC Technical Working Group. – The IATAC shall be supported by a technical working group (TWG), 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) Fertilizer and Pesticide Authority of the DA;

(e) Bureau of Soils and Water Management of the DA;

(f) Bureau of Customs of the Department of Finance;

(g) Board of Investments of the DTI;

(h) Bureau of Import Services of the DTI;

(i) National Solid Waste Management Commission (NSWMC)

(j) Land Transportation Office of the DOTr;

(k) Philippine Coast Guard (PCG);

(l) Maritime Industry Authority (MARINA);

(m) Occupational Health and Safety Center of the Department of Labor and Employment;

(n) Civil society organizations;

(o) Business and Industry;

(p) Academe; and,

(q) Other agencies and sectors as may be necessary.

Representatives from the private sector appointed as members of the IATAC shall be automatic members of the IATAC TWG.

The DENR-EMB shall serve as the secretariat of the IATAC and the IATAC TWG.

SEC. 29. Visitorial Powers. –The Secretaries of the Department and the DOH insofar as healthcare facilities and healthcare TSD providers are concerned, or their authorized representatives, and the DOTr insofar as ships and ports are concerned, shall have the right to visit and inspect the premises as well as documents of any generator, transporter, TSD facility, or port reception facility, in order to determine compliance with 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. 30. Financial Liability for Environmental Rehabilitation. – The Department shall require the generators and service providers of hazardous waste to establish their respective Environmental Guarantee Fund (EGF). The EGF of owners of TSD facilities shall form part of the environmental documents required by the Department pursuant to Presidential Decree No. 1586.

The EGF 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. EGF may be used for treatment, storage, disposal and transportation of hazardous waste to address urgent clean-up. 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 Department.

The Department shall issue appropriate rules or guidelines for the implementation of this provision, including the identification of the bond, insurance, or other instruments, in combination with bank guarantee certification that shall be required to comply with the EGF requirements. The instruments and bank guarantee certification, including the amount thereof, shall be obligated with due consideration of the environmental risks involved, and relevant economic factors.

SEC. 31. Hazardous Waste Management Fund. There is hereby established a Hazardous Waste Management Fund (HWMF) to be administered by the Department. The HWMF shall be sourced from the following:

- (a) Fees, charges and fines imposed pursuant to this Act;
- (b) Donations, endowments, grants and contributions; and

The HWMF shall be utilized for the following activities:

- (a) Research and development, capacity-building, enforcement and monitoring activities;
- (b) Information, education and communication campaigns;
- (c) Whenever necessary, provisional payment of expenses for containment; removal; and clean-up of abandoned, accidentally spilled, or illegally dumped hazardous wastes, including repatriation or return of illegal waste shipments to the country of origin; and
- (d) Granting of rewards and incentives.

The polluter shall be held liable for the expenses for the activities under paragraph (c) of the second paragraph of this Section. Such shall include the reimbursement of all expenses provisionally paid for by the government.

CHAPTER V INCENTIVES

SEC. 32. Rewards. – Rewards and recognitions, monetary or otherwise, shall be provided 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. Said rewards shall be sourced from the Fund herein created.

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 an effective hazardous waste management, or actively participate in any program geared towards the promotion thereof as provided for in this Act.

Fiscal Incentives –

- (a) Tax incentives – Any provision of law to the contrary withstanding, registered business enterprises may apply for incentives following the approval process provided under Title XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended, for eligible activities: *Provided*, That such activities shall undergo the standard processes in the identification of qualified activities under the Strategic Investment Priority Plan (SIPP).
- (b) Tax and Duty Exemption of Donations, Legacies, and Gifts – All donations, legacies, and gifts to LGUs, enterprises or private entities including NGOs, for the support and maintenance of programs for the effective management of hazardous waste, shall be exempt from all internal revenue taxes and customs duties, and shall be deductible in full from the gross income of the donor for income tax purposes.
- (c) 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,

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

CHAPTER VI

CIVIL LIABILITY AND PENAL PROVISIONS

SEC. 34. Liability of Generators, Exporters, and Importers. – (a) Generators of hazardous waste shall be primarily responsible for the environmentally sound management of hazardous waste until said waste has been treated or properly disposed of as certified by a duly registered TSD facility:

(b) Exporters of hazardous waste shall be responsible for the treatment and disposal of the waste in accordance with the requirements and procedures of the Basel Convention on the Transboundary movements of Hazardous Waste and Their Disposal and its amendments; and

(c) Importers of recyclable materials that are hazardous waste or containing hazardous substances shall be responsible for the payment of expenses for the return of misdeclared waste to the country of origin.

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

- (a) Discarding, dumping, storing, or disposing 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 and transport of hazardous waste without the permit or registration required under this Act, or in violation of the rules and regulations promulgated therefor;
- (c) Causing or permitting the collection and transport of unsegregated or unsorted hazardous waste, except in cases where the waste was illegally dumped;
- (d) Site preparation, construction, expansion, or operation of TSD facilities without the Environmental Compliance Certificate (ECC) issued under the Environmental Impact Assessment (EIA) System of the Department and this Act, unless the same is otherwise covered under another law that provides for stiffer penalty;
- (e) Owning or operating a TSD facility, or treating, storing, or disposing of any hazardous waste without proper permit or registration, or in violation of the rules and regulations promulgated pursuant to this Act, unless the same is otherwise covered under another law that provides for stiffer penalty;
- (f) Establishing and operating open dumps for hazardous waste;
- (g) Open burning of hazardous waste;
- (h) Importing, causing, or permitting the entry of any hazardous waste into Philippine territory in the absence of an importation clearance secured from the Department, pursuant to the implementing rules and regulations of this Act and the relevant international agreements and protocols;

- 1 (i) Mixing of source-separated recyclable material with other hazardous waste in any
2 vehicle, container, or receptacle used in hazardous waste collection, transportation or
3 disposal;
4
5 (h) Non-submission of the abandonment plan or non-implementation of the post-closure
6 activities as one of the conditions of the ECC required under the EIA System, unless the
7 same is otherwise covered under another law that provides for stiffer penalty;
8
9 (j) Operating a seaport or airport without a hazardous waste reception facility or collection
10 system required pursuant to Section 15;
11
12 (k) Transporting any hazardous waste to a TSD facility that is not authorized to receive such
13 waste pursuant to this Act;
14
15 (l) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data
16 required under this Act or its rules and regulations; and
17
18 (m) Making any false statement, representation, or certification in any application, label,
19 permit, record, report, manifest, or other relevant documents, or willfully destroying, or
20 concealing any record required under this Act or its rules and regulations.
21

22 **SEC. 36. Fines, Damages, and Penalties. –**

- 23 (a) Unless otherwise provided herein, any person who commits any of the prohibited acts
24 described under Section 35, or violates any of the provisions of this Act, the standards
25 established pursuant to this Act, or its implementing rules and regulations, shall be fined
26 by the Pollution Adjudication Board (PAB), after due hearing conducted thereon, in the
27 amount of not less than One hundred thousand pesos (₱100,000.00) but not more than Five
28 million pesos (₱ 5,000,000.00) for every violation: *Provided, however,* That for violation
29 of Section 35 involving the prohibited acts under paragraphs (a), (d), (e), (f), and (k)
30 thereof, the fine shall be imposed for each day of violation. *Provided, further,* That when
31 the violation of the paragraph (e) is committed by an owner of TSD facilities, insofar as
32 the treatment, storage, or disposal of any hazardous waste in violation of the rules and
33 regulations promulgated pursuant to this Act, a stiffer penalty of not less than Five hundred
34 thousand pesos (₱500,000.00) shall be imposed.

35 For purposes of the application of the fines, the PAB shall, within one (1) year from the
36 effectivity of this Act, establish a fine rating system to allow for the adjustment of the
37 maximum fine, based on the violator's degree of willfulness, degree of negligence, degree
38 of severity of the offense, history of non-compliance, degree of recalcitrance, and other
39 pertinent factors.

- 40 (b) The PAB may order the suspension of development or construction, cessation of
41 operations, or closure of the facility, until such time that proper environmental safeguards
42 are in place, or are in compliance with this Act, or its rules and regulations are undertaken
43 by the offender, without prejudice to the issuance of an *ex parte* order for such closure,
44 suspension of development or construction, or cessation of operations during the pendency
45 of the case: *Provided,* That if the prohibited act shall require a cleanup and rehabilitation
46 of the environment, the offender shall also be required to restore the area or pay for the

restoration thereof. Whenever applicable, the PAB may award such damages as it may deem just and fair under the circumstances in favor of a private complainant.

(c) The proper government agency shall file criminal charges against any person who commits a gross violation of this Act following a PAB resolution that proves existence of gross violation. 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), (b), (e), (f), (l), and (n) 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 Department representative.

(d) In case of gross violation of this Act, the offender shall pay a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Ten million pesos (P10,000,000.00), 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 that committed gross violation in relation to post-closure requirements issued pursuant to Section 16 hereof, shall also be banned from setting up any TSD facility or hazardous waste transport company, and engaging in the operation of the same.

If the offender is a foreign national, the offender shall, after service of the sentence prescribed above, be deported without further administrative proceedings.

(e) To compensate for inflation and to maintain its deterrent function, the fines prescribed herein shall be reviewed every three (3) years, and revised when-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 Department 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 Department and the DOH with respect to such standards and limitations.

SEC. 39. Citizen Suit and Strategic Legal Action Against Public Participation (SLAPP) Suit. – The provisions on Citizen and SLAPP Suit under Sections 41 and 43 of Republic Act No. 8749 otherwise known as the Clean Air Act of 1999, shall be adopted for purposes of enforcing the provisions of this Act or its rules and regulations:

CHAPTER VII

MISCELLANEOUS PROVISIONS

SEC. 40. Research and Development on Hazardous Waste Management. – The Department, after consultations with the concerned agencies, shall encourage and render 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) Methods to eliminate said effects or mitigate the health risks related thereto;
- (b) Operation and financing of hazardous waste disposal programs;
- (c) Planning, implementation, and operation of resource recovery and resource conservation systems;
- (d) Cleaner production technologies and circular economy strategies;
- (e) Policy research including regulatory impact assessment; and
- (f) Improvements in land disposal practices for hazardous waste.

The Department, the DOH, and the DOST, or their authorized representatives, shall provide the rules and regulations on the awarding of grants or entering into contracts with government agencies, NGOs, and private persons. These grants and contracts will be for the conduct of hazardous waste research and studies.

CHAPTER VIII

FINAL PROVISIONS

SEC. 41. 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. 42. Report to Congress. – The Department 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. 43. 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.

1 **SEC. 44. Implementing Rules and Regulations.**— Within one (1) year from the effectivity of
2 this Act, the Department and the DOH shall promulgate the rules and regulations for the effective
3 implementation of this Act: *Provided*, That rules and regulations issued by other government agencies
4 and instrumentalities relative to hazardous waste management consistent with this Act, shall
5 supplement the rules and regulations issued by the Department and the DOH, pursuant to the
6 provisions of this Act.

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

9 **SEC. 45. Separability Clause.** – If any provision of this Act or the application of such
10 provision to any person or circumstance is declared unconstitutional, the remainder of this Act or the
11 application of such provision to other persons or circumstances shall not be affected by such
12 declaration.

13 **SEC. 46. Repealing Clause.** –Republic Act No. 6969 otherwise known as the “Toxic
14 Substances and Hazardous and Nuclear Wastes Control Act of 1990”, Republic Act No. 9003, and
15 Republic Act No. 7160, as amended, are modified accordingly. All laws, decrees, issuances, rules
16 and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or
17 modified accordingly.

18 **SEC. 47. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the
19 *Official Gazette* or in a newspaper of general circulation.

20 Approved,
21