

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 97

Introduced by Representative Maria Lourdes Acosta-Alba

EXPLANATORY NOTE

Republic Act No. 6969, also known as the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990," has been inadequate to meet the many concerns pertaining to the management of hazardous and radioactive wastes in the country. This law merely regulates the entry and transit of hazardous and radioactive wastes into our territory, and nothing more.

The proposed measure seeks to legislate a comprehensive policy framework for hazardous, radioactive, and healthcare wastes. The measure shall cover the generation, possession, collection, recovery, reuse, storage, transport, treatment, disposal, and entry/transit of hazardous and radioactive wastes into Philippine territory, with the end view of protecting human health and the environment from potential risks of hazardous and radioactive wastes.

The measure adopts substitute bill to House Bill No. 142, principally authored by this Representative, which this House has already passed in Third and Final Reading during the Seventeenth Congress.

Considering that this measure consolidates Electronic waste (e-waste) recycling and amendments to RA 6969, both of which are part of the President's Legislative Agenda for the Climate Change Adaptation and Mitigation Cluster, and has already passed twice through the House of Representatives, pursuant to our House Rules on bills already approved in Third and Final Reading from the immediately preceding Congress, the swift and urgent approval of this measure is earnestly requested.

A handwritten signature in black ink, appearing to read "Maria Lourdes Acosta".

MARIA LOURDES ACOSTA-ALBA

First District, Bukidnon

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AN ACT
PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND
RADIOACTIVE WASTES MANAGEMENT AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

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

1 **CHAPTER I**
2 **GENERAL PROVISIONS**

3 **SECTION 1. Title.** — This Act shall be known as the "Hazardous and
4 Radioactive Wastes Management Act".

5 **SEC. 2. Declaration of Policy.** — It is hereby declared the policy of the State
6 to advance the protection of human health and the environment from the
7 potential risks of hazardous and radioactive wastes within the framework of
8 sustainable development. Towards this end, the State shall:

9 (a) Develop and implement national and local integrated and
10 comprehensive hazardous and radioactive wastes management
11 programs focusing on pollution prevention and resource
12 conservation and recovery, which shall:

- 13 1. Improve waste management techniques, organizational
14 arrangements, methods of collection, separation and recovery of
15 wastes;
16 2. Promote environmentally safe disposal of residues;
17 3. Minimize the generation of wastes by encouraging cleaner
18 production, process substitution, resource recovery, recycling
19 and reuse, and treatment; and
20 4. Institutionalize public participation in the development and
21 implementation of hazardous and radioactive programs;

22 (b) Promulgate guidelines for the generation, collection, segregation,
23 transport, recovery, storage, treatment and disposal of hazardous
24 and radioactive wastes including emergency and contingency plans
25 for accidents involving these wastes;

- (c) Prohibit and/or restrict the entry, even in transit, of hazardous and radioactive wastes into Philippine territorial limits for whatever purpose, consistent with multilateral international agreements and protocols;
 - (d) Promote a national research and development program for improved hazardous and radioactive wastes management and resource conservation techniques;
 - (e) Formulate and enforce a system of accountability for generators, including the promotion of extended producer responsibility, product stewardship and responsible care program;
 - (t) Promote international environmental standards on waste management; and
 - (g) Strengthen the integration of hazardous and radioactive wastes management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry.

SEC. 3. Coverage of this Act. — This Act shall apply to the generation, possession, collection, recovery, reuse, storage, transport, treatment and disposal of hazardous and radioactive wastes in the country for whatever purpose: *Provided*, That this Act shall cover the entry, even in transit, into Philippine territory of such wastes.

SEC. 4. Definition of Terms. — As used in this Act:

- (a) Abandoned underground mines refer to worked out mineral mines with deep shafts below the ground surface;
 - (b) Best Available Techniques (BAT) refer to any technology that shall take into consideration the costs and benefits of a measure as well as the precaution and prevention including, but not limited to:
 1. The nature, effects and mass of releases concerned;
 2. The consumption and use of raw materials in the process and its energy efficiency;
 3. The need to prevent or reduce to a minimum the overall impact of releases to the environment; and
 4. The need to ensure occupational health and safety at the workplaces;
 - (c) Best Environmental Practices (BEP) refer to practices that are generally accepted as "environmentally friendly", taking into

1 consideration the nature, traditions, and culture of the locality and
2 the technological advances and changes in scientific knowledge and
3 understanding;

4 (d) Borehole facilities refer to those that entail the emplacement of solid
5 radioactive waste in an engineered facility of relatively narrow
6 diameter, bored and operated direct from the surface. These cover a
7 range of design concepts with depths ranging from a few meters up
8 to several hundred meters and its diameters can vary from a few tens
9 of centimeters up to more than one meter;

10 (e) Contaminated site refers to a place or spot where the soil quality
11 exceeds the soil standards set pursuant to Section 16 hereof;

12 (f) Corrective action refers to the steps taken to assess, prioritize and
13 clean up hazardous and radioactive wastes from treatment, storage
14 and disposal facilities (TSDFs) and/or contaminated sites in order to
15 protect health and the environment;

16 (g) Corrosivity refers to a state where the waste has one of the following
17 characteristics and properties:

- 18 1. It is aqueous and has a pH less than or equal to 2 or greater than
19 or equal to 12.5; or
- 20 2. It is liquid and corrodes steel (SAE 1020) at a rate greater than
21 6.35 mm (0.250 inch) per year at a test temperature of 55°C
22 (130°F);

23 (h) Deep injection well refers to a well used for subsurface injection of
24 waste fluids and solids derived from industries such as geothermal
25 and oil and gas into an injection zone;

26 (i) Disposal refers to the discharge, deposit, injection, dumping, spilling,
27 leaking or placing of any hazardous and radioactive wastes into or
28 on any land or water so that these wastes or any constituent thereof
29 may enter the environment or be emitted into the air or discharged
30 into any waters, including ground waters;

31 (j) Generation refers to the act or process of producing hazardous and
32 radioactive wastes;

33 (k) Generator refers to a person, natural or juridical, who produces
34 hazardous and radioactive wastes;

35 (l) Geological repository refers to the isolation of high level radioactive
36 waste using a system of engineered and natural barriers at depths
37 up to several hundred meters in a geologically stable formation;

1 (m) Hazardous waste refers to a substance discarded from commercial
2 and industrial establishments, institutions and healthcare facilities
3 which, because of its concentration or its physical, chemical, or
4 infectious characteristics, may cause or significantly contribute to
5 increases in mortality or serious illnesses, or pose an unreasonable
6 risk and potential threat to human health and the environment;

7 (n) Hazardous and radioactive wastes management refers to the
8 systematic administration of activities which provide for the
9 identification, listing, collection, segregation, storage, transport,
10 recovery, reuse, processing, reprocessing, treatment and disposal of
11 hazardous and radioactive wastes;

12 (o) Healthcare waste refers to total waste stream originating from minor
13 or scattered sources or healthcare units that is generated or
14 produced as a result of the following activities: diagnosis, treatment
15 or immunization of human beings or animals; research pertaining
16 to the above activities; and production or testing of biologicals;

17 (p) Ignitability refers to the characteristic of hazardous wastes that
18 could cause a fire during transport, storage or disposal. Waste
19 matter exhibits the characteristic of ignitability if a sample thereof
20 has any of the following properties:

- 21 1. It is a liquid matter that has a flash point less than 60°C (140°F);
- 22 2. It is not a liquid matter and is capable, under standard
23 temperature and pressure, of causing fire through friction,
24 absorption of moisture or spontaneous chemical changes and,
25 when ignited, burns so vigorously and persistently that it creates
26 a hazard,
- 27 3. It is an ignitable gas; or
- 28 4. It is an oxidizer;

29 (q) Injection zone refers to a geological formation, group of formations
30 or a part of a formation located below the underground source of
31 potable water, and which receives waste fluids or solids through a
32 deep injection well;

33 (r) International environmental standards refer to the requirements or
34 standards under existing international environmental agreements to
35 which the Philippines is a party;

36 (s) Sanitary landfill refers to a waste disposal site designed,
37 constructed, operated and maintained in a manner that exerts
38 engineering control over significant potential environmental impacts
39 arising from the development and operation of the facility;

1 (t) Land disposal refers to the placement of hazardous and radioactive
2 wastes on the surface, near surface and at depths within the soil
3 column;

4 (u) Land treatment or land farming refers to a managed technology that
5 involves the controlled application of waste on the soil surface
6 and/or the incorporation of waste or contaminated soils into the
7 upper soil zone;

8 (v) Level 1 hospital refers to an emergency hospital that provides:

- 9 1. Initial clinical care and management to patients requiring
10 immediate treatment as well as primary care on prevalent
11 diseases in the locality;
- 12 2. Clinical services that include general medicine, pediatrics,
13 obstetrics and nonsurgical gynecology, and minor surgery;
- 14 3. General administrative services that may provide certain ancillary
15 services, including primary clinical laboratory, first level radiology
16 services and pharmacy services; and
- 17 4. Nursing care for patients who require minimal category of
18 supervised care for twenty-four (24) hours or longer;

19 (w) Level 2 hospital refers to a non-departmentalized hospital that
20 provides:

- 21 1. Clinical care and management on the prevalent diseases in the
22 locality;
- 23 2. Clinical services that include general medicine, pediatrics,
24 obstetrics and gynecology, surgery and anesthesia;
- 25 3. Appropriate administrative and certain ancillary services,
26 including secondary clinical laboratory, first level radiology
27 services and pharmacy services; and
- 28 4. Nursing care provided in the Level I hospital as well as
29 intermediate, moderate and partial category of supervised care for
30 twenty-four (24) hours or longer;

31 (x) Level 3 hospital refers to a departmentalized hospital that provides:

- 32 1. Clinical care and management on the prevalent diseases in the
33 locality as well as particular forms of treatment, surgical
34 procedure, and intensive care;
- 35 2. Clinical services provided in the Level 2 hospital as well as
36 specialty clinical care;
- 37 3. Appropriate administrative and certain ancillary services,
38 including tertiary clinical laboratory, second level radiology
39 services and pharmacy services; and

1 4. Nursing care provided in the Level 2 hospital as well as total and
2 intensive skilled care;

3 (y) Level 4 hospital refers to a teaching and training hospital with at
4 least one (1) accredited residency training program for physicians
5 that provides:

- 6 1. Clinical care and management on the prevalent diseases in the
7 locality as well as specialized and subspecialized forms of
8 treatment, surgical procedure, and intensive care;
9 2. Clinical services provided in the Level 3 hospital as well as
10 subspecialty clinical care;
11 3. Appropriate administrative and certain ancillary services,
12 including tertiary clinical laboratory, third level radiology services
13 and pharmacy services; and
14 4. Nursing care provided in the Level 3 hospital as well as
15 continuous and highly specialized critical care;

16 (z) Manifest or consignment note refers to a form prescribed by the
17 Department of Environment and Natural Resources (DENR) and the
18 Philippine Nuclear Research Institute (PNRI) accompanying
19 hazardous and radioactive wastes from the point of generation,
20 through transport, to final disposition;

21 (aa) Military munitions refer to all types of both conventional and
22 chemical ammunition products and their components produced by
23 or for the military for national defense and security, including
24 munitions produced by other parties under contract with, or acting
25 as agent for, the Department of National Defense (DND);

26 (bb) Near surface facilities refer to the disposal site of radioactive waste
27 with or without engineered barrier on or below ground surface where
28 the final protective covering is of the order of a few meters thick or
29 in caverns a few tens of meters below the earth's surface;

30 (cc) On-site treatment facilities refer to facilities of generators who treat
31 their own hazardous and radioactive wastes, either by themselves or
32 through a service provider, inside their facilities in compliance with
33 waste acceptance criteria promulgated by the DENR, the
34 Department of Health (DOH) and the PNRI,

35 (dd) Open burning refers to the destruction of wastes by means of direct
36 exposure to fire;

37 (ee) Person(s) refers to any being, natural or juridical, susceptible of
38 rights and obligations, or of being the subject of legal relations;

1 (ff) Radioactive wastes refer to waste materials that contain or are
2 contaminated with radionuclides at concentrations or activities
3 greater than clearance levels as established by the PNRI;

4 (gg) Reactivity refers to the state of a waste, or a representative sample
5 of the waste, exhibiting any of the following properties:

- 6 1. It is normally unstable and readily undergoes violent change
7 without detonating;
- 8 2. It reacts violently with water;
- 9 3. It forms potentially explosive mixtures with water;
- 10 4. When mixed with water, it generates toxic gases, vapors or fumes
11 in a quantity sufficient to present danger to human health or the
12 environment;
- 13 5. It is a cyanide- or sulfide-bearing waste which, when exposed to
14 pH conditions between 2 and 12.5, can generate toxic gases,
15 vapors or fumes in a quantity sufficient to present a danger to
16 human health or the environment;
- 17 6. It is capable of detonation or explosive reaction if subjected to a
18 strong initiating source or if reacted under confinement; or
- 19 7. It is readily capable of detonation or explosive decomposition or
20 reaction at standard temperature and pressure;

21 (hh) Resource recovery refers to the collection, extraction or recovery of
22 recyclable materials from the waste stream for the purpose of
23 recycling, generating energy or producing a product suitable for
24 beneficial use;

25 (ii) Segregation refers to a waste management practice of separating
26 different materials found in hazardous waste in order to promote
27 recycling and reuse of resources and to reduce the volume of waste
28 for collection and disposal. This also refers to separating radioactive
29 wastes according to level of activity, physical form and half-life;

30 (jj) Special hazardous wastes refer to substances discarded from
31 households consisting of consumer or industrial goods or products
32 which become hazardous at the end of their useful life by virtue of
33 their hazardous content which may be released to the environment
34 upon indiscriminate disposal;

35 (kk) Storage refers to the containment of hazardous and radioactive
36 wastes, either on a temporary basis or for a period of years,
37 consistent with the guidelines as prescribed by the DENR and in
38 such a manner as not to constitute the disposal of such wastes;

39 (ll) Surface impoundments refer to pits, ponds, lagoons, and dike areas
40 that are either natural topographic depression or man-made
41 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;

- (mm) Toxicity refers to the degree of danger posed by a substance to humans or animals due to its acute lethality, chronic and subchronic toxicity, carcinogenicity, teratogenicity or mutagenicity, among others;
 - (nn) Treatment refers to any method, technique, or process designed to change the physical, chemical or biological character or composition of any hazardous and radioactive wastes so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume; and
 - (oo) Waste acceptance criteria refers to a list of parameters which describes the minimum characteristics which the waste should possess before it is accepted in a TSDF.

CHAPTER II

MANAGEMENT SYSTEM

SEC. 5. Identification and Listing of Hazardous Wastes. — Within six (6) months from the effectivity of this Act, the DENR shall, after notice and public consultation, develop, formulate and publish criteria for identifying and listing the characteristics of hazardous wastes, taking into account, but not limited to, toxicity, persistence, reactivity and degradability in nature, potential for accumulation in tissue and other related factors. The criteria shall be reviewed and revised every four (4) years thereafter, or as the need arises: Provided, That within six (6) months from the effectivity of this Act, the DENR, in coordination with the Department of the Interior and Local Government (DILG), after public consultation, shall formulate criteria for identifying and listing the categories of hazardous wastes to be regulated, taking into account, but not limited to, the presence of toxicity, reactivity, ignitability and corrosivity.

SEC. 6. Notification of Hazardous and Radioactive Wastes Activity. — Upon the effectivity of this Act, any person generating or managing hazardous or radioactive wastes is required to notify in writing the DENR, the DOH, and the PNRI of their hazardous or radioactive wastes activities specifying, among others, the types of wastes, quantities and containers used for storage, including incidents involving hazardous and radioactive wastes.

SEC. 7. National Hazardous and Radioactive Wastes Status Report. — The DENR, in coordination with the DOH, the PNRI, and other concerned agencies, shall, within six (6) months after the formulation of the criteria for identifying and listing of hazardous and radioactive wastes pursuant to this Act, prepare a National Hazardous and Radioactive Wastes

1 Management Status Report which shall be used as a basis in formulating
2 the National Hazardous and Radioactive Wastes Management Framework
3 as provided in Section 8 of this Act. The report shall include, but not limited
4 to, the following:

- 5 (a) Inventory of existing hazardous and radioactive wastes and their
6 depots and facilities;
- 7 (b) General waste characterization, taking into account, but not limited
8 to, the source, type, and quantity of hazardous and radioactive
9 wastes generated;
- 10 (c) Projection of hazardous and radioactive wastes generation, including
11 quantity for reduction, recovery and reuse;
- 12 (d) Listing of TSDFs, including transporters of hazardous and
13 radioactive wastes; and
- 14 (e) Listing of identified contaminated sites.

15 **SEC. 8. National Hazardous and Radioactive Wastes Management**

16 **Framework** - Within eighteen (18) months from the effectivity of this Act,
17 the DENR, in coordination with the DOH, the PNRI, and other appropriate
18 agencies and entities, shall prepare and formulate a National Hazardous
19 and Radioactive Wastes Management Framework, herein referred to as the
20 "Framework", that shall embody policies established pursuant to this Act.
21 Specifically, the Framework shall contain the following:

- 22 (a) Strategies and techniques for hazardous and radioactive wastes
23 control;
- 24 (b) Proper transport, treatment, storage and disposal systems of
25 hazardous and radioactive wastes;
- 26 (c) Goals and targets for waste reduction;
- 27 (d) Period of compliance for waste reduction;
- 28 (e) Information and education campaign;
- 29 (f) Human resources development; and
- 30 (g) Roles and responsibilities of relevant government agencies.

31 The Framework shall be adopted as the official blueprint for hazardous and
32 radioactive wastes management with which all relevant government
33 agencies must comply.

1 **SEC. 9. Use of BAT and BEP in Hazardous and Radioactive Wastes**
2 **Management.** — Generators and owners of TSDFs are required to use
3 BAT/BEP in hazardous and radioactive wastes management. The DENR, in
4 coordination with the Inter-Agency Technical Advisory Council (IATAC)
5 created herein, shall formulate criteria in assessing the proposed BAT/BEP
6 to be used. In the formulation of these criteria, consideration shall be given,
7 among others, to the relative economic feasibility of the technology.

8 **SEC. 10. Requirements for Generators of Hazardous and Radioactive**
9 **Wastes.** — Within six (6) months after the effectivity of this Act, the DENR,
10 the DOH, and the PNRI shall establish requirements for generators of
11 hazardous and radioactive wastes. These requirements shall ensure that
12 the generators shall be responsible for the proper management of the
13 wastes generated and bear the costs for proper storage, transport,
14 treatment and disposal of such wastes. The requirements shall include, but
15 not limited to, the following:

- 16 (a) Recordkeeping practices that accurately identify the quantities of
17 such hazardous and radioactive wastes generated, the constituent of
18 which are significant in quantity or are potentially harmful to human
19 health or the environment, and the disposition of such wastes;
- 20 (b) Use of appropriate storage facilities and containers to prevent the
21 release of materials to the environment;
- 22 (c) Labeling practices for any containers used for the storage, transport
23 or disposal of such hazardous and radioactive wastes that will
24 identify accurately such wastes;
- 25 (d) Use of a manifest or consignment note system and any other means
26 necessary to assure that all hazardous and radioactive wastes
27 generated are designated and/or recorded for treatment, storage or
28 disposal in TSDFs with appropriate permit issued pursuant to this
29 Act. The manifest shall also record transportation details of said
30 wastes;
- 31 (e) Emergency and contingency plans for effective action to minimize
32 damage and contain and mitigate effects of spills and accidents in
33 connection with the generation, transport, storage or disposal of
34 such wastes;
- 35 (I) When it is necessary to transport the wastes, the generators shall
36 only engage the services of transporters and TSDFs holding permits
37 issued pursuant to this Act; and
- 38 (g) The waste generator of radioactive wastes shall secure an authority
39 from the PNRI for the transport of radioactive wastes to the treatment
40 facility.

1 **SEC. 11. Requirements Applicable to Transporters of Hazardous and**
2 **Radioactive Wastes.** — Within six (6) months after the effectivity of this
3 Act, the DENR, in coordination with the DOH, the PNRI, and the
4 Department of Transportation (DOT), shall establish requirements
5 applicable to transporters of hazardous and radioactive wastes necessary
6 to protect human health and the environment. These requirements shall
7 include, but not limited to, the following:

- 8 (a) Recordkeeping of such wastes transported, their source and delivery
9 points;
- 10 (b) Use of carriers duly registered with the DOT;
- 11 (c) Transport of wastes only if properly labeled,
- 12 (d) Transport of wastes only to the TSDF which the generator designates
13 in the manifest form to be a facility holding the appropriate permit
14 issued pursuant to this Act;
- 15 (e) Emergency and contingency plans for effective action to minimize
16 the damage and contain and mitigate effects of spills and accidents
17 in connection with the transport of such wastes; and
- 18 (f) Coordination with other concerned government agencies in the event
19 that the transport of such hazardous and radioactive wastes to
20 designated TSDFs requires security escort or police
21 protection/assistance.

22 **SEC. 12. Requirements Applicable to Owners of Hazardous and**
23 **Radioactive Wastes TSDFs.** — Within six (6) months after the effectivity
24 of this Act, the DENR, in coordination with the DOH and the PNRI, shall
25 establish requirements applicable to owners of TSDFs of hazardous and
26 radioactive wastes: Provided, That the DENR, the DOH and the PNRI shall,
27 where applicable, distinguish requirements appropriate for new and
28 existing facilities at the time of the effectivity of this Act. These
29 requirements shall include, but not limited to, the following:

- 30 (a) Performance standard for the design, construction, operation,
31 maintenance and monitoring of the facility;
- 32 (b) Requirements and standards to ensure adequate resources,
33 including human and financial, throughout the life cycle of the
34 facility;
- 35 (c) Requirements and standards for the closure, decommissioning and
36 post-closure care, monitoring and maintenance and use of the
37 facility;
- 38 (d) Waste acceptance requirements and procedures, approved by the
39 DENR, the DOH and the PNRI, for different types of hazardous and
40 radioactive wastes 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/or disposal of hazardous and radioactive wastes.

SEC. 13. Categories of TSDFs for Hazardous and Radioactive Wastes.

— Within six (6) months after the effectivity of this Act, the DENR shall formulate specific, relevant and appropriate criteria for waste acceptance and standards for TSDFs identified hereunder: Provided, however, That the DENR shall revise, as the need arises, the regulations, standards and guidelines applicable to the categories listed hereunder, taking into account the improvements in the technology of control and measurement. The categories of TSDFs are as follows:

- (a) Facilities that conduct on-site treatment and disposal of hazardous wastes generated or produced at the premises for noncommercial purposes.

The DENR shall encourage on-site treatment of hazardous wastes by, among other things, providing for incentives: *Provided, That* generators who undertake partial treatment of wastes shall not be considered as on-site facility;

- (b) Hazardous waste thermal treatment facilities.

'TSDFs in this category are facilities that conduct treatment of hazardous wastes employing thermal technologies;

- (c) Landfills that accept hazardous wastes for disposal.

The DENR shall, after due review and public consultation, promulgate criteria and regulations on the disposal of hazardous wastes in landfills taking into account the following factors:

1. The long-term uncertainties associated with land disposal;
 2. The goal of managing hazardous wastes in an appropriate manner in the first instance, and
 3. The persistence, toxicity, mobility and propensity to bioaccumulate of such hazardous wastes and their hazardous constituents.

For this purpose, the disposal of hazardous wastes in landfills shall ensure no migration of hazardous constituents of the wastes. The disposal in landfills of wastes containing hazardous solvents, pesticides and polycyclic hydrocarbons as determined by the DENR, after public consultation, are prohibited.

1 Within six (6) months from the preparation of the status report, the
2 DENR shall review, classify and rank, subject to public
3 consultations, all hazardous wastes listed pursuant to this Act other
4 than those wastes which are referred to in paragraph 3 of this
5 category or deep injection wells. Within twelve (12) months
6 thereafter, the DENR, when necessary, shall promulgate regulations
7 prohibiting disposal in landfills of such hazardous wastes listed and
8 ranked: Provided, That the DENR shall promptly publish in a
9 newspaper of general circulation notice of such determination,
10 together with an explanation of the basis for such determination:
11 Provided, further, That the storage of hazardous and radioactive
12 wastes in landfills is hereby prohibited;

13 (d) Facilities that recycle or reprocess hazardous wastes which are not
14 generated or produced at the premises.

15 The DENR, in coordination with the Department of Science and
16 Technology (DOST), shall promulgate standards for this category of
17 TSDFs. Facilities in this category are those that receive off-site
18 treatment of hazardous wastes and recover valuable materials from
19 hazardous wastes, use hazardous wastes as input materials or fuel
20 for production, or produce compost by biological treatment of
21 hazardous wastes. It also includes, but not limited to, recyclers of
22 used lead-acid batteries, precious and nonprecious metals and oil
23 recyclers;

24 (e) Other off-site treatment facilities.

25 Facilities in this category are those facilities that receive hazardous
26 wastes outside the premises and transform physical and/or chemical
27 characteristics of hazardous wastes in order to dispose of them into
28 landfills;

29 (t) Facilities that store hazardous and radioactive wastes which are not
30 generated or produced at the premises within allowable period.

31 The storage of any hazardous and radioactive waste is prohibited,
32 unless such storage is solely for the purpose of consolidation prior to
33 proper recovery, treatment or disposal but shall not be longer than
34 what is prescribed by the DENR; and

35 (g) Other land disposal facilities.

36 Engineered facilities under this category shall include deep injection
37 wells, borehole facilities, near surface facilities, surface
38 impoundments, and land farming and abandoned underground
39 mines.

SEC. 14. Closure Plan. — The owner of a TSDF shall submit a closure plan, including the funds and human resources necessary for the same, subject to the review and approval of the DENR.

SEC. 15. Post-Closure of Facility. — The owner of a TSDF must close the facility upon the termination of its operation and shall, after such closure, provide for its protection during the post-closure care period, in accordance with the requirements of the DENR and the closure plan and shall provide the funds and human resources necessary for the monitoring, repair or maintenance of the facility during the period. The owner shall maintain a hazardous waste facility permit for the post-closure care period pursuant to Chapter VII hereof.

SEC. 16. Formulation of Soil and Sediment Quality Guidelines for Identification of Contaminated Sites. — Within six (6) months from the effectivity of this Act, the DENR, in coordination with other relevant government agencies, shall formulate soil and sediment quality guidelines which shall be used to determine contaminated sites.

SEC. 17. Registry of Contaminated Sites. — The DENR shall maintain a registry of contaminated sites in the country: Provided, That the DENR shall take all necessary actions to ensure that the registry provides a complete listing of the exact locations of all sites and the types of contamination found thereat: Provided, further, That in developing and maintaining the registry, the DENR shall assess, based upon new information received, the relative priority of the need for action at each site to institute remedial environmental activities and mitigate adverse health impacts resulting from the presence of hazardous and radioactive wastes at such sites.

SEC. 18. Import of Hazardous and Radioactive Wastes. - The DENR and the PNRI shall promulgate the rules and regulations on the import of hazardous and radioactive wastes consistent with relevant multilateral international agreements and protocols.

SEC. 19. Market-Based Instruments. — Within six (6) months from the effectiveness of this Act, the DENR shall, in coordination with the manufacturers of commercial or industrial products, identify and implement market-based instruments including extended producer responsibility, buy-back program, responsible care and products stewardship programs that shall promote cleaner production, waste minimization and resource recovery: Provided, That the DENR shall identify and list products that shall be covered by such programs.

CHAPTER III

RADIOACTIVE WASTES

1 **SEC. 20. Listing of Radioactive Wastes.** — Within six (6) months from
2 the effectivity of this Act, the DOST and the PNRI, in coordination with the
3 DENR, after public consultation, shall formulate and publish the criteria
4 for identifying and listing the types of radioactive wastes to be monitored
5 and regulated.

6 **SEC. 21. Classification of Radioactive Wastes.** — The PNRI shall
7 establish the waste classification system based on internationally
8 acceptable guidelines. The classification system shall be based primarily
9 on the safety aspects of radioactive wastes disposal: *Provided*, That other
10 stages of radioactive wastes management may also be developed by the
11 PNRI.

12 **SEC. 22. Management of Radioactive Wastes.** — Pursuant to Sections
13 10, 11, and 12 hereof, the PNRI shall promulgate the rules and regulations
14 on radioactive wastes management. The rules and regulations shall be
15 based on the BAT to limit the outflow of radioactive substances to the
16 environment, taking into account the benefits as well as the cost of the
17 measures to be undertaken. The measures shall be both technically and
18 economically feasible: *Provided*, That the rules and regulations may be
19 based on, but not limited to, the following methods of radioactive wastes
20 management:

- 21 (a) Dilute and Disperse — Radioactive waste with activity level that may
22 be disposed of as ordinary waste into the sewer sanitary landfills;
- 23 (b) Delay and Decay Storage of short-lived radionuclides under well-
24 controlled conditions until the radioactivity has decayed to a level
25 which meets the established exemption or clearance limits for such
26 waste; and
- 27 (c) Characterization, Segregation, Treatment, Conditioning, Transport,
28 Storage and Disposal — Management of radioactive waste containing
29 long-lived radionuclides, including disused sealed sources, and
30 other wastes that cannot be managed under subsections (a) and (b)
31 of this section.

32 The acceptable storage period for conditioned wastes prior to the
33 establishment of a final disposal repository shall be a maximum period of
34 fifty (50) years.

35 **SEC. 23. Guidelines for the Acceptance of Radioactive Wastes by
36 Transporters and TSDFs.** — Within six (6) months after the effectivity of
37 this Act, the PNRI shall formulate specific, relevant and appropriate waste
38 acceptance criteria for transporters and TSDFs of radioactive wastes:
39 *Provided*, That no radioactive waste shall be accepted unless it complies
40 with the waste acceptance criteria formulated pursuant hereof.

SEC. 24. Site Requirements and Selection Criteria. — The PNRI shall develop and promulgate the generic site requirements for locating a final repository for radioactive wastes.

SEC. 25. Safety Assessment. — The PNRI shall develop and promulgate the criteria and regulations on the performance requirements and safety assessment of TSDFs: Provided, That the safety assessment shall, among others, address both radiological and nonradiological risks: Provided, further, That non-radiological environmental impact assessment shall be carried out in accordance with relevant environmental laws.

SEC. 26. Emergency Preparedness. — The PNRI shall promulgate the requirements and guidelines on the formulation of emergency plans commensurate to the seriousness of the accidents that may occur at the TSDFs.

SEC. 27. Security. — The PNRI shall promulgate the guidelines on security arrangements to be put in place to ensure that radioactive waste is not accidentally or deliberately removed from its proper location. Particular attention shall be given to materials of intrinsic value that could pose a serious threat to human health and the environment if control is lost.

CHAPTER IV

HAZARDOUS HEALTHCARE WASTES

SEC. 28. Listing of Hazardous Healthcare Wastes. — Within six (6) months from the effectivity of this Act, the DOH, in coordination with the DENR and the DILG, after public consultation, shall formulate the criteria for identifying and listing the categories of hazardous healthcare wastes to be tracked and regulated. In the formulation of such criteria, the DOH shall take into account, but not limited to, the presence of infectious agents, toxicity, reactivity, ignitability and corrosivity.

SEC. 29. Management of Hazardous Healthcare Wastes in Hospitals and Other Healthcare Facilities. - Pursuant to Sections 10, 11, and 12 hereof, the DOH shall promulgate the rules and regulations on the effective management of hazardous healthcare wastes in hospitals and other healthcare facilities. The rules and regulations shall include, but not limited to, the following:

- 34 (a) Hospitals and other healthcare facilities shall practice or implement
35 waste minimization and segregation at source;

36 (b) Appropriate storage receptacles or bins shall be provided for each
37 healthcare waste category;

- (c) Labeling of receptacle per waste category shall likewise be implemented for identification of waste and management measures in case of accidents;
 - (d) All hazardous healthcare wastes shall be collected and stored in designated on-site storage areas until transported to a TSDF;
 - (e) Treatment of hazardous healthcare wastes on-site shall be done through appropriate treatment methods;
 - (f) Upon the approval of the DENR, healthcare facilities with capacity to manage hazardous healthcare wastes on-site may also treat for a fee the hazardous healthcare wastes generated by other healthcare facilities: *Provided*, That for the off-site treatment requirements of storage and disposal of such wastes, guidelines for facilities under paragraphs (b) to (f) of Section 13 of this Act shall apply: *Provided*, finally, That in the case of treatment of radioactive healthcare wastes, approval of the PNRI shall be secured;
 - (g) For hazardous healthcare liquid wastes, all healthcare facilities shall provide wastewater treatment facilities and comply with the effluent standards set by the DENR. The treatment and disposal of sludge shall conform to the provisions of this Act; and
 - (h) To ensure the proper management of hazardous healthcare wastes, a Committee on Hazardous Healthcare Waste Management may be created in all healthcare facilities: *Provided*, That in all Level 1, Level 2, Level 3 and Level 4 hospitals, the creation of this committee shall be mandatory. The committee shall also develop an emergency plan to ensure immediate and appropriate action once an emergency occurs. For other healthcare establishments, a hazardous healthcare waste management officer shall be designated.

CHAPTER V

SPECIAL HAZARDOUS WASTES

SEC. 30. Collection of Special Hazardous Wastes. — The local government units (LGUs) shall be responsible for the collection of special hazardous wastes, as listed by the DENR in accordance with Section 5 hereof, from persons and households: Provided, That the LGUs may enter into agreement with entities duly accredited by the DENR for the collection of special hazardous wastes.

SEC. 31. Market-Based Instruments (MBIs) for Special Hazardous Wastes. — The LGUs shall enact appropriate ordinances implementing MBIs such as responsible care, extended producer responsibility or product stewardship program that shall include, but not limited to, take-

1 back or return-to-supplier schemes that shall promote waste minimization
2 and resource recovery.

3 **SEC. 32. Transport, Treatment, Storage and Disposal of Special**
4 **Hazardous Wastes.** - Upon collection of special hazardous wastes by the
5 LGUs pursuant to Section 30 hereof, the transport, treatment, storage and
6 disposal of special hazardous wastes shall be regulated in accordance with
7 this Act.

8

9 **CHAPTER VI**
10 **INSTITUTIONAL MECHANISM**

11 **SEC. 33. Lead Agency.** — The DENR shall be the primary government
12 agency responsible for the implementation and enforcement of this Act,
13 including in Philippine Economic Zone Authority (PEZA) areas, special
14 economic and freeport zone areas, and Board of Investments (BOI) areas
15 unless otherwise provided herein. As such, it shall have the following
16 functions, powers and responsibilities:

- 17 (a) Prepare a National Hazardous and Radioactive Wastes Report;
- 18 (b) Prepare a National Hazardous and Radioactive Wastes Management
19 Framework;
- 20 (c) Develop and promulgate criteria for identifying and listing the
21 characteristics of hazardous and radioactive wastes;
- 22 (d) Establish, enforce, review and revise standards for generators of
23 hazardous and radioactive wastes;
- 24 (e) Establish, enforce, review and revise standards for transporters of
25 hazardous and radioactive wastes;
- 26 (f) Establish, enforce, review and revise standards applicable to owners
27 and operators of facilities for the treatment, storage and disposal of
28 hazardous and radioactive wastes;
- 29 (g) Exercise jurisdiction over all aspects of generation, possession,
30 collection, destruction, recovery, use, storage, transportation, entry
31 into, even in transit, treatment and disposal of hazardous and
32 radioactive wastes;
- 33 (h) Evaluate applications for and issue permits and licenses pursuant
34 to this Act;
- 35 (i) Revoke, modify or deny, in accordance with the standards, rules and
36 regulations, hazardous waste transporter licenses, TSDFs permits
37 and other permits/licenses issued in accordance with this Act;

- (j) Establish a cooperative effort among the national government, LGUs, academic institutions, civil society and the private sector to attain the objectives of this Act;
 - (k) Develop and implement programs to achieve goals and objectives set under this Act;
 - (l) Accept, receive and administer grants or other funds or gifts from public and private agencies for the purpose of carrying out the provisions of this Act;
 - (m) Secure necessary scientific, technical, including laboratory facilities, by contract or otherwise;
 - (n) Encourage, coordinate, participate in or conduct studies, investigations, research and technical demonstrations relating to hazardous and radioactive wastes management as it may deem advisable and necessary for the discharge of its duties pursuant to this Act;
 - (o) Encourage waste reduction, resource recovery, exchange and energy conservation in hazardous and radioactive wastes management;
 - (p) Oversee any corrective action work undertaken pursuant to the rules and regulations issued in accordance with this Act;
 - (q) Formulate and undertake the appropriate protocol with other concerned agencies for immediate coordinated responses to hazardous and radioactive wastes-related emergency incidents;
 - (r) Issue order against any person or entity and impose fines, penalties and other administrative sanctions to compel compliance with the provisions hereof, standards, rules and regulations issued pursuant to this Act; and
 - (s) Exercise such powers and perform such other functions as may be necessary to carry out the objectives of this Act.

SEC. 34. 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 wastes to be monitored and regulated;
 - (b) Develop and promulgate the rules and regulations on the effective management of hazardous healthcare wastes 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. 35. Role of the PNRI. — The PNRI shall be primarily responsible in performing the following duties and responsibilities:

- (a) Develop and promulgate regulations establishing a program for the monitoring of the radioactive wastes listed pursuant to this Act;
 - (b) Develop, promulgate, and publish the criteria for identifying and listing the types of radioactive wastes to be monitored and regulated;
 - (c) Develop and promulgate the rules and regulations on the radioactive wastes management pursuant to Section 22 hereof;
 - (d) Formulate specific, relevant and appropriate waste acceptance criteria for transporters and TSDFs of radioactive wastes pursuant to Section 23 hereof;
 - (e) Exercise jurisdiction over all aspects of generation, possession, collection, recovery, transport, entry, even in transit, into Philippine territory, treatment, storage and disposal of radioactive wastes; and
 - (f) Exercise such powers and perform such other functions as may be necessary to carry out the provisions of this Act.

SEC. 36. 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 generators, transports, and TSDFs;
 - (b) Prepare a compliance scheme in accordance with their special hazardous wastes management program;
 - (c) Ensure the proper segregation and collection of special hazardous wastes;
 - (d) Develop government and community preparedness and responsiveness for emergencies arising from hazardous and radioactive wastes;
 - (e) Participate in all efforts concerning hazardous and radioactive wastes management; and

1 (f) Enact appropriate ordinances to implement the LGUs' role in this
2 Act.

SEC. 37. Inter-Agency Technical Advisory Council (IATAC). — For purposes of policy integration and harmonization and coordination of functions, there is hereby created an InterAgency Technical Advisory Council (IATAC) which shall be attached to the DENR and which shall 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;
 - (e) Secretary of Finance;
 - (f) Secretary of Trade and Industry;
 - (g) Secretary of National Defense;
 - (h) Secretary of Foreign Affairs;
 - (i) Secretary of Transportation;
 - (j) President of the League of Cities;
 - (k) President of the League of Municipalities;
 - (l) President of the League of Provinces;
 - (m) President of the League of Barangays;
 - (n) Director General of the PEZA;
 - (o) Representative from civil society organizations;
 - (p) Representative from the industry;
 - (q) Representative from TSDF operators; and
 - (r) Representative from the academe.

26 The IATAC shall perform the following functions, among others:

- 1 . Develop and promulgate the criteria in assessing the proposed BAT/BEP to be used in accordance with Section 9 hereof; and
 2. Constitute and authorize a multidisciplinary body to conduct an annual audit to determine the compliance of TSDF operators with the terms and conditions in the permits and licenses issued pursuant to this Act.

33 Representatives of civil society organizations, the academe, TSDF operators
34 and the industry shall be nominated through a process designed by the
35 IATAC and shall be appointed by the President for a term of three (3) years.

1 **SEC. 38. The IATAC Technical Working Group.** — The IATAC shall be
2 supported by a technical working group (TWG) which shall be composed of
3 representatives from the following agencies and institutions:

- 4 (a) Environmental Management Bureau (EMB) of
5 the DENR;
- 6 (b) Environmental and Occupational Health Office
7 of the DOH;
- 8 (c) PNRI of the DOST;
- 9 (d) Industrial Technology Development Institute of the DOS T;
- 10 (e) Bureau of Health Facilities and Services of the DOH;
- 11 (f) Bureau of Soil and Water Management of the Department of
12 Agriculture (DA);
- 13 (g) Fertilizer and Pesticide Authority of the DA;
- 14 (h) Bureau of Customs of the Department of Finance (DOE);
- 15 (i) Bureau of International Trade Relations of the DTI•
- 16 (j) BOI of the DTI;
- 17 (k) Bureau of Import Services of the DTI;
- 18 (l) DND;
- 19 (m) Land Transportation Office (LTO) of the DOT;
- 20 (n) Occupational Health and Safety Center of the Department of Labor
21 and Employment (DOLE);
- 22 (o) Philippine Coast Guard;
- 23 (p) Civil society organizations;
- 24 (q) Industry; and
- 25 (r) Academe.

26 The TWG shall provide technical support to the IATAC. Representatives of
27 civil society organizations, industry and the academe shall be nominated
28 through a process designed by the IATAC.

29 **SEC. 39. Linkage Mechanism.** — The DENR and its concerned agencies
30 may coordinate and enter into agreement with other government agencies,
31 civil society, industrial sector and other concerned sectors in the
32 furtherance of the policies of this Act: *Provided, That* the DENR shall
33 coordinate with the DILG and the Philippine National Police (PNP) in the
34 enforcement of the requirements for transporters issued pursuant to this
35 Act.

36 **SEC. 40. Visitorial Powers.** — The DENR, the PNRI and the DOH or their
37 duly authorized representatives shall have access to, and the right to copy
38 therefrom, the records required to be maintained pursuant to the
39 provisions of this Act. The Secretaries of the DENR and the DOH and the
40 Director of the PNRI or their authorized representatives shall likewise have
41 the right to enter the premises of any generator, transporter or TSDF any
42 time to question any employee or investigate any fact, condition or matter
43 which may be necessary to determine any violation, or which may aid in

1 the effective enforcement of this Act and its implementing rules and
2 regulations. This section shall not apply to private dwelling places unless
3 the visitorial power is otherwise judicially authorized.

4

CHAPTER VII

PERMITS AND FEES

5

6 **SEC. 41. Permits for Treatment, Storage or Disposal of Hazardous and**
7 **Radioactive Wastes. —**

8 (a) Any person owning an existing or a new TSDF for hazardous or
9 radioactive wastes identified or listed pursuant to this Act is required
10 to secure a permit or license pursuant to this section. The DENR and
11 the PNRI shall prescribe reasonable fees for the issuance of the said
12 permit or license.

13 (b) Duration of Permit — Any permit under this section shall be issued
14 annually during the first three (3) years of operation as a TSDF.
15 Thereafter, the DENR and the PNRI may issue a permit or license
16 with a validity of five (5) years to a TSDF which has satisfactorily
17 complied with the rules and regulations issued pursuant to this Act
18 for the first three (3) years of operation: Provided, That an annual
19 audit shall be conducted by a multidisciplinary body constituted and
20 authorized by the IATAC created pursuant hereof.

21 (c) Permit Modification, Suspension and Revocation — The DENR and
22 the PNRI shall modify, suspend and revoke such permit upon a
23 determination of noncompliance by a TSDF with the relevant
24 provisions of this Act or the terms and conditions of the permit.

25 (d) Interim Status A permit to operate a TSDF issued prior to this Act
26 shall be valid and in force for a period of twelve (12) months after the
27 effectivity of this Act: Provided, That the required application for the
28 TSDF permit or license shall have been filed within the said twelve
29 (12)-month period: Provided, further, That this paragraph shall not
30 apply to any facility which has been previously denied a TSDF permit
31 or license or if the authority to operate the facility has been previously
32 terminated.

33 **SEC. 42. Hazardous and Radioactive Wastes Transporter License. —**

34 (a) Any person transporting any hazardous and radioactive waste is
35 required to secure a waste transporter license from the DENR,
36 subject to payment of a reasonable fee.

37 (b) Duration of License A waste transporter license shall be valid for a
38 period of one (1) year.

(c) License Modification, Suspension and Revocation — The DENR and the PNRI shall modify, suspend and revoke such license upon a determination of noncompliance by a transporter with the relevant provisions of this Act or the terms and conditions of the permit.

A license is not required for the transport of any hazardous or radioactive waste on the premises where it is generated or onto a property owned by the generator thereof located within a one (1) kilometer radius from said premises or within the same industrial estate: Provided, That the DENR is notified in writing prior to the transfer and a week after the transfer has been completed. Nothing in this section shall be interpreted to preclude the DENR and the PNRI from inspecting unlicensed hazardous waste transporting equipment and requiring that it be adequate to provide protection to human health and the environment.

SEC. 43. Hazardous Waste Disposal Fee. — All hazardous waste disposal facilities shall collect, on behalf of the government, from each hazardous waste generator or transporter disposing such waste at the disposal site, a fee that shall accrue to the general fund. The fee shall be established by the DENR, taking into consideration the following:

- (a) Strong economic inducement for generators to modify their production or management processes;
 - (b) Cost of administering hazardous and radioactive wastes management;
 - (c) Cost of damages caused by hazardous and radioactive wastes on the surrounding environment, including that of rehabilitation;
 - (d) Category of waste; and
 - (e) Classification of waste.

The which shall be established after due public consultation, shall be based on the quantity of waste disposed.

CHAPTER VIII

FINANCING HAZARDOUS WASTES MANAGEMENT

SEC. 44. Financial Liability for Environmental Rehabilitation. — The DENR shall require generators and owners of TSDFs to put up an Environmental Guarantee Fund (EGF) as part of the Environmental Management Plan attached to the Environmental Compliance Certificate (ECC) required pursuant to Presidential Decree No. 1586 and its implementing rules and regulations. The EGF shall finance the needs of

emergency response, cleanup or rehabilitation of areas that may be damaged during the generation, transport, treatment, storage or disposal of hazardous and radioactive wastes. 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 may be in the form of a trust fund, environmental insurance, surety bonds, letters of credit, self-insurance and any other instrument which may be identified by the DENR. The choice of the guarantee instrument or combinations thereof shall depend, among others, on the assessment of the risks involved. Proponents required to put up guarantee instruments shall furnish the DENR with evidence of availment of such instruments.

SEC. 45. Performance Bond. — Prior to the issuance of the required permit to operate, the DENR shall require a transporter, owner of treatment/storage facility to post a performance bond. The performance bond shall be forfeited in the event of abandonment of sites and/or non-performance of post-closure requirements issued pursuant to Section 15 hereof: Provided, That this provision shall not apply to state-owned treatment/storage facilities and to recyclers identified and listed pursuant to this Act.

CHAPTER IX

INCENTIVES

SEC. 46. Rewards. — Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including nongovernment organizations (NGOs) that have undertaken outstanding and innovative projects, technologies, processes, and techniques, or activities for the management of hazardous and radioactive wastes.

SEC. 47. 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 and radioactive wastes management, or actively participate in any program geared towards the promotion thereof, consistent with the objectives of this Act.

(a) Tax and Duty Exemption on Imported Capital Equipment Within five (5) years after the effectivity of this Act, registered enterprises, LGUs and NGOs shall enjoy tax and duty-free importation of machinery, equipment, technology, spare parts and specialized types of vehicles used for the transport, processing, storage, and treatment of hazardous and radioactive wastes, including cleaner production and waste minimization technologies: Provided, That the importation of such machinery, equipment, technology, vehicles, and spare parts shall comply with the following conditions:

- (1) These are not manufactured domestically in sufficient quantity, of comparable quality and at reasonable prices;
 - (2) These are reasonably needed and will be used actually, directly and exclusively for the abovementioned activities; and
 - (3) The importation of such machinery, equipment, technology, vehicles, and spare parts should be approved by the BOI of the DTI: Provided, further, That the sale, transfer or disposition of such machinery, equipment, technology, vehicles, and spare parts, without prior approval of the BOI, within five (5) years from the date of acquisition, shall be prohibited; otherwise, the registered enterprise, LGU or NGO concerned and the buyer, transferee or assignee shall be solidarily liable to pay twice the amount of tax and duty exemption given it.

(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, LGUs and NGOs to be used for the processing, storage and treatment of hazardous and radioactive wastes 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 the registered enterprises, LGUs and NGOs, for the support and maintenance of the program for effective hazardous and radioactive wastes management, shall be exempt from the donor's tax and such amount of donation shall be deductible from the gross income of the donor pursuant to Section 34, paragraph (h) of the National Internal Revenue Code of 1997, as amended.

(d) Financial Assistance Program — Government financial institutions such as the Development Bank of the Philippines (DBP), the Land Bank of the Philippines (LBP), the Government Service Insurance System (GSIS) and such other government institutions providing financial services shall, in accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority to extending financial services to individuals, enterprises or private entities engaged in hazardous, radioactive, medical and special hazardous wastes management.

(e) Extension of Grants to LGUs. — Cities or municipalities whose special hazardous wastes management programs have been duly accredited by the DENR or have adopted innovative waste management programs may be entitled to receive grants for the

1 purpose of developing their technical capacities toward actively
2 participating in the program for effective and sustainable waste
3 management.

- 4 (f) Tax Exemption on Hazardous Wastes Generated Within PEZA Areas,
5 Freeports, and Other Special Economic Zones Hazardous waste
6 materials generated within PEZA areas, freeports and other special
7 economic zones shall be allowed to be brought to the Philippine
8 customs territory for the sole intention of recycling and/or treatment
9 and shall be exempted from the payment of any tax due on said
10 hazardous wastes: Provided, That said recyclable hazardous waste
11 materials are identified and listed in accordance with Section 5 of
12 this Act.

13

CHAPTER X

14 CIVIL LIABILITY AND PENAL PROVISIONS

15 **SEC. 48. Generator's Liability.** — A generator is primarily responsible for
16 the management of hazardous and radioactive wastes until said wastes
17 have been certified as properly treated or disposed by duly accredited
18 TSDFs: Provided, That for wastes that are exported outside of the country
19 and treated and disposed in accordance with international agreements, the
20 TSDFs in the country of destination shall issue the certificate of treatment
21 and disposal. All other environmental service providers involved in the
22 transport, treatment, storage and disposal of said wastes shall be jointly
23 and severally liable with the generator in the event of any adverse
24 environmental impact due to the improper management of the wastes.

25 **SEC. 49. Prohibited Acts.** — The following acts are prohibited:

- 26 (a) Discarding, throwing or dumping of hazardous or radioactive wastes
27 listed pursuant to this Act in public places such as roads, sidewalks,
28 canals, esteros, parks, establishments and municipal solid waste
29 facilities, or causing or permitting the same;
- 30 (b) Undertaking activities involving the collection or transport of
31 hazardous or radioactive wastes in violation of the standards and
32 other requirements or permits set forth in this Act;
- 33 (c) Causing or permitting the collection of unsegregated or unsorted
34 hazardous wastes;
- 35 (d) Operating a TSDF without permit issued pursuant to this Act;
- 36 (e) Transporting hazardous or radioactive wastes without the required
37 permit or license pursuant to this Act;

- (f) Mixing of source-separated recyclable material with other hazardous waste in any vehicle, box, container or receptacle used in hazardous or radioactive waste collection or disposal;
- (g) Disposal of hazardous or radioactive wastes in open and controlled dumps as enjoined in this Act, or causing and permitting the same;
- (h) Establishment and operation of open and controlled dumps for hazardous or radioactive wastes;
- (i) Transporting and dumping of collected hazardous or radioactive wastes in areas other than the facilities prescribed under this Act,
- (j) Open burning of hazardous or radioactive wastes;
- (k) Transporting any hazardous or radioactive wastes to a TSDF which is not authorized to receive such wastes pursuant to this Act;
- (l) Treating, storing or disposing of any hazardous or radioactive waste without permit or license to do so pursuant hereof, 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, maintained or required to be maintained under this Act;
- (n) Falsifying, tampering with or rendering inaccurate any monitoring device or result therefrom used, filed, maintained or required to be maintained under this Act;
- (o) Generating, treating, storing, transporting, disposing of or handling any hazardous or radioactive waste and, in connection therewith, knowingly destroying, altering or concealing any record required to be maintained pursuant to this Act;
- (p) Owning, maintaining or operating any hazardous or radioactive waste disposal facility in a manner which permits any act or hazardous waste management practice in violation of standards or rules and regulations issued pursuant to this Act;
- (q) Failing to notify the DENR, the DOH and the PNRI of hazardous or radioactive waste activities pursuant to Section 6 hereof;
- (r) Importing or causing or permitting the entry, even in transit, of any hazardous or radioactive waste into Philippine territory in violation

1 of the provisions of this Act and its implementing rules and
2 regulations and relevant international agreements and protocols;

- 3 (s) Constructing, substantially altering or operating, including all post-
4 closure activities and operations specified in the rules and
5 regulations, a hazardous or radioactive waste TSDF without first
6 obtaining a permit as specified in this Act; and
7 (t) Site preparation, construction, expansion or operation of TSDFs
8 without an ECC required pursuant to Presidential Decree No. 1586
9 and this Act.

10 For purposes of this provision, the term "hazardous waste" shall include
11 special hazardous and healthcare waste.

12 **SEC. 50. Fines, Damages, and Penalties.** — Unless otherwise provided
13 herein, any person who commits any of the prohibited acts provided in the
14 immediately preceding section or violates any of the provisions of this Act
15 or its implementing rules and regulations shall be fined by the Pollution
16 Adjudication Board (PAB) in the amount of not less than fifty thousand
17 pesos (P50,000.00) but not more than one million pesos (P1,000,000.00)
18 for every violation: Provided, That for violation of Section 49 involving
19 prohibited acts under paragraphs (a), (g), (h), (i), (l), (p), (s) and (t), the fine
20 shall be imposed for every day of violation.

21 For purposes of the application of the fines, the PAB shall, within one (1)
22 year after the effectivity of this Act, establish a fine-rating system to adjust
23 the maximum fine based on the violator's ability to pay, degree of
24 willfulness, degree of negligence, degree of severity of the offense, history of
25 noncompliance and degree of recalcitrance.

26 The fines herein prescribed shall be reviewed and revised, whenever
27 necessary, every three (3) years to compensate for inflation and to maintain
28 the deterrent function of such fines.

29 The PAB may order the closure, suspension of development or construction,
30 or cessation of operations until such time that proper environmental
31 safeguards are put in place and/or compliance with this Act or its rules
32 and regulations are undertaken, without prejudice to the issuance of an ex
33 parte order for such closure, suspension of development or construction,
34 or cessation of operations during the pendency of the case: Provided, That
35 if the prohibited act undertaken shall require cleanup and rehabilitation,
36 the offender shall also be required to restore the area or compensate for the
37 restoration thereof. The PAB may also award such damages as it may deem
38 just under the circumstances in favor of a private complainant.

1 In case of gross violation of this Act, the PAB shall issue a resolution
2 recommending that the proper government agencies file criminal charges
3 against the violators. Gross violation shall mean any of the following:

- 4 (a) Deliberate disposal of hazardous or radioactive wastes without the
5 required permit issued pursuant to this Act;
- 6 (b) Three (3) or more violations of paragraphs (a), (d), (e), (g), (k), (l) and
7 (m) of Section 49 hereof within a period of two (2) years; or
- 8 (c) Blatant disregard of the orders of the PAB such as the nonpayment
9 of fines, breaking of seals or operation of the source of pollution
10 despite the existence of an order for closure, discontinuance or
11 cessation of operation or the unjustified refusal for the entry or
12 access to any premises of an authorized DENR representative.

13 In these cases, the offender shall pay a fine of not less than five hundred
14 thousand pesos (P500,000.00) but not more than five million pesos
15 (P5,000,000.00) and/or punished with imprisonment of not less than three
16 (3) years but not more than ten (10) years at the discretion of the court. If
17 the offender is a juridical person, the chief executive officer and the
18 pollution control officer or its equivalent shall suffer the penalty herein
19 provided: Provided, That the officers and incorporators of TSDFs who
20 violated the post-closure requirements issued pursuant to Section 15
21 hereof shall be banned from setting up TSDFs and hazardous and
22 radioactive wastes transport companies, and engaging in the operation of
23 the same.

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

26 The fines herein prescribed shall be reviewed and revised, whenever
27 necessary, every three (3) years to compensate for inflation and to maintain
28 the deterrent function of such fines.

29 **SEC. 51. Administrative Sanctions.** — Local government officials and
30 officials of government agencies concerned who fail to comply with and
31 enforce rules and regulations promulgated relative to this Act shall be
32 charged administratively in accordance with Republic Act No. 7160 or the
33 "Local Government Code of 1991" and Executive Order No. 292 or the
34 "Administrative Code of 1987" and other existing laws, rules and
35 regulations.

36 **SEC. 52. Administrative Action.** — Without prejudice to the right of any
37 affected person to file an administrative action, the DENR, the DOH and
38 the PNRI shall, at their instance or upon verified complaint by any person,
39 institute administrative and civil proceedings against any person who
40 violates:

- 1 (a) Standards or limitations provided under this Act; or
2 (b) Any order, rule or regulation issued by the DENR, the DOH or the
3 PNRI with respect to such standards or limitations.

4 **SEC. 53. Citizen Suit.** - For purposes of enforcing the provisions of this
5 Act or its implementing rules and regulations, any citizen may file an
6 appropriate civil, criminal or administrative action in the proper courts or
7 bodies against the following:

- 8 (a) Any person who violates or fails to comply with the provisions of this
9 Act or its implementing rules and regulations; or
10 (b) The DENR or other implementing agencies with respect to orders,
11 rules and regulations issued inconsistent with this Act; or
12 (c) Any public officer who willfully or grossly neglects the performance
13 of an act specifically enjoined as a duty by this Act or its
14 implementing rules and regulations, or abuses his authority in the
15 performance of his duty, or, in any manner, improperly performs his
16 duties under this Act or its implementing rules and regulations:
17 Provided, however, That no suit can be filed until after a thirty (30)-
18 day notice has been given to the public officer and the alleged violator
19 concerned and no appropriate action has been taken thereon.

20 The court shall exempt such action from the payment of filing fees, except
21 fees for actions not capable of pecuniary estimations, and shall, likewise,
22 upon prima facie showing of the non-enforcement or violation complained
23 of, exempt the plaintiff from the filing of an injunction bond for the
24 issuance of a preliminary injunction.

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

28 **SEC. 54. Suits and Strategic Legal Action Against Public Participation**
29 **(SLAPP) and the Enforcement of this Act.** — Where a suit is brought
30 against a person who filed an action as provided in Section 53 of this Act,
31 or against any person, institution or government agency tasked to
32 implement this Act, it shall be the duty of the investigating prosecutor or
33 the court, as the case may be, to immediately make a determination not
34 exceeding thirty (30) days whether the legal action has been filed to harass,
35 vex, exert undue pressure or stifle such legal recourses of the person
36 complaining of or enforcing the provisions of this Act. Upon determination
37 thereof, evidence warranting the same, the court shall dismiss the case and
38 award attorney's fees and double damages.

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

4

CHAPTER XI

MISCELLANEOUS PROVISIONS

5

6 **SEC. 55. Mandatory Public Hearings.** — Mandatory public hearings for
7 the formulation of the Framework mandated under Section 8 hereof shall
8 be undertaken in accordance with the process to be determined by the
9 DENR.

10 **SEC. 56. Research on Hazardous and Radioactive Wastes Management.**
11 — The DENR shall, after consultations with the concerned agencies,
12 encourage and render financial and other assistance to appropriate
13 government and private agencies, institutions and individuals in the
14 conduct and promotion of researches, experiments and other studies on
15 hazardous and radioactive wastes management, particularly those relating
16 to:

- 17 (a) Adverse effects on health as a result of the release into the environment of hazardous and radioactive wastes, and methods to eliminate said effects or minimize the health risks;
- 18
- 20 (b) The operation and financing of hazardous and radioactive wastes disposal programs;
- 22 (c) The planning, implementation and operation of resource recovery and resource conservation systems;
- 24 (d) The production of usable forms of recovered resources, including fuel from hazardous waste;
- 26 (e) The development and application of new and improved methods of collecting, separating and disposing of hazardous and radioactive wastes, and processing and recovering materials and energy from hazardous and radioactive wastes;
- 30 (f) Cleaner production technologies;
- 31 (g) Improvements in land disposal practices for hazardous and radioactive wastes; and
- 33 (h) Development of new uses of recovered resources and identification of existing or potential markets of recovered resources.
- 34

1 In carrying out hazardous and radioactive wastes researches and studies,
2 the DENR, the DOH and the DOST or their authorized representatives may
3 award grants or enter into contracts with government agencies, NGOs and
4 private persons.

5 **SEC. 57. Public Education and Information.** — The DENR, the DOH and
6 the PNRI, in coordination with the Department of Education (DepEd), the
7 Technical Education and Skills Development Authority (TESDA), the
8 Commission on Higher Education (CHED), the DILG, the Philippine
9 Information Agency (PIA), and the LGUs, shall conduct a continuing
10 education and information campaign on hazardous and radioactive wastes
11 management. Such education and information program shall:

- 12 (a) Aim to develop public awareness of the impacts of hazardous and
13 radioactive wastes and how to prevent or minimize their adverse
14 effects;
- 15 (b) Focus on activities which are feasible and which will have the
16 greatest impact on the hazardous and radioactive wastes
17 management; and
- 18 (c) Encourage the general public, accredited NGOs and POs to publicly
19 endorse and patronize environment-friendly products.

20 **SEC. 58. Environmental Education in the Formal and Non-formal**
21 **Sectors.** — The National Government shall, through the DepEd and in
22 coordination with concerned government agencies, NGOs, and private
23 institutions, strengthen the integration of environmental concerns in school
24 curricula at all levels, with particular emphasis on the principles underlying
25 hazardous and radioactive wastes management in order to promote
26 environmental awareness and affirmative action among the citizenry.

27 **SEC. 59. Role of the Business and Industry.** - The DENR, the DOH, and
28 the PNRI shall encourage commercial and industrial establishments,
29 through appropriate incentives other than tax incentives, to initiate,
30 participate and invest in integrated hazardous and radioactive wastes
31 management projects; to manufacture environment-friendly products; to
32 introduce, develop and adopt innovative processes that shall recycle and
33 reuse materials, conserve raw materials and energy, reduce waste and
34 prevent pollution; and to undertake community activities to promote and
35 propagate effective hazardous and radioactive wastes management
36 practices.

CHAPTER XII FINAL PROVISIONS

39 **SEC. 60. Appropriations.** — The Secretaries of the DENR, the DOH and
40 the DOST shall include in their respective programs the implementation of

1 this Act, the funding of which shall be included in the annual General
2 Appropriations Act.

3 In addition, the Departments may accept donations, contributions, grants,
4 bequests or gifts, in cash or in kind, from various sources, domestic or
5 foreign, for purposes relevant to hazardous and radioactive wastes
6 management functions: Provided, That in case of donations from foreign
7 governments, acceptance thereof shall be subject to prior clearance and
8 approval of the President of the Philippines, upon the recommendation of
9 the Secretary of Foreign Affairs.

10 Receipts from donations shall be accounted for in the books of the recipient
11 government agency in accordance with pertinent accounting and auditing
12 rules and regulations.

13 **SEC. 61. Implementing Rules and Regulations.** — Within one (l) year
14 after the effectivity of this Act, the DENR, the DOH, and the PNRI shall
15 promulgate the implementing rules and regulations of this Act: Provided,
16 That rules and regulations issued by other government agencies and
17 instrumentalities relative to hazardous and radioactive wastes
18 management consistent with this Act shall supplement the rules and
19 regulations issued by the DENR, the DOH, and the PNRI pursuant to the
20 provisions of this Act.

21 There shall be a mandatory review of the implementing rules and
22 regulations and the standards set pursuant to the provisions of this Act.

23 **SEC. 62. Joint Congressional Oversight Committee.** — In addition to
24 its mandated functions, the Joint Congressional Oversight Committee
25 created under Republic Act No. 9003 or the "Ecological Solid Waste
26 Management Act of 2000" shall also monitor the implementation of this
27 Act.

28 **SEC. 63. Transitory Provision.** — Pending the establishment of the
29 Framework mandated under Section 8 hereof and the promulgation of the
30 implementing rules and regulations of this Act, pertinent existing laws,
31 regulations, programs and projects on hazardous and radioactive wastes
32 management shall be enforced: Provided, That for specific undertakings,
33 these may be revised in the interim in accordance with the intentions of
34 this Act.

35 **SEC. 64. Report to Congress.** - The DENR shall render to Congress not
36 later than March 30 of every year following the approval of this Act, a
37 detailed report of its accomplishments and progress on hazardous and
38 radioactive wastes management during the year and shall submit the
39 necessary recommendations in areas requiring legislative action.

SEC. 65. 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. 66. Repealing Clause. — Republic Act No. 6969, Executive Order No. 192, Republic Act No. 9003, Republic Act No. 7160 and Republic Act No. 2067, as amended, are partly modified. All laws, decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 67. Effectivity. — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,