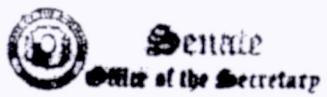


EIGHTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE
S.B. NO. 1040

19 SEP 11 P5:00

RECEIVED BY: S. Binay

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT
PROVIDING FOR A COMPREHENSIVE HAZARDOUS AND RADIOACTIVE
WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATIONS
THEREOF AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Philippine Constitution provides:

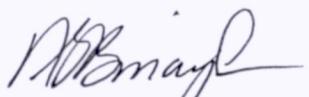
"The State shall protect and promote the right to health of the people and instill health consciousness among them."

Hazardous and radioactive waste is a major problem.

The Philippine Hazardous and Radioactive Waste Management Act aims to develop and implement programs on hazardous and radioactive waste management, generate and promote guidelines for proper handling of hazardous and radioactive wastes, and promulgate contingency plans for probable accidents.

The proposed bill seeks to protect the health and safety of our people and to attain a sustainable development.

In view of the foregoing, the passage of this measure is earnestly sought.


MARIA LOURDES NANCY S. BINAY
Senator

EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
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WASTES MANAGEMENT, PROVIDING PENALTIES FOR VIOLATIONS
THEREOF AND FOR OTHER PURPOSES**

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

1

**CHAPTER I
GENERAL PROVISIONS**

3

4 Section 1. *Short Title.* – This Act shall be known as the "Philippine
5 Hazardous and Radioactive Wastes Management Act."

6

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

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

- 1 (1) Improve wastes management techniques, organizational
2 arrangements, methods of collection, separation and recovery
3 of wastes;
- 4 (2) Promote environmentally safe disposal of residues;
- 5 (3) Minimize the generation of hazardous and radioactive wastes
6 by encouraging cleaner production, process substitution,
7 resource recovery, recycling and reuse, and treatment; and
- 8 (4) Institutionalize public participation in the development and
9 implementation of such programs;
- 10 (b) Promulgate guidelines for the generation, collection, segregation,
11 transport, recovery, storage, treatment and disposal of hazardous
12 and radioactive wastes including emergency and contingency plans
13 for accidents involving such wastes;
- 14 (c) Prohibit the entry, even in transit, of hazardous and radioactive
15 wastes into the Philippine territorial limits for whatever purpose
16 consistent with multilateral international agreements and
17 protocols;
- 18 (d) Promote a national research and development program for
19 improved hazardous and radioactive wastes management and
20 resource conservation techniques;
- 21 (e) Formulate and enforce a system of accountability for generators,
22 including the promotion of extended producer responsibility,
23 product stewardship and responsible care program;
- 24 (f) Promote international environmental standards on wastes
25 management; and
- 26 (g) Strengthen the integration of hazardous and radioactive wastes
27 management and resource conservation and recovery topics into
28 the academic curricula of formal and non-formal education in
29 order to promote environmental awareness and action among the
30 citizenry.

1
2 Sec. 3. *Coverage of the Act.* – This Act shall apply to the generation,
3 possession, collection, recovery, reuse, storage, transport, treatment and
4 disposal of hazardous and radioactive wastes in the country for whatever
5 purposes; *Provided*, That this Act shall cover the entry of such wastes, even in
6 transit, into the Philippine territorial limits.

7
8 Sec. 4. *Definition of Terms.* – As used in this Act, the term:

- 9 (a) "Abandoned underground mines" refer to worked out mineral
10 mines with deep shafts extending to about one thousand (1,000)
11 to two thousand (2,000) thousand feet below the ground surface;
- 12 (b) "Best available techniques (BAT)" refer to any technology that
13 shall take into consideration costs and benefits of a measure as
14 well as precaution and prevention such as, but not limited to:
15 (1) the nature, effects and mass of releases concerned;
16 (2) consumption and use of raw materials in the process and its
17 energy efficiency;
18 (3) the need to prevent or reduce to a minimum the overall
19 impact of release to the environment; and
20 (4) ensure occupational health and safety at the workplaces.
21 (c) "Best environmental practices (BEP)" refer to practices that are
22 generally accepted as "environmentally friendly", taking into
23 consideration the nature, traditions and culture of the locality. For
24 this purpose, technological advances and changes in scientific
25 knowledge and understanding shall likewise be considered in
26 determining acceptable practices in preserving the environment;
27 (d) "Borehole facilities" shall refer to those that entail the
28 emplacement of solid radioactive wastes in an engineered facility
29 of relatively narrow diameter bored and operated directly from the
30 surface. It covers a range of design concepts with depths ranging

- 1 from a few meters up to several hundred meters, and their
2 diameters can vary from a few tens of centimeters up to more
3 than one (1) meter;
- 4 (e) "Carcinogen" refers to any substance that can cause or contribute
5 to the incidence of cancer;
- 6 (f) "Collection" refers to the act of removing hazardous waste from
7 the source or from a storage point;
- 8 (g) "Construction" refers to the erection or building of new structures;
- 9 (h) "Contaminated sites" refer to places or spots where the soil quality
10 exceeds the soil standards set pursuant to Section 17 hereof;
- 11 (i) "Corrective action" refers to the steps taken to assess; prioritize and
12 clean up hazardous and radioactive wastes from the treatment,
13 storage and disposal facilities (TSDFs) and/or contaminated sites
14 in order to protect health and the environment;
- 15 (j) "Corrosivity" refers to a state where the waste has either of the
16 following properties:
- 17 (1) it is aqueous and has a pH less than or equal to 2 or
18 greater than or equal to 12.5;
- 19 (2) it is a liquid and corrodes steel (SAE 1020) at a rate greater
20 than 6.35mm (0.250 inch) per year at a test temperature of
21 55°C (130°F);
- 22 (k) "Degradability" refers to the ability of a compound to be reduced
23 forms through a breakdown of its structure;
- 24 (l) "Deep injection well" means a well used for subsurface injection of
25 waste fluids and solids derived from industries such as geothermal
26 and oil and gas into an injection zone;
- 27 (m) "Department" means the Department of Environment and Natural
28 Resources (DENR);
- 29 (n) "Disposal" means the discharge, deposit, injection, dumping,
30 spilling, leaking or placing of any hazardous and radioactive

1 wastes into or on any land or water so that such wastes, or any
2 constituent thereof, may enter the environment or be emitted into
3 the air or discharged into any waters, including ground waters;

4 (o) "Generation" refers to the act or process of producing hazardous
5 and radioactive wastes;

6 (p) "Generator" refers to a person, natural or juridical, who produces
7 hazardous and radioactive wastes;

8 (q) "Geological repository" refers to the isolation of high level
9 radioactive waste using a system of engineered and natural
10 barriers at depths up to several hundred meters in a geologically
11 stable formation;

12 (r) "Hazardous waste" refer to substances discarded from commercial
13 and industrial establishments, institutions and healthcare facilities
14 which, because of the concentration, or physical, chemical or
15 infectious characteristics, may cause or significantly contribute to
16 increases in mortality or serious illnesses, or pose an unreasonable
17 risk and potential threat to human health and the environment;

18 (s) "Hazardous and radioactive wastes management" means the
19 systematic administration of activities which provide for the
20 identification, listing, collection, segregation, storage, transport,
21 recovery, reuse, processing, reprocessing, treatment and disposal
22 of hazardous and radioactive wastes;

23 (t) "Healthcare waste" refers to waste that is generated or produced
24 as a result of the following activities: diagnosis, treatment or
25 immunization of human beings or animals, research pertaining to
26 the above activities, production or testing of biological and waste
27 originating from minor or scattered sources;

28 (u) "Ignitability" refers to the characteristic used to define as
29 hazardous wastes that could cause a fire during transport, storage

1 or disposal. A waste exhibits the characteristics of ignitability if a
2 sample of the waste has any of the following properties:

- 3 (1) it is a liquid that has a flash point of less than 60°C
4 (140°F);
5 (2) it is a liquid and is capable under standard temperature and
6 pressure, of causing fire through friction, absorption of
7 moisture or spontaneous chemical changes and, when
8 ignited, burns so vigorously and persistently that it creates
9 a hazard;
10 (3) it is an ignitable gas; or
11 (4) it is an oxidizer.

- 12 (v) "Injection zone" refers to a geological formulation, group of
13 formation or a part of a formation located below the underground
14 source of potable water, and which receives waste fluids or solids
15 through a deep injection well;
- 16 (w) "International environmental standards" refer to the requirements
17 or standards under existing international environmental
18 agreements to which the Philippines is a party;
- 19 (x) "Landfill" refers to a waste disposal site designated, constructed,
20 operated and maintained in a manner that exerts engineering
21 control over significant potential environmental impacts arising
22 from the development and operation of the facility;
- 23 (y) "Land disposal" refers to the placement of hazardous and
24 radioactive wastes on the surface, near surface and at depths
25 within the soil column;
- 26 (z) "Land treatment or land farming" refers to a managed technology
27 that involves the controlled application of waste on the soil surface
28 and/or the incorporation of waste or contaminated soils into the
29 upper soil zone.

- 30 (aa) "Level 1 hospital" refers to an emergency hospital that provides:

- 1 (1) initial clinical care and management to patients requiring
2 immediate treatment, as well as primary care on prevalent
3 diseases in the locality;
4 (2) clinical services that include general medicine, pediatrics,
5 obstetrics and nonsurgical gynecology and minor surgery;
6 (3) general administrative service and may provide ancillary
7 services (primary clinical laboratory, first level radiology,
8 pharmacy); and
9 (4) nursing care for patients who require minimal category of
10 supervised care for twenty-four (24) hours or longer.

11 (bb) "Level 2 hospital" refers to a departmentalized hospital that
12 provides:

- 13 (1) clinical care and management on prevalent diseases in the
14 locality;
15 (2) clinical services that include general medicine, pediatrics,
16 obstetrics and gynecology, surgery and anesthesia;
17 (3) appropriate administrative and ancillary services (secondary
18 clinical laboratory, first level radiology, pharmacy); and
19 (4) nursing care provided in the level 1 hospital as well as
20 intermediate moderate and partial category of supervised
21 care for twenty-four (24) hours or longer.

22 (cc) "Level 3 hospital" refers to a departmentalized hospital that
23 provides:

- 24 (1) clinical care and management on prevalent diseases in the
25 locality as well as particular forms of treatment, surgical
26 procedure and intensive care;
27 (2) clinical services in the level 2 hospital as well as specialty
28 clinical care;
29 (3) appropriate administrative and ancillary services (tertiary
30 clinical laboratory, second radiology, pharmacy); and

- (4) nursing care provided in the level 2 hospitals as well as total and intensive skilled care.
 - (dd) "Manifest or consignment note" refers to a form prescribed by the Department and the Philippine Nuclear Research Institute (PNRI) accompanying hazardous and radioactive wastes from the point of generation, through transport, to final disposition;
 - (ee) "Military munitions" refers to all types of both conventional and chemical ammunition products and their components produced by or for the military for national defense and security, including munitions produced by other parties under contract with or acting as agent for the Department of National Defense (DND);
 - (ff) "Mined cavities" refers to the emplacement of radioactive waste at some depths inside mines or caverns which is either man-made or natural;
 - (gg) "Mutagens" refers to any substance that can cause a change in genetic material;
 - (hh) "Near surface facilities" refer to the disposal of radioactive wastes with or without engineered barrier on or below ground surface where the final protective covering is of the order of a few meters thick or in caverns a few tens of meter below the earth's surface;
 - (ii) "On-site treatment facilities" refer to the facilities of generators who treat their own hazardous and radioactive wastes, either by themselves or through a service provider, inside their facilities in compliance with waste acceptance criteria promulgated by the Department, the Department of Health (DOH) and the PNRI;
 - (jj) "Open burning" refers to the low temperature thermal destruction of wastes by means of direct exposure to fire. For this purpose, this shall apply to the traditional small-scale methods of community sanitation called "*sigd*";

- 1 (kk) "Partial treatment" refers to any process used to modify the
2 characteristics of a hazardous or radioactive waste without totally
3 negating its hazardous characteristics. This may include volume
4 reduction, conditioning, moisture reduction and neutralization,
5 among others;
- 6 (ii) "Persistence" refers to the substantial length of time a compound,
7 once introduced into the environment, stays there, or the property
8 of a substance whose half-life in water, sediment or soil exceeds
9 duration of fifty (50) days;
- 10 (mm) "Person(s)" refers to any being, natural or juridical, susceptible of
11 rights and obligations, or of being the subject of legal relations;
- 12 (nn) "People's organization (PO)" refers to a nonprofit and non-stock
13 association of citizens in a locality, embracing a common goal to
14 protect the environment and, ultimately, public health;
- 15 (oo) "Radioactive wastes" refer to the materials that contain or are
16 contaminated with radionuclides at concentrations or activities
17 greater than clearance levels as established by the PNRI. This also
18 refers to disused sealed sources for which no use is foreseen;
- 19 (pp) "Reactivity" refers to the state of waste material, or a
20 representative sample of the waste material, exhibiting any of the
21 following properties:
- 22 (1) It is normally unstable and readily undergoes violent
23 change without detonating;
- 24 (2) It reacts violently with water;
- 25 (3) It forms potentially explosive mixtures with water;
- 26 (4) When mixed with water, it generates toxic gases, vapors or
27 fumes in a quantity sufficient to present danger to human
28 health or the environment;
- 29 (5) It is a cyanide- or sulfide-bearing waste which, when
30 exposed to pH conditions between 2 and 12.5, can

- 1 generate toxic gases, vapors or fumes in a quality sufficient
2 to present a danger to human health or the environment;
- 3 (6) It is capable of detonation or explosive reaction if subjected
4 to a strong initiating source or if reacted under
5 confinement; or
- 6 (7) It is readily capable of detonation or explosive
7 decomposition or reaction at standard temperature and
8 pressure.
- 9 (qq) "Resource recovery" refers to the collection, extraction or recovery
10 of recyclable materials from the waste stream for the purpose of
11 recycling, generating energy or producing a product suitable for
12 beneficial use; *Provided*, That such resource recovery facilities
13 exclude incineration;
- 14 (rr) "Recycling" refers to the process of minimizing the generation of
15 wastes by recovering usable products that might otherwise
16 become waste;
- 17 (ss) "Segregation" refers to a wastes management practice of
18 separating different materials found in hazardous waste in order to
19 promote recycling and reuse of resources and to reduce the
20 volume of wastes for collection and disposal. This also refers to
21 separating radioactive wastes according to level of activity,
22 physical form and half-life;
- 23 (tt) "Special hazardous wastes" refer to substances discarded from
24 households consisting of consumer or industrial goods or products
25 which become hazardous at the end of its useful life by virtue of
26 hazardous content which may be released to the environment
27 upon indiscriminate disposal;
- 28 (uu) "Storage" refers to the containment of hazardous and radioactive
29 wastes, either on a temporary basis or for a period of years,

- 1 consistent with the guidelines as prescribed by the Department
2 and in such a manner as not to constitute disposal of such wastes;
- 3 (vv) "Surface impoundments" refer to pits, ponds, lagoons and dike
4 areas that are either natural topographic depressions or man-
5 made excavations that are primarily of earthen materials. They are
6 designed and constructed to hold or store, treat and/or dispose
7 liquid waste or waste containing free liquids through processes
8 such as evaporation, cooling, aeration, photo decomposition
9 and/or settling;
- 10 (ww) "Sustainable development" refers to development which meets the
11 needs of the present without compromising the ability of future
12 generations to meet their own needs;
- 13 (xx) "Special hazardous wastes collectors" refer to entities which
14 receive or collect special hazardous wastes under a take-back
15 program or similar collection mechanism for the purpose of
16 consolidating the wastes from households or consumers,
17 preparatory to delivery to an accredited recycling or treatment
18 facility;
- 19 (yy) "Technical demonstration" refers to the initial exhibition of a new
20 technology process or practice, or a significantly new combination
21 or use of technologies, processes or practices, subsequent to the
22 development stage, for the purpose of providing technological
23 feasibility and cost effectiveness;
- 24 zz) "Level 4 hospital" refers to a teaching and training hospital (with
25 at least one (1) accredited residency training program for
26 physicians) that provides:
- 27 (1) clinical care and management on prevalent diseases in the
28 locality as well as specialized and sub-specialized forms of
29 treatment, surgical procedure and intensive care;

- (2) clinical services provided in the level 3 hospital as well as sub-specialized clinical care;
 - (3) appropriate administrative and ancillary services (tertiary clinical laboratory, third level radiology, pharmacy); and
 - (4) nursing care provided in the level 3 hospital as well as continuous and highly specialized critical care.

(aaa) "Thermal treatment" refers to the controlled heating which involves a prescribed heating rate, maximum temperature and cooling cycle to produce the property and grain structure required;

(bbb) "Toxicity" refers to the degree of danger posed by a substance to human or animal due to its acute lethality, chronic and sub-chronic toxicity, carcinogenicity, teratogenicity or mutagenicity, among others;

(ccc) "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 non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduced in volume;

(ddd) "Treatment, storage and disposal facility (TSDF)" refers to a site where a hazardous substance is treated, stored or disposed;

(eee) "Waste acceptance criteria" refers to a list of parameters which describe the minimum characteristics which the waste should possess before it may be placed or 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 Department shall, after notice and public consultation, develop, formulate and publish criteria for identifying and

1 listing the characteristics of hazardous wastes, taking into account, but not be
2 limited to, toxicity, persistence, reactivity and degradability in nature, potential
3 for accumulation in tissue, and other related factors such as ignitability,
4 corrosivity and other hazardous characteristics. Such criteria shall be reviewed
5 and revised every four (4) years thereafter, or as the need arises; *Provided*, That
6 the Department, in coordination with the DOH and the PNRI, shall also identify
7 or list those hazardous and radioactive wastes that contain certain constituents
8 such as identified carcinogens, mutagens or teratogens that endanger human
9 health; *Provided, further*, That the Department, in coordination with the DND
10 and appropriate government agencies, shall formulate criteria for identifying
11 when military munitions become hazardous and radioactive wastes; *Provided,*
12 *finally*, That within six (6) months from the effectivity of this Act, the
13 Department, in coordination with the Department of Trade and Industry (DTI)
14 and the Department of Interior and Local Government (DILG), after public
15 consultation, shall formulate criteria for identifying and listing the categories of
16 special hazardous waste products to be tracked and regulated, taking into
17 account, but not be limited to, the presence of toxicity, reactivity, ignitability and
18 corrosivity.

19

20 *Sec. 6. Notification of Hazardous and Radioactive Wastes Activity.* – Upon
21 the effectivity of this Act, any person generating or managing hazardous or
22 radioactive wastes is required to notify in writing the Department, the DOH and
23 the PNRI of their hazardous or radioactive wastes is required to notify in writing
24 the Department, the DOH and the PNRI of their hazardous or radioactive wastes
25 activities specifying, among others, the types of wastes, quantities and
26 containers used for storage, including incidents involving hazardous and
27 radioactive wastes.

28

29 *Sec. 7. National Hazardous and Radioactive Wastes Status Report.* – The
30 Department, in coordination with the DOH, the PNRI and other concerned

1 agencies, shall, within six (6) months, publish a Wastes Management Status
2 Report which shall be used as a basis in formulating the National Hazardous and
3 Radioactive Wastes Management Framework provided in Section 8 of this Act.

4

5 The said report shall include, but shall not be limited to, the following:

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

16

17 Sec. 8. *National Hazardous and Radioactive Wastes Management*
18 *Framework.* – Within eighteen (18) months from the effectivity of this Act, the
19 Department, in coordination with the DOH, the PNRI and other appropriate
20 agencies and entities, shall prepare and formulate a National Hazardous and
21 Radioactive Wastes Management Framework, herein referred to as the
22 "Framework", that shall embody policies established pursuant to this Act.
23 Specifically, the Framework shall contain the following:

- 24 (a) Hazardous and radioactive wastes control strategies and
25 techniques;
- 26 (b) Proper hazardous and radioactive wastes transport, treatment,
27 storage and disposal systems;
- 28 (c) Waste reduction goals and targets;
- 29 (d) Period of compliance for waste reduction;
- 30 (e) Information and education campaign;

- 1 (f) Human resources development; and
2 (g) Roles and responsibilities of relevant government agencies;

3
4 The framework shall be adopted as the official blueprint for hazardous and
5 radioactive wastes management with which all relevant government agencies
6 must comply with.

7
8 *Sec. 9. Use of Best Available Technology and, Best Environmental*
9 *Practices in Hazardous and Radioactive Wastes Management.* – Generators and
10 owners of treatment, storage and disposal facilities are required to use best
11 available technologies and best environmental practices (BAT/BEP) in hazardous
12 and radioactive wastes management. The Department, in coordination with the
13 Inter-Agency Technical Advisory Council (IATAC) created herein, shall formulate
14 criteria in assessing the proposed BAT/BEP to be used. In the formulation of
15 these criteria, consideration shall be given, among others, to the relative
16 economic feasibility of the technology. Further, such technology shall render the
17 waste sufficiently low in toxicity, reactivity, corrosivity and ignitability as to
18 present the least possible risk to human health and safety and to the
19 environment.

20
21 *Sec. 10. Requirements for Generators of Hazardous and Radioactive*
22 *Wastes.* – Within six (6) months after the effectivity of this Act, the Department,
23 the DOH and the PNRI shall establish requirements for generators of such
24 hazardous and radioactive wastes necessary to protect human health and the
25 environment. These requirements shall ensure that the generators shall be
26 responsible for the proper management of the wastes generated and bear the
27 costs for proper storage, transport, treatment and disposal of such waste.
28 Further, such requirement shall include, but not be limited to, the following:

29 (a) Recordkeeping practices that accurately identify the quantities of
30 such hazardous and radioactive wastes generated, the constituent

thereof which are significant in quantity or in potential harm to human health or the environment, and the disposition of such wastes;

- (b) Use of appropriate storage facilities and containers to prevent releases of materials to the environment;
 - (c) Labeling practices for any containers used for the storage, transport or disposal of such hazardous and radioactive wastes that will identify accurately such wastes;
 - (d) Use of a manifest or consignment note system and any other means necessary to assure that all hazardous and radioactive wastes generated are designated for treatment, storage or disposal in, and arrived at TSDFs with appropriate permit issued pursuant to this Act;
 - (e) Emergency and contingency plans for effective action to minimize damage and contain and mitigate effects of spills and accidents in connection with the generation, transport, storage or disposal of such wastes;
 - (f) When it is necessary to transport the wastes, the generators shall only engage the services of transporters and the TSDFs holding permits issued pursuant to this Act; and
 - (g) In the case of radioactive wastes, the wastes generator is required to submit a certificate of transport from the radiological health and safety officer (RHSO) for the transport of radioactive wastes to the treatment facility.

Sec. 11. Requirements Applicable to Transporters of Hazardous and Active Wastes. – Within six (6) months after the effectivity of this Act, the Department, in coordination with the DOH, the PNRI and the Department of Transportation (DOTr), shall establish requirements applicable to transporters of

1 hazardous and radioactive wastes necessary to protect human health and the
2 environment.

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

17

18 *Sec. 12. Requirements Applicable to Owners of Hazardous and Radioactive*
19 *Wastes Treatment, Storage and Disposal Facilities.* – Within six (6) months after
20 the effectivity of this Act, the Department, in coordination with the DOH and the
21 PNRI, shall establish requirements applicable to owners of the TSDFs of
22 hazardous and radioactive wastes necessary to protect human health and the
23 environment; *Provided*, That the Department, the DOH and the PNRI shall,
24 where applicable, distinguish requirements appropriate for new and existing
25 facilities at the time of the effectivity of this Act. Such requirements shall include,
26 but need not be limited to, the following:

- 27 (a) Performance standards for the design, construction, operation,
28 maintenance and monitoring of the facility;

- 1 (b) Requirements and standards to ensure adequate resources,
2 including human and financial, throughout the life cycle of the
3 facility;
4 (c) Requirements and standards for the closure, decommissioning and
5 post-closure care, monitoring and maintenance and use of the
6 facility;
7 (d) Waste acceptance requirements and procedures, approved by the
8 Department, the DOH and the PNRI, for different types of
9 hazardous and radioactive wastes packages; and
10 (e) Management, engineering controls and use of personnel protective
11 equipment to minimize exposure of workers to the hazardous
12 wastes and medical surveillance of workers directly involved in the
13 collection, transport, storage or disposal of hazardous wastes.

14

15 *Sec. 13. Categories of TSDFs for Hazardous and Radioactive Wastes.* –

16 Within six (6) months after the effectivity of this Act, the Department shall
17 formulate specific, relevant and appropriate standards, including waste
18 acceptance criteria, for the various categories of TSDFs identified hereunder;
19 *Provided,* That no waste shall be accepted unless it complies with the waste
20 acceptance criteria formulated pursuant to this Act; *Provided, further,* That the
21 Department shall revise, as the need arises, the regulations, standards and
22 guidelines applicable to the categories listed hereunder, taking into account
23 improvements in the technology of control and measurement; *Provided, finally,*
24 That such regulations shall specify criteria for the acceptable location of new and
25 existing TSDFs as necessary to protect human health and the environment.

26

27 The categories of TSDFs are as follows:

- 28 (a) Facilities that conduct on-site storage, treatment and disposal of
29 hazardous wastes generated or produced at the premises through
30 industrial or commercial processes and activities other than

disposal via sewer – The Department shall encourage on-site treatment of hazardous waste by, among others, providing for incentives; *Provided*, That generators who undertake partial treatment of wastes shall not be considered as on-site facility operators for purposes of this category; *Provided, however*, That mining operations shall fall under this category;

(b) Commercial or industrial hazardous wastes thermal treatment facilities;

(c) TSDFs in this category are facilities that conduct on-site and off-site thermal treatment; *Provided*, That the Department shall promulgate regulations on hazardous wastes used as fuel and raw material; *Provided, further*, That the Department may also exempt from the requirements hereof facilities which burn *de minimis* quantities of hazardous wastes as fuel, as defined by the Department, if:

(1) the wastes are burned at the same facility at which such wastes are generated;

(2) the waste is burned to recover useful energy, as determined by the Department on the basis of the design and operating characteristics of the facility and the heating value and other characteristics of the waste; and

(3) the waste is burned in a type of device determined by the Department to be designed and operated at a destruction and removal efficiency sufficient such that the protection of human health and environment is assured;

(d) Landfills that accept hazardous wastes for disposals – The Department shall, after due review and public consultation, promulgate regulation concerning the prohibition of specified hazardous wastes in landfills; *Provided*, That the placement of such specified hazardous wastes in landfills maybe allowed upon

1 determination by the Department that the prohibition for disposal
2 of such waste in landfills is not required in order to protect human
3 health and the environment for as long as the waste remains
4 hazardous, taking into account the following factors:

- 5 (1) The long-term till certainties associated with land disposal;
6 (2) The goal of managing hazardous wastes in an appropriate
7 manner in the first instance; and
8 (3) The persistence, toxicity, mobility and propensity to bio-
9 accumulate such hazardous wastes and their hazardous
10 constituents.

11
12 For this purpose, disposal of hazardous wastes in landfills is
13 deemed to be protective of human health and the environment if it
14 is determined that there will be no migration of hazardous
15 constituents of the wastes from the disposal unit or injection zone;
16 *Provided, however,* That the disposal of any liquid in landfills shall
17 be prohibited; *Provided, further,* That the disposal in landfills of
18 wastes containing hazardous solvents, pesticides and polycyclic
19 hydrocarbons such as, among others, furans and dioxins, as
20 determined by the department, after public consultation, is
21 prohibited unless the Department determines the prohibition of the
22 disposal of such waste is not required in order to protect human
23 health and the environment for as long as the waste remains
24 hazardous, taking into account the factors referred to in
25 subparagraphs (1) to (3) of this category.

26
27 Within six (6) months from the preparation of the status report, the
28 Department shall review, classify and rank, subject to public
29 consultation, all hazardous wastes listed pursuant to this Act, other
30 than those wastes which are referred to in subparagraph (3) of this

category or deep injection wells. Within twelve (12) months thereafter, the Department, when necessary, shall promulgate regulations prohibiting disposal in landfills of such hazardous wastes listed and ranked; *Provided*, That the Department shall promptly publish in a newspaper of general circulation notice of such determination, together with an explanation of the basis for such determination; *Provided, further*, That the storage of hazardous and radioactive wastes in landfills is hereby prohibited;

(e) Facilities that recycle or reprocess hazardous wastes which are not generated or produced at the premises – The Department, in coordination with the POST, shall promulgate standards for this category of the TSDF. Facilities in this category are those that receive off-site treatment of hazardous wastes and recover valuable materials from the hazardous wastes, use hazardous wastes as input material or fuel for production, or produce compost by biological treatment of hazardous wastes. These also include, but are not limited to, reclaimers of spent lead-acid batteries, precious metals and oil recyclers;

(f) Other off-site treatment facilities – Facilities in this category are those facilities that receive hazardous wastes outside the premises and transform physical and/or chemical characteristics of the hazardous wastes by physicochemical or thermal treatment other than incineration or in order to dispose of them into landfills;

(g) Facilities that store hazardous and radioactive wastes which are not generated or produced at the premises within allowable period – The storage of any hazardous and radioactive waste is prohibited, unless such storage is solely for the purpose of the accumulation of such quantities of hazardous wastes as are necessary to facilitate proper recover, treatment or disposal but shall not be longer than is prescribed by the Department; and

1 (h) Other land disposal facilities – Facilities under this category shall
2 include, among others, deep injection wells, borehole facilities, near
3 surface facilities, mined cavities, surface impoundments, land
4 treatment units/land farming and abandoned underground mines.

5

6 Sec. 14. *Closure Plan.* – The owner of TSDFs shall submit a closure plan,
7 including the funds and human resources necessary for the same, subject to the
8 review and approval of the Department.

9

10 Sec. 15. *Post-closure of Facility.* – The owner of a TSDF must close the
11 facility upon termination of its operation and shall, after such closure, provide for
12 protection during a post-closure care period, in accordance with the
13 requirements of the Department and the closure plan, including the funds and
14 human resources necessary for the same. The protection shall include, but shall
15 not be limited to, monitoring, repair and maintenance. The owner shall maintain
16 a hazardous waste facility permit for the post-closure care period pursuant to
17 Chapter VI hereof.

18

19 Sec. 16. *Environmental Impact Statement (EIS) System.* – Prior to the
20 establishment of TSDFs, all government agencies and private corporations, firms
21 and entities which intend to set up TSDFs shall be subject to the Environmental
22 Impact Statement (EIS) System pursuant to the provisions of Presidential Decree
23 No. 1586 and its implementing rules and regulations.

24

25 Sec. 17. *Formulation of Soil Quality Standards for Identification of
Contaminated Sites.* – Within six (6) months from the effectivity of this Act, the
26 Department, in coordination with other relevant government agencies, shall
27 formulate soil quality standards which shall be used to determine contaminated
28 sites.

29

30

1 Sec. 18. *Registry of Contaminated Sites.* – The Department shall maintain
2 a registry of confirmed contaminated sites in the country based on the soil
3 quality standards set pursuant to Section 17 hereof; *Provided*, That the
4 Department shall take all necessary action to ensure that the registry provides a
5 complete listing of all such sites, their exact location and the types of waste
6 found at each site; *Provided, further*, That in developing and maintain the
7 registry, the Department shall assess, based upon new information received, the
8 relative priority of the need for action at each site to remedy environmental and
9 health problems resulting from the presence of hazardous and radioactive wastes
10 at such sites; *Provided, finally*, That any site classified as properly closed or
11 remediated where no evidence of present or potential adverse impact exists shall
12 be deleted from the registry.

13
14 Sec. 19. *Import and Export of Hazardous and Radioactive Wastes.* – In
15 accordance with Section 2(c) hereof, the Department and the PNRI shall
16 promulgate rules and regulations on the import and export of hazardous and
17 radioactive wastes consistent with relevant multilateral international agreements
18 and protocols.

20 Sec. 20. *Market-based Instruments, Responsible Care and Product*
21 *Stewardship Program.* – Within six (6) months from the effectivity of this Act, the
22 Department, in coordination with the manufacturers of commercial or industrial
23 products, shall identify and implement market-based, instruments, extended
24 producer responsibility, responsible care, products stewardship programs that
25 shall promote cleaner production, waste minimization and resource recovery;
26 *Provided,* That the Department shall identify and list products that shall be
27 covered by such programs.

CHAPTER III

RADIOACTIVE WASTES

1
2 Sec. 21. *Listing of Radioactive Wastes.* – Within six (6) months from the
3 effectivity of this Act, the Department of Science and Technology (DOST) –
4 PNRI, in coordination with the Department, after public consultation, shall
5 formulate and publish the criteria for identifying and listing the types of
6 radioactive wastes to be monitored and regulated.

7
8 Sec. 22. *Classification of Radioactive Wastes.* – The PNRI shall establish
9 the waste classification system based on internationally-acceptable guidelines.
10 The classification system shall be primarily on the safety aspects of radioactive
11 wastes disposal; *Provided*, That other stages of radioactive wastes management
12 may also be developed by the PNRI.

13
14 Sec. 23. *Management of Radioactive Wastes.* – Pursuant to Sections 10,
15 11 and 12 hereof, the PNRI shall promulgate rules and regulations on radioactive
16 wastes management. Said rules and regulations shall be based on the best
17 available technique to limit the outflow of radioactive substances to the
18 environment, taking into account the benefits as well as the cost of the
19 technique. The technique shall be both technically and economically feasible;
20 *Provided*, That said rules and regulations may be based on, but not be limited to,
21 the following methods of managing radioactive wastes:

- 22 (a) Dilute and Disperse – Radioactive waste within activity level that
23 can be disposed of as ordinary waste into the sewage, municipal
24 landfills, etc.;
- 25 (b) Delay and Decay – Short-lived radionuclides by storing under well
26 controlled conditions until the radioactivity has decayed to a level
27 which meets the established exemption or clearance limits for such
28 waste;
- 29 (c) Characterization, Segregation, Treatment, Conditioning, Transport,
30 Storage, Disposal Methods for managing radioactive wastes

1 containing long-lived radionuclides, including disused, sealed
2 sources and other wastes that cannot be managed under
3 subsections (a) and (b) of this Section; *Provided*, That the
4 acceptable storage period for conditioned wastes prior to the
5 establishment of a final disposal repository shall be a maximum
6 period of fifty (50) years.

7

8 *Sec. 24. Guidelines for the Acceptance of Radioactive Wastes by*
9 *Transporters and TSDFs.* – Within six (6) months after the effectivity of this Act,
10 the PNRI shall formulate specific, relevant and appropriate waste acceptance
11 criteria for transporters and TSDFs of radioactive wastes; *Provided*, That no
12 radioactive waste shall be accepted unless it complies with the waste acceptance
13 criteria formulated pursuant hereof.

14

15 *Sec. 25. Site Requirement and Selection Criteria.* – The PNRI shall develop
16 and promulgate generic site requirements for locating a final repository for
17 radioactive wastes.

18

19 *Sec. 26. Safety Assessment and Environmental Impact Assessment (EIA).*
20 – The PNRI shall develop and promulgate criteria and regulations on the
21 performance requirements and safety assessment of the TSDF; *Provided*, That
22 the safety assessment shall, among others, address both radiological and non-
23 radiological risks; *Provided, further*, That non-radiological EIA shall be carried out
24 in accordance with relevant environmental laws.

25

26 *Sec. 27. Emergency Preparedness.* – The PNRI shall promulgate
27 requirements and guidance on the formulation of emergency plans
28 commensurate to the seriousness of the accidents that could occur at the TSDFs.

1 Sec. 28. *Security.* – The PNRI shall promulgate guidelines on security
2 arrangements that should be in place to ensure that radioactive waste is not
3 accidentally or deliberately removed from their proper location without location.
4 Particular attention shall be given to materials of intrinsic value that could pose a
5 serious threat to human health and the environment if control were lost.

CHAPTER IV

HAZARDOUS HEALTHCARE WASTES

Sec. 29. *Listing of Hazardous Healthcare Wastes.* – Within six (6) months from the effectivity of this Act, the DOH, in coordination the Department and the DILG, after public consultation, shall formulate 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 be limited to, presence of infectious agents, toxicity, reactivity, ignitability and corrosivity.

Sec. 30. *Management of Hazardous Healthcare Wastes in Hospitals and Other Healthcare Facilities.* – Pursuant to Section 10, 11 and 12 hereof, the DOH shall promulgate rules and regulations on the effective management of hazardous healthcare wastes in hospitals and other healthcare facilities. Such rules and regulations shall include, but not be limited to, the following:

- 23 (a) Hospitals and other healthcare facilities shall practice or implement
24 waste minimization and segregation;

25 (b) Segregation at source shall be the responsibility of the waste
26 generator;

27 (c) Appropriate storage receptacles or bins shall be provided for each
28 healthcare waste category;

- 1 (d) Labeling of receptacle per waste category shall likewise be
2 implemented for identification of waste and management
3 measures in case of accidents;
- 4 (e) All hazardous healthcare wastes shall be collected and stored in
5 designated on-site storage areas until transported to a TSDF;
- 6 (f) Treatment of hazardous healthcare wastes on-site shall be done
7 through appropriate treatment methods;
- 8 (g) Upon the approval of the Department, healthcare facilities with
9 capacity of manage hazardous healthcare wastes on-site may also
10 treat for a fee the hazardous healthcare wastes generated by
11 other healthcare facilities; *Provided*, That in case of treatment of
12 radioactive healthcare wastes, approval of the PNRI shall be
13 secured;
- 14 (h) For hazardous healthcare liquid waste, all healthcare facilities shall
15 provide wastewater treatment facilities and comply with the
16 effluent standards set by the DBNR. Treatment and disposal of
17 sludge shall conform to the provisions of this Act; and
- 18 (i) To ensure the proper management of hazardous healthcare
19 wastes, a committee on hazardous healthcare wastes
20 management may be created in all healthcare facilities; *Provided*,
21 That in all level 1, level 2, level 3 and level 4 hospitals, the
22 creation of a committee on hazardous healthcare wastes
23 management shall be mandatory. The committee shall also
24 develop an emergency plan to ensure an immediate and
25 appropriate action once an emergency occurs. For other
26 healthcare establishments, a hazardous healthcare waste
27 management officer shall be designated.

28

29 **CHAPTER V**
30 **SPECIAL HAZARDOUS WASTES**

1
2 Sec. 31. *Collection of Special Hazardous Wastes.* – Local government units
3 (LGUs) shall be responsible for the collection of special hazardous wastes, as
4 listed by the Department in accordance with Section 5 hereof, from persons and
5 households; *Provided*, That the LGUs may enter into agreement with entities
6 duly accredited by the Department for the collection of special hazardous wastes.
7

8 Sec. 32. *Responsible Care Program for Special Hazardous Wastes.* – The
9 LGUs shall enact appropriate ordinances implementing responsible care,
10 extended producer responsibility or product stewardship program that shall
11 include, but shall not be limited to, take back or return to supplier schemes, that
12 shall promote cleaner production, waste minimization and resource recovery.
13

14 Sec. 33. *Transport, Treatment, Storage and Disposal of Special Hazardous
Wastes.* – Upon collection of hazardous special wastes by LGUs pursuant to
15 Section 31 hereof, the transport, treatment, storage and disposal of special
16 hazardous wastes shall be regulated in accordance with this Act.
17
18

19 **CHAPTER VI**
20 **INSTITUTIONAL MECHANISM**
21

22 Sec. 34. *Lead Agency.* – The Department shall be the primary government
23 agency responsible for the implementation and enforcement of this Act, including
24 in Philippine Economic Zone Authority areas, special economic zones and
25 freeports, unless otherwise provided herein. As such, it shall have the following
26 functions, powers and responsibilities:

- 27 (a) Prepare a National Hazardous and Radioactive Wastes Report;
28 (b) Prepare a National Hazardous and Radioactive Wastes
29 Management Framework;

- 1 (c) Develop and promulgate criteria for identifying and listing the
2 characteristics of hazardous and radioactive wastes;
- 3 (d) Establish, enforce, review and revise standards for generators of
4 hazardous and radioactive wastes;
- 5 (e) Establish, enforce, review and revise standards for transporters of
6 hazardous and radioactive wastes;
- 7 (f) Establish, enforce, review and revise standards applicable to
8 owners and operators of facilities for the treatment, storage and
9 disposal of hazardous and radioactive wastes;
- 10 (g) Exercise jurisdiction over all aspects of generation, possession,
11 collection, destruction, recovery, use, storage, transportation,
12 entry into, even in transit, treatment and disposal of hazardous
13 and radioactive wastes;
- 14 (h) Evaluate application for and issue permits and licenses' pursuant
15 to this Act;
- 16 (i) Revoke, modify or deny in accordance with the standards, rules
17 and regulations, hazardous waste transporter licenses, TSDFs
18 permits and other permits/licenses issued in accordance with this
19 Act;
- 20 (j) Establish a cooperative effort among the national government,
21 LGUs, academic institutions, civil society and the private sector to
22 attain the objectives of this Act;
- 23 (k) Develop and implement programs to achieve goals and objectives
24 set under this Act;
- 25 (l) Accept, receive and administer grants or other funds or gifts from
26 public and private agencies, for the purpose of carrying out the
27 provisions of this Act. Funds received by the Department pursuant
28 to this section shall accrue to the Hazardous and Radioactive
29 Wastes Management Fund;

- (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 rules and regulations issued in accordance with this Act;
 - (q) Formulate and undertake appropriate protocol with other concerned agencies for immediate coordinated responses to hazardous and radioactive waste-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. 36. 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 criteria for identifying and listing the types of radioactive wastes to be monitored and regulated;

- 1 (c) Develop and promulgate rules and regulations on the radioactive
2 wastes management pursuant to Section 23 hereof;
3 (d) Formulate specific, relevant and appropriate waste acceptance
4 criteria for transporters and TSDFs of radioactive wastes pursuant
5 to Section 24 hereof;
6 (e) Exercise jurisdiction over all aspects of generation, possession,
7 collection, recovery, transport, entry, even in transit, into
8 Philippine territory, treatment, storage and disposal of radioactive
9 wastes; and
10 (f) Exercise such powers and perform such other functions as may be
11 necessary to carry out the provisions of this Act.
- 12

13 *Sec. 37. Role of Local Government Units (LGUs).* – Local government units
14 shall have the following duties and responsibilities:

- 15 (a) Share the responsibility for the implementation, enforcement and
16 monitoring of the provisions of this Act within their territorial
17 jurisdictions such as the registration and compliance monitoring of
18 generators, transports and TSDFs;
19 (b) Prepare a compliance scheme in accordance with their special
20 hazardous wastes management program;
21 (c) Segregation and collection of special hazardous wastes;
22 (d) Emergency preparedness and response;
23 (e) Participate in all efforts concerning hazardous and radioactive
24 wastes management; and
25 (f) Enact appropriate ordinances to implement LGU's role in this Act.
- 26

27 *Sec. 38. The Interagency Technical Advisory Council (IATAC).* – For
28 purposes of policy integration and harmonization and coordination of functions,
29 there is hereby created an IATAC attached to the Department which shall be
30 composed of the following officials of their duly authorized representatives:

- 1 (a) Secretary of Environment and Natural Resources, as chairperson;
- 2 (b) Secretary of Health, as co-chairperson;
- 3 (c) Secretary of Science and Technology, as co-chairperson;
- 4 (d) Secretary of Agriculture;
- 5 (e) Secretary of Finance;
- 6 (f) Secretary of Trade and Industry;
- 7 (g) Secretary of National Defense;
- 8 (h) Secretary of Foreign Affairs;
- 9 (i) Secretary of Transportation;
- 10 (j) President of League of Cities;
- 11 (k) President of League of Municipalities;
- 12 (l) President of League of Provinces;
- 13 (m) President of League of Barangays;
- 14 (n) Director General of the Philippine Export Zone Authority;
- 15 (o) Representative from civil society;
- 16 (p) Representative from the industry;
- 17 (q) Representative from the TSDF operators; and
- 18 (r) Representative from the academe as members

19
20 The IATAC shall have the following functions, among others:

- 21 (a) Develop and promulgate criteria in assessing the proposed
22 BAT/BEP to be used accordance with Section 9 hereof; and
- 23 (b) Constitute and authorize a multidisciplinary body to conduct
24 annual audit to determine compliance of the TSDF perpetrators
25 with the terms and conditions in the permits and licenses issued
26 pursuant to this Act.

27
28 Sec. 39. *The IATAC Technical Working Group.* – The IATAC shall be
29 supported by a technical working group (TWG) which shall be composed of
30 representatives of the following:

- 1 (a) Environmental Management Bureau (EMB) of the Department;
- 2 (b) Environmental and Occupational Health Office of the DOH;
- 3 (c) Philippine Nuclear Research Institute of the DOST;
- 4 (d) Industrial Technology Development Institute of the DOST;
- 5 (e) Bureau of Health Facilities and Services of the DOH;
- 6 (f) Bureau of Soil and Water Management of the Department of
- 7 Agriculture (DA);
- 8 (g) Fertilizer and Pesticide Authority of the DA;
- 9 (h) Bureau of Customs of the Department of Finance (DOF);
- 10 (i) Bureau of International Trade Relations of the DTI;
- 11 (j) Board of Investments of the DTI;
- 12 (k) Bureau of Import Services of the DTI;
- 13 (l) Department of National Defense (DND);
- 14 (m) Land Transport Office of the DOTr;
- 15 (n) Occupational Health and Safety Center of the Department of Labor
- 16 and Employment (DOLE);
- 17 (o) Philippine Coast Guard;
- 18 (p) Nongovernment organizations (NGOs);
- 19 (q) Industry; and
- 20 (r) the Academe.

21

22 The TWG shall provide technical support to the IATAC.

23

24 Sec. 40. *Linkage Mechanism.* – The Department and its concerned
25 agencies may coordinate and enter into agreement with other government
26 agencies, civil society, industrial sector and other concerned sectors in the
27 furtherance of the policies of this Act; *Provided*, That the Department shall
28 coordinate with the DILG and the Philippine National Police in the enforcement of
29 the requirements for transporters issued pursuant to this Act.

Sec. 41. *Visitorial Powers.* – The Department, the PNRI and the DOH or their duly authorized representatives shall have access to, and the right to copy therefrom, the records required to be maintained pursuant to the provisions of this Act. The Secretary of the Department and the DOH and the Director of the PNRI or their authorized representatives shall likewise have the right to enter the premises of any generator, transporter or TSDF any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations. This section shall not apply to private dwelling places unless the visitorial power is otherwise judicially authorized.

CHAPTER VII

PERMITS AND FEES

16 Sec. 42. Permits for Treatment, Storage or Disposal of Hazardous and
17 Radioactive Wastes. -

- 18 (a) Issuance of Permit – Any person owning an existing or a new
19 TSDF of hazardous or radioactive wastes identified or listed
20 pursuant to this Act is required to secure a permit or license
21 pursuant to this section. The Department and the PNRI shall
22 prescribe reasonable fees for the issuance of said permit or
23 license.

24 (b) Duration of Permit – Any permit under this section shall be issued
25 annually during the first three (3) years of operation as a TSDF.
26 Thereafter, the Department and the PNRI may issue a permit or
27 license which is valid for five (5) years to a TSDF who has
28 satisfactorily complied with the rules and regulations issued
29 pursuant to this Act for three (3) consecutive years; *Provided,*
30 That an annual audit shall be conducted by a multidisciplinary

1 body constituted and authorized by the IATAC created pursuant
2 hereof.

- 3 (c) Permit Modification, Suspension and Revocation – The Department
4 and the PNRI shall modify, suspend and revoke such permit upon
5 a determination of noncompliance by a TSDF with the relevant
6 provisions of this Act or the terms and conditions of the permit.
- 7 (d) Interim Status – Any person who owns a TSDF in existence prior
8 to this Act is required to have permit under this section shall be
9 treated as having been issued such permit for a period of twelve
10 (12) months after the effectivity of this Act; *Provided*, That this
11 paragraph shall not apply to any facility which has been previously
12 denied a TSDF permit or license or if authority to operate the
13 facility has been previously terminated.

14

15 Sec. 43. *Hazardous and Radioactive Wastes Transporter License.* –

- 16 (a) Any person transporting any hazardous and radioactive waste is
17 required to secure a waste transporter license from the
18 Department, subject to the payment of a reasonable fee;
- 19 (b) Duration of License – A waste transporter license issued under this
20 section shall be valid for a period of one (1) year;
- 21 (c) License Modification, Suspension and Revocation – The
22 Department and the PNRI shall modify, suspend and revoke such
23 license upon a determination of noncompliance by a transporter
24 with the relevant provisions of this Act or the terms and conditions
25 of the permit. A license is not required for the transport of any
26 hazardous or radioactive waste on the premise where it is
27 generated or onto a property owned by the generator thereof
28 located within a one (1) kilometer radius from said premises or
29 within the same industrial estate; *Provided*, That the Department
30 is notified in writing prior to the transfer and a week after the

1 transfer has been completed. Nothing in this section shall be
2 interpreted to preclude the Department and the PNRI from
3 inspecting unlicensed hazardous waste transporting equipment
4 and to require that it be adequate to provide protection for the
5 health of humans and the environment.

6

7 *Sec. 44. Hazardous Wastes Disposal Fee.* – All hazardous wastes disposal
8 facilities shall collect, on behalf of the government, from each hazardous waste
9 generator or transporter disposing such wastes at the disposal site, a fee that
10 shall accrue to the hazardous wastes management fund. The fee shall be
11 established by the Department, taking into consideration the following:

- 12 (a) To provide strong economic inducement for generators to modify
13 their production or management processes;
- 14 (b) To cover the cost of administrative hazardous and radioactive
15 wastes management;
- 16 (c) Reflect damages caused by hazardous and radioactive wastes on
17 the surrounding environment, including the cost of rehabilitation;
- 18 (d) Category of wastes; and
- 19 (e) Classification of wastes.

20

21 The fee, which shall be established after due public consultation, shall be based
22 on the quantity of wastes disposed.

23

24 **CHAPTER VIII**

25 **FINANCING HAZARDOUS WASTES MANAGEMENT**

26

27 *Sec. 45. Financial Liability for Environmental Rehabilitation.* – The
28 Department shall require generators and owners of TSDFs to put up
29 Environmental Guarantee Fund (EGF) as part of the Environmental Management
30 Plan attached to the Environmental Compliance Certificate (ECC), pursuant to

1 Presidential Decree No. 1586 and its implementing rules and regulations. The
2 EGF shall finance the needs of emergency response, clean up or rehabilitation of
3 areas that may be damaged during the generation, transport, treatment, storage
4 or disposal of hazardous and radioactive wastes. Liability for damages shall
5 continue even after termination of the project and until the lapse of a given
6 period indicated in the ECC, as determined by the Department.

7

8 The EGF may be in the form of a trust fund, environmental insurance, surety
9 bonds, letters of credit, self-insurance and any other instrument which may be
10 identified by the Department. The choice of the guarantee instrument or
11 combinations thereof shall depend, among others, on the assessment of the risks
12 involved. Proponents required to put up guarantee instruments shall furnish the
13 Department with evidence of availment of such instruments.

14

15 Sec. 46. *Performance Bond.* – Prior to issuance of the required permit to
16 operate, the Department shall require transporters, owners of treatment/storage
17 facilities to post performance bond. The performance bond shall be forfeited in
18 the event of abandonment of sites and/or non-performance of post-closure
19 requirements issued pursuant to Section 15 hereof; *Provided*, That this provision
20 shall not apply to State-owned treatment/storage facilities and to recyclers
21 identified and listed as such, pursuant to this Act.

22

23 **CHAPTER IX**
24 **INCENTIVES**

25

26 Sec. 47. *Rewards.* – Rewards, monetary or otherwise, shall be provided to
27 individuals, private organizations and entities, including NGOs that have
28 undertaken outstanding and innovative projects, technologies, processes and
29 techniques or activities in hazardous and radioactive wastes management. Said

1 rewards shall be sourced from the Hazardous and Radioactive Wastes
2 Management Fund herein created.

3

4 Sec. 48. *Incentives Scheme.* – An incentive scheme is hereby provided for
5 the purpose of encouraging enterprises, private entities, LGUs and NGOs to
6 develop or undertake an effective hazardous and radioactive wastes
7 management, or actively participate in any program geared towards the
8 promotion thereof, consistent with the objectives of this Act.

9 (a) Tax and Duty Exemption on Imported Capital Equipment and
10 Vehicles – Within five (5) years upon the effectivity of this Act,
11 registered enterprises, LGUs and NGOs shall enjoy tax and duty-
12 free importation of machinery, equipment, technology and spare
13 parts used for the processing, storage and treatment of hazardous
14 and radioactive wastes, including cleaner production and waste
15 minimization technologies; *Provided*, That the importation of such
16 machinery, equipment, technology and spare parts shall comply
17 with the following conditions:

- 18 (1) They are not manufactured domestically in sufficient
19 quantity, of comparable quality and at reasonable prices;
20 (2) They are reasonably needed and will be used actually,
21 directly and exclusively, for the abovementioned activities;
22 and
23 (3) There is an approval from the Board of Investment (BOI) of
24 the DTI for the importation of such machinery, equipment,
25 technology and spare parts; *Provided, further*, That the
26 sale, transfer or disposition of such machinery, equipment,
27 technology and spare parts, without prior approval of the
28 BOI within five (5) years from the date of acquisition shall
29 be prohibited; otherwise, the registered enterprise, LGU or
30 NGO concerned and the buyer, transferee or assignee shall

- 1 be solitarily liable to pay twice the amount of tax and duty
2 exemption given it.
- 3 (b) Tax Exemption on the Sale of Domestic Capital Equipment –
4 Within five (5) years from the effectivity of this Act, the sale of
5 domestic capital equipment, including its spare parts to registered
6 enterprises, LGUs and NGOs to be used for processing, storage
7 and treatment of hazardous and radioactive wastes, shall be
8 exempted from any applicable taxes imposed under the National
9 Internal Revenue Code of 1997, as amended; *Provided*, That said
10 incentive shall be subject to the same conditions and prohibition
11 cited in the preceding paragraph;
- 12 (c) Tax Exemption of Donations, Legacies and Gifts – All donations,
13 gifts and legacies made by any person or entity in favor of the
14 registered enterprises, LGU and NGOs, for the support and
15 maintenance of the program for effective hazardous and
16 radioactive wastes management, shall be exempt from donor's tax
17 and such amount of donations shall be deductible from the gross
18 income of the donor pursuant to Section 34, paragraph (H) of the
19 National Internal Revenue Code of 1997, as amended;
- 20 (d) Financial Assistance Program – Government financial institutions
21 such as the Development Bank of the Philippines (DBP), the
22 Landbank of the Philippines (LBP), the Government Service
23 Insurance System (GSIS) and such other government institutions
24 providing financial services shall, in accordance with and to the
25 extent allowed by the enabling provisions of their respective
26 charters or applicable laws, accord high priority to extend financial
27 services to individuals, enterprises or private entities engaged in
28 hazardous, radioactive, medical and hazardous special wastes
29 management;

- (e) Extension of Grants to LGUs – Cities or municipalities whose special hazardous wastes management programs have been duly accredited by the Department or have adopted innovative wastes management programs may be entitled to receive grants for the purpose of developing their technical capacities toward actively participating in the program for effective and sustainable wastes management
 - (f) Incentives to Host LGUs – LGUs which host common hazardous and radioactive wastes management facilities shall be entitled to incentives as provided for under this Act;
 - (g) Tax Exemption on Hazardous Wastes Generated Within PEZA Areas, Freeports and Other Special Ecozones – Hazardous waste materials generated within PEZA areas, freeports and other special ecozones shall be allowed to be brought to the Philippine customs territory for the sole intention of recycling and treatment, and shall be exempted from payment of any tax due on said hazardous wastes; *Provided*, That said recyclable hazardous waste materials are identified and listed in accordance with Section 5 of this Act.

CHAPTER X

CIVIL LIABILITY AND PENAL PROVISIONS

23 Sec. 49. *Generator's Liability.* – The generator is primarily responsible for
24 the management of hazardous and radioactive wastes until said waste has been
25 certified as properly treated or disposed by duly accredited TSDFs; *Provided,*
26 That wastes that are exported outside of the country and treated and disposed in
27 accordance with international agreements, the TSDFs in the country of
28 destination shall issue the certificate of treatment and disposal. All other
29 environmental service providers involved in the transport, treatment, storage and
30 disposal of said waste shall be jointly and severally liable with the generator in

1 the event of any adverse environmental impacts due to the improper
2 management of waste.

3

4 Sec. 50. *Prohibited Acts.* – The following acts are prohibited:

- 5 (a) Discarding, throwing or dumping of hazardous or radioactive
6 wastes, as listed pursuant to this Act in public places, such as
7 roads, sidewalks, canal, esteros, parks, establishments and
8 municipal solid waste facilities, or causing or permitting the same;
- 9 (b) Undertaking activities involving the collection or transport of
10 hazardous or radioactive wastes in violation of the standards and
11 other requirements or permits set forth in this Act;
- 12 (c) Causing or permitting the collection of non-segregated or unsorted
13 hazardous wastes;
- 14 (d) Operating TSDFs without permits issued pursuant to this Act;
- 15 (e) Transporting hazardous or radioactive wastes without the required
16 permit or license pursuant to this Act;
- 17 (f) The mixing of source-separated recyclable material with other
18 hazardous wastes in any vehicle, box, container or receptacle used
19 in hazardous or radioactive wastes collection or disposal;
- 20 (g) Disposal of hazardous or radioactive wastes in open and controlled
21 dumps as enjoined in this Act, or causing and permitting the
22 same;
- 23 (h) Establishment and operation of open and controlled dumps for
24 hazardous and radioactive wastes;
- 25 (i) Transporting and dumping of collected hazardous or radioactive
26 wastes in areas other than facilities prescribed under this Act;
- 27 (j) Open burning of hazardous or radioactive wastes;
- 28 (k) Transporting any hazardous or radioactive wastes to a TSDF which
29 is not authorized to receive such waste pursuant to this Act;

- (l) Treating, storing or disposing of any hazardous or radioactive waste either: (1) without permit or license to do so pursuant hereof; or (2) in knowing violation of any material condition or requirement of such permit or license; or (3) 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 who, 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 acts or hazardous waste management practices in violation of standards or rules and regulations issued pursuant to this Act;
 - (q) Failing to notify the Department, the DOH and the PNRI of hazardous or radioactive wastes activities pursuant to Section 6 hereof;
 - (r) Importing or causing or permitting the entry, even in transit, into Philippine territory in violation of the provisions of this Act and its implementing rules and regulations, and relevant international agreements and protocols;
 - (s) Constructing, substantially altering or operating, including all post-closure activities and operations specified in the rules and

1 regulations, a hazardous or radioactive waste TSDF without first
2 obtaining a permit as specified in this Act; and

3 (t) Site preparation, construction, expansion or operation of TSDFs
4 without an ECC required pursuant to Presidential Decree No. 1586
5 and this Act.

6

7 For purposes of this provision, the term "hazardous wastes" shall include special
8 hazardous and healthcare wastes.

9

10 Sec. 51. *Fines, Damages and Penalties.* – Unless otherwise provided
11 herein, any person who commits any of the prohibited acts provided in the
12 immediately preceding section or violates any of the provisions of this Act or its
13 implementing rules and regulations shall be fined by the Pollution Adjudication
14 Board (PAB) in the amount not less than Ten thousand pesos (P 10,000.00) but
15 not more than One hundred thousand pesos (P 100,000.00) for every violation;
16 Provided, That for violation of Section 52 involving prohibited acts under
17 paragraphs (a), (g), (h), (i), (l), (p), (s) and (t) of the immediately preceding
18 section, the fine shall be imposed for every day of violation.

19

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

25

26 The fines herein prescribed shall be reviewed and revised, whenever necessary,
27 every three (3) years to compensate for inflation and to maintain the deterrent
28 function of such fines; *Provided*, That the PAB may order the closure, suspension
29 of development or construction, or cessation of operations until such time that
30 proper environmental safeguards are put in place and/or compliance with this

1 Act or its rules and regulations are undertaken. This paragraph shall be without
2 prejudice to the issuance of an *ex parte* order for such closure, suspension of
3 development or construction, or cessation of operations during the pendency of
4 the case; *Provided, further,* That if the prohibited act undertaken shall require
5 cleanup and rehabilitation, the offender shall also be required to restore or
6 compensate for the restoration of the area. The PAB may also award such
7 damages as it may deem just under the circumstances in favor of the private
8 complainant in the case.

9

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

- 13 (a) Deliberate disposal of hazardous or radioactive wastes without the
14 required permit issued pursuant to this Act;
- 15 (b) Three (3) or more violations referred to in paragraphs (a), (d), (g),
16 (k), (l) and (m) of Section 50 hereof within a period of two (2)
17 years; or
- 18 (c) Blatant disregard of the orders of the PAB, such as the
19 nonpayment of fines, breaking of seals or operation of the source
20 of pollution despite the existence of an order for closure,
21 discontinuance or cessation of operation, or unjustified, refusal for
22 the entry or access to any premises of an authorized Department
23 representative; in which case, offenders shall be punished a fine of
24 not less than One hundred thousand pesos (P 100,000.00) but not
25 more than Three million pesos (P 3,000,000.00) and/or with
26 imprisonment of not less than three (3) years but not more than
27 ten (10) years, at the discretion of the court.

28

29 If the offender is a juridical person, the chief executive officer and the pollution
30 control officer or its equivalent shall suffer the penalty herein provided; *Provided,*

1 That the officers and incorporators of the TSDFs who violated the post-closure
2 requirements issued pursuant to Section 15 hereof shall be banned from setting
3 up TSDFs and hazardous and radioactive waste transport companies and
4 engaging in the operation of the same.

5

6 If the offender is an alien, he or she shall, after service of the sentence
7 prescribed above, be deported without further administrative proceedings. The
8 fines herein prescribed shall be reviewed and revised, whenever necessary, every
9 three (3) years to compensate for inflation and to maintain the deterrent
10 functions of such fines.

11

12 Sec. 52. *Administrative Sanctions.* – Local government officials and
13 officials of government agencies concerned who fail to comply with and enforce
14 rules and regulations promulgated relative to this Act shall be charged
15 administratively in accordance with Republic Act No. 7160 and other existing
16 laws, rules and regulations.

17

18 Sec. 53. *Administrative Action.* – Without prejudice to the right of any
19 affected person to file an administrative action, the Department, the DOH and
20 the PNRI shall, on its own instances or upon verified complaint by any person,
21 institute administrative and civil proceedings against any person who violates:

- 22 (a) Standards or limitations provided under this Act; or
23 (b) Any order, rule or regulation issued by the Department, the DOH,
24 or the PNRI with respect to such standard or limitation.

25

26 Sec. 54. *Citizen Suits.* – For purposes of enforcing the provisions of this
27 Act or its implementing rules and regulations, any citizen may file an appropriate
28 civil, criminal or administrative action in the proper courts or bodies against the
29 following:

- 1 (a) Any person who violates or fails to comply with the provisions of
2 this Act or its implementing rules and regulations; or
3 (b) The Department or other implementing agencies with respect to
4 orders, rules and regulations issued inconsistent with this Act; or
5 (c) Any public officer who willfully or grossly neglects the performance
6 of an act specifically enjoined as a duty by this Act or its
7 implementing rules and regulations; *Provided, however,* That no
8 suit can be filed until after a thirty (30)-day notice has been given
9 to the public officer and the alleged violator concerned and no
10 appropriate action has been taken thereon.

11
12 The court shall exempt such action from the payment of filing fees except fees
13 for action not capable of pecuniary estimations, and shall, likewise, upon *prima*
14 *facie* showing of the non-enforcement or violation complained of, exempt the
15 plaintiff from the filing of an injunction bond for the issuance of a preliminary
16 injunction.

17
18 Within thirty (30) days, the court shall make a determination if the complaint
19 herein is malicious and/or baseless and shall accordingly dismiss the action and
20 award attorney's fees and damages.

21
22 Sec. 55. *Suits and Strategic Legal Action Against Public Participation*
23 (*SLAPP*) and the Enforcement of this Act. – Where a suit is brought against a
24 person who filed an action as provided for in Section 54 of this Act, or against
25 any person, institution or government agency that implements this Act, it shall
26 be the duty of the investigating prosecutor or the court, as the case may be, to
27 immediately make a determination not exceeding thirty (30) days whether said
28 legal action has been filed to harass, vex, exert undue pressure or stifle such
29 legal recourses of the person complaining of or enforcing the provisions of this
30 Act. Upon determination thereof, evidence warranting the same, the court shall

1 dismiss the case and award attorney's fees and double damages. This provision
2 shall also apply and benefit public officer who are sued for acts committed in
3 their official capacity, there being no grave abuse of authority, and done in the
4 course of enforcing this Act.

5

6 CHAPTER XI

7 MISCELLANEOUS PROVISIONS

8

9 Sec. 56. *Mandatory Public Hearings.* – Mandatory public hearings for the
10 Framework shall be undertaken in accordance with the process to be formulated
11 by the Department.

12

13 Sec. 57. *Research on Hazardous and Radioactive Wastes Management.* –
14 The Department, after consultations with the cooperating agencies, shall
15 encourage, cooperate with and render financial and other assistance to
16 appropriate government and private agencies, institutions and individuals in the
17 conduct and promotion of researches, experiments and other studies on
18 hazardous and radioactive wastes management, particularly those relating to:

- 19 (a) adverse health welfare effects of the release into the environment
20 of hazardous and radioactive wastes, and methods to eliminate
21 said effects or minimize the health risks;
- 22 (b) the operation and financing of hazardous and radioactive wastes
23 disposal programs;
- 24 (c) the planning, implementation and operation of resource recovery
25 and resource conservation systems;
- 26 (d) the production of usable forms of recovered resources, including
27 fuel from hazardous wastes;
- 28 (e) the development and application of new and improved methods of
29 collecting, separating and disposing of hazardous and radioactive

- 1 wastes and processing and recovering materials and energy from
2 hazardous and radioactive wastes;
- 3 (f) cleaner production technologies;
- 4 (g) improvements in land disposal practices for hazardous and
5 radioactive wastes; and
- 6 (h) development of new uses of recovered resources and identification
7 of existing or potential markets of recovered resources.

8

9 In carrying out hazardous and radioactive waste researches and studies, the
10 Department, the DOH and the PNRI or their authorized representatives may
11 award grants or enter into contracts with government agencies, NGOs and
12 private persons.

13

14 Sec. 58. *Public Education and Information.* – The Department, the PNRI
15 and the DOH, in coordination with the Department of Education (DepEd), the
16 Technical Education and Skills Development Authority (TESDA), the Commission
17 on Higher Education (CHED), the DILG, the Philippine Information Agency (PIA)
18 and the LGUs, shall conduct a continuing education and information campaign on
19 hazardous and radioactive wastes management. Such education and information
20 program shall:

- 21 (a) Aim to develop public awareness of the impacts of hazardous and
22 radioactive wastes and how to prevent or minimize their adverse
23 effects;
- 24 (b) Concentrate on activities which are feasible and which will have
25 the greatest impact on hazardous and radioactive wastes
26 management; and
- 27 (c) Encourage the general public, accredited NGOs and POs to publicly
28 endorse and patronize environment-friendly products.

29

1 Sec. 59. *Environment Education in the Formal and Non-Formal Sectors.* –
2 The national government, through the DepEd and in coordination with concerned
3 government agencies, NGOs and private institutions, shall strengthen the
4 integration of environmental concerns in school curricula at all levels, with
5 particular emphasis on hazardous and radioactive wastes management principles
6 in order to promote environmental awareness and action among the citizenry.

7

8 Sec. 60. *Business and Industry Role.* – The Department, the DOH and the
9 PNRI shall encourage commercial and industrial establishments, through
10 appropriate incentives other than tax incentives, to initiate, participate and invest
11 in integrated hazardous and radioactive wastes management projects to
12 manufacture environment-friendly products; to introduce, develop and adopt
13 innovated processes that shall recycle and reuse materials, conserve raw
14 materials and energy, reduce waste and prevent pollution and to undertake
15 community activities to promote and propagate effective hazardous and wastes
16 management practices.

17

18 **CHAPTER XII**
19 **FINAL PROVISIONS**

20

21 Sec. 61. *Appropriations.* – The Secretaries of the DENR, the DOH and the
22 DOST shall include in their programs the implementation of this Act, the funding
23 of which shall be included in the annual General Appropriations Act.

24

25 In addition, the departments concerned may accept donations, contributions,
26 grants, bequests or gifts, in cash or in kind, from various sources, domestic or
27 foreign, for purposes relevant to hazardous and radioactive wastes management
28 functions; *Provided*, That in case of donations from foreign governments,
29 acceptance thereof shall be subject to prior clearance and approval of the

1 President of the Philippines upon the recommendation of the Secretary of
2 Foreign Affairs.

3

4 Receipts from donations shall be accounted for in the books of the recipient
5 government agency in accordance-with pertinent accounting and auditing rules
6 and regulations.

7

8 *Sec. 62. Implementing Rules and Regulations.* – Within one (1) year after
9 the effectivity of this Act, the Department, the DOH and the PNRI, in
10 coordination with Committees on Environment and Ecology of the Senate and
11 the House of Representatives, respectively, shall promulgate the implementing
12 rules and regulations of this Act; *Provided*, That rules and regulations issued by
13 other government agencies and instrumentalities relative to hazardous and
14 radioactive wastes management consistent with this Act shall supplement the
15 rules and regulations issued by the DENR, the PNRI and the DOH pursuant to the
16 provisions of this Act.

17

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

20

21 *Sec. 63. Joint Congressional Oversight Committee.* – There is hereby
22 created a Joint Congressional Oversight Committee to monitor the
23 implementation of this Act. The Committee shall be composed of five (5)
24 Senators and five (5) Representatives to be appointed by the Senate President
25 and the Speaker of the House of Representatives, respectively. The Oversight
26 Committee shall be co-chaired by a Senator and a Representative designated by
27 the Senate President and the Speaker of the House of Representatives,
28 respectively.

29

1 Sec. 64. *Fines, Damages and Penalties.* – Pending the establishment of
2 the Framework under Section 8 hereof and the promulgation of the
3 implementing rules and regulations of this Act, pertinent existing laws,
4 regulations, programs and projects on hazardous and radioactive wastes
5 management shall be enforced; *Provided*, That for specific undertaking, the
6 same may be revised in the interim in accordance with the intentions of this Act.
7

8 Sec. 65. *Report to Congress.* – The Department shall report to Congress
9 not later than March 30 of every year following the approval of this Act, detailed
10 account of its accomplishments and progress on hazardous and radioactive
11 wastes management during the year and make the necessary recommendations
12 in areas where there is a need for legislative action.
13

14 Sec. 66. *Separability Clause.* – If any provision of this Act or the
15 application of such provision to any person or circumstance is declared
16 unconstitutional, the remainder of this Act or the application of such provision to
17 other persons of circumstances shall not be affected by such declaration.
18

19 Sec. 67. *Repealing Clause.* – Republic Act No. 6969, Executive Order No.
20 192, Republic Act No. 9003, Republic Act No. 7160 and Republic Act No. 2067, as
21 amended, are partly modified. All laws, decrees, issuances, rules and regulations
22 or parts thereof inconsistent with the provisions of this Act are hereby repealed
23 or modified accordingly.
24

25 Sec. 68. *Effectivity.* – This Act shall take effect fifteen (15) days after its
26 publication in at least two (2) newspapers of general circulation.
Approved,