

-used in the 2023.04.27 TWG  
-noted subsequent PP submissions  
-used in the 2023.07.05 Secretariat TWG  
-for continuation of TWG starting Sec. 15

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. \_\_\_\_\_**

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*Introduced by \_\_\_\_\_*

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

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

**CHAPTER I**  
**GENERAL PROVISIONS**

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

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

- 8           (a) Develop and implement an integrated and comprehensive national and local hazardous  
9           waste management program, focusing on pollution prevention, control and resource  
10          conservation and recovery;
- 11          (b) Promulgate guidelines for the generation, collection, segregation, transport, recovery,  
12          storage, treatment, and disposal of hazardous waste, including safeguards, emergency, and  
13          contingency plans for accidents involving such waste;
- 14          (c) Establish control measures on the importation of recyclable materials that are hazardous  
15          waste or containing hazardous substances, to prevent entry of misdeclared waste;
- 16          (d) Promote a national research and development program for improved hazardous waste  
17          management, resource conservation, and cleaner production techniques;

- (e) Formulate and enforce a system of accountability for generators, including the promotion of cleaner production techniques, extended producer responsibility, product stewardship, and social responsibility program;
- (f) Strengthen the integration of hazardous waste management and resource conservation and recovery topics into the formal and non-formal education academic curricula, in order to promote environmental awareness and action among the citizenry; and,
- (g) Regulate the entry and transit of hazardous waste for whatever purpose, consistent with international law, including multilateral or bilateral international agreements.

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

- (a) ***Contaminated site*** refers to an area where the presence of any contaminant of potential concern presents a risk to humans, water, ecosystems, or other receptors based on the standards to be set pursuant to this Act;
- (b) ***Department*** refers to the Department of Environment and Natural Resources;
- (c) ***Disposal*** refers to the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into the environment;
- (d) ***E-waste*** refers to discarded electrical and electronic equipment, **GADGETS**, units, devices, or any part thereof destined for recovery, recycling, treatment, or disposal;
- (e) ***Hazardous waste*** refers to any equipment, device, material, or substance, discarded from any household, commercial or industrial establishment, institution, or healthcare facility, which waste may significantly contribute or pose an unreasonable risk or potential threat to human health and the environment due to its concentration or physical, chemical, or infectious characteristic, including its toxicity, reactivity, ignitability, and corrosivity;
- (f) ***Hazardous Waste Generator*** refers to any person who generates hazardous waste covered by this Act **EXCEPT HOUSEHOLDS COVERED UNDER ARTICLE V**;
- (g) ***Hazardous waste management*** refers to the systematic administration of activities which provide for the identification, listing, collection, segregation at source, storage, transport, recovery, processing, reprocessing, treatment, and disposal of hazardous waste;
- (h) ***Hazardous Healthcare waste*** refers to the pathological and non-pathological infectious waste generated from any healthcare facility, including those generated from any household, commercial, or industrial establishment; **[DOH will provide inputs]**
- (i) ***Manifest*** or ***consignment note*** refers to a record prescribed by the Department accompanying the hazardous waste from the point of generation to final disposition thereof;
- (j) ***Resource recovery*** refers to the collection, extraction or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use;

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

**SEC. 4. Coverage of this Act.** – This Act shall apply to the generation, possession, collection, recycling, recovery, storage, transport, treatment, and disposal of hazardous waste in the country. This will include the export, import, and transit of hazardous waste in the Philippine territory, **including the economic and freeport zones and such other areas that may be defined as special customs territories.**

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

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

## CHAPTER II MANAGEMENT SYSTEM

### Article One General Provisions

**SEC. 5. Identification and Listing of Hazardous Waste.** – Within twelve (12) months from the effectivity of this Act, the Department shall, after notice and public consultation, develop, formulate and publish the criteria for identifying and listing the characteristics of hazardous waste, taking into account relevant factors such as toxicity, reactivity, ignitability, corrosivity, degradability in nature, and potential for accumulation in tissue. The criteria shall be reviewed and revised every five (5) years thereafter, or as the need arises.

1       **SEC. 6. Registration of Hazardous Waste Generators.** – Within twelve (12) months upon the  
2 effectivity of this Act, any hazardous waste generator shall be required to register its entity and the  
3 types and quantities of waste generated with the Department. A Materials Recovery Facility (MRF),  
4 established pursuant to RA 9003, consolidating household hazardous wastes prior to its transport,  
5 treatment and disposal, shall be considered as hazardous waste generator.

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

- 12       (a) Inventory of existing hazardous waste and their depots and facilities;
- 13       (b) General waste characterization, taking into account the source, type, and quantity of  
14       hazardous waste generated and other factors;
- 15       (c) Listing of **hazardous waste service providers**; ~~treatment, storage, disposal (TSD) facilities,~~  
16       ~~including transporters of hazardous waste;~~ and,
- 17       (d) Listing of identified contaminated sites.

18       **SEC. 8. National Hazardous Waste Management Framework.** – Within eighteen (18) months  
19 from the effectivity of this Act, the Department shall prepare and formulate a National Hazardous  
20 Waste Management Framework, herein referred to as the “Framework”, which shall be updated every  
21 five (5) years thereafter. It shall embody policies established pursuant to this Act, and shall specifically  
22 contain the following: **[in Section re IRR, DENR will undertake coordination with relevant agencies**  
23 **and stakeholders - ADDRESSED IN SEC. 24]**

- 24       (a) Strategies and techniques for hazardous waste management;
- 25       (b) Systems for the proper **HANDLING, SEGREGATION, collection,** transport, treatment,  
26       storage, and disposal of hazardous waste;
- 27       (c) Goals and targets for waste reduction and recovery;
- 28       (d) Roles and responsibilities of relevant government agencies; and
- 29       (e) Monitoring and evaluation.

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

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15           **SEC. 10. PRODUCER AND IMPORTER RESPONSIBILITY SCHEMES.** ~~Market-Based~~  
16 ~~Instruments~~ – Twelve (12) months after the effectivity of this Act, all manufacturers and importers of  
17 commercial and industrial products containing ~~regulated~~ hazardous substances **REGULATED**  
18 **UNDER THIS ACT**, and other relevant stakeholders, shall adopt an appropriate program ~~on market-~~  
19 ~~based instruments~~ **TO ENSURE CLEANER PRODUCTION, WASTE MINIMIZATION, AND**  
20 **RESOURCE RECOVERY.** This ~~program shall~~ **MAY include THE FOLLOWING ACTIVITIES:**  
21 **PRODUCT/ PROCESS REDESIGN**, extended producer responsibility, buy-back programs, social  
22 responsibility, and product stewardship programs ~~, to ensure cleaner production, waste minimization,~~  
23 ~~resource recovery, and proper treatment and disposal of hazardous waste.~~ The ~~DENR~~  
24 **DEPARTMENT** shall establish the guidelines ~~for the implementation of the ,~~ **AND DEVELOP**  
25 ~~market-based instruments that promote cleaner production and waste minimization~~ **AND OTHER**  
26 **CONTROL MEASURES TO FACILITATE THE ACHIEVEMENT OF PROGRAM TARGETS:**  
27 *Provided, That* within five (5) years upon effectivity of this Act, the targets established in the program  
28 for cleaner production, waste minimization, and resource recovery shall be fully implemented.  
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4 **SEC. 11. Importation of Recyclable Hazardous Waste and Materials** - The Department shall  
5 establish control measures on the importation of recyclable materials that are hazardous waste or  
6 containing hazardous substances, consistent with international law and agreements and applicable  
7 standards for the protection of the environment.

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9 **Article Two**  
10 **Responsibilities of Waste Generators, Transporters, and Owners**  
11 **of Waste Treatment, Storage, and Disposal Facilities**  
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13 **SEC. 12. Responsibilities of Generators of Hazardous Waste.** – Within twelve (12) months  
14 after the effectivity of this Act, the Department shall establish the **DUTIES AND** responsibilities of  
15 generators of hazardous waste to ensure the proper management of the generated hazardous waste.  
16 Appropriate documentation, methods, strategies, and emergency or contingency plans to minimize  
17 damage in case of accidents, shall be covered under these responsibilities to ensure that the proper  
18 generation, storage, transport, treatment, and disposal of wastes are executed and monitored. Waste  
19 generators shall bear the cost for the proper storage, transport, treatment, and disposal of waste. [waste  
20 generators are required ECC for registration.]

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27 **SEC. 13. Responsibilities of Transporters of Hazardous Waste.** – Within twelve (12) months  
28 after the effectivity of this Act, the Department, in coordination with the Department of Health (DOH)  
29 and the Department of Transportation (DOTr), shall establish the responsibilities of waste transporters  
30 and prescribe guidelines for the transport of hazardous waste to protect human health and the  
31 environment.

32 The responsibilities of transporters shall cover appropriate system, documentation, and safety  
33 standards, including on transport vehicle, garage or holding facility, labeling, compatibility of wastes,  
34 training, emergency preparedness and response, among others. The responsibilities of the owners of  
35 the TSD facilities shall include standards of performance in operation, maintenance, monitoring,  
36 decommissioning, abandonment and closure.

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2       **SEC. 14. Responsibilities and Standards of Performance for ~~Hazardous Waste Service~~**  
3 **~~Providers~~ Owners of TSD Facilities.** – Within twelve (12) months after the effectivity of this Act, the  
4 Department shall establish the **DUTIES AND** responsibilities of the owners of TSD facilities for  
5 hazardous waste: *Provided, That* the Department where applicable, shall distinguish the respective  
6 standards to be observed by new and existing facilities at the time of the effectivity of this Act. [DENR  
7 lead agency in IRR - OK]

8       Within twelve (12) months after the effectivity of this Act, the Department shall establish the  
9 responsibilities of ~~transporters and TSD facilities~~ for hazardous wastes to ensure that these wastes are  
10 managed in an environmentally sound manner to minimize, if not eliminate, hazards posed to human  
11 health and the environment.

12       (Merge Sections 13 and 14)

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14       **SEC. 15. Categories of TSD Facilities.** – Within twelve (12) months from the effectivity of this  
15 Act, the Department shall formulate specific, relevant, and appropriate criteria and standards in  
16 establishing different categories of TSD facilities. The Department shall consider the following  
17 categories:

- 18       (a) Facilities that employ fixed or mobile equipment to conduct on-site treatment and disposal  
19       of hazardous waste generated or produced at the premises for noncommercial purposes;
- 20       (b) Facilities that conduct treatment of hazardous waste;
- 21       (c) Landfills that accept hazardous waste for disposal;
- 22       (d) Facilities that recycle or reprocess hazardous waste that is not generated or produced at the  
23       premises;
- 24       (e) Facilities that receive hazardous waste off-site or outside of the premises where the waste is  
25       generated or produced, and transforms the physical or chemical characteristics of the  
26       hazardous waste, for disposal into landfills and other disposal sites;
- 27       (f) Facilities that store, within an allowable period, hazardous waste that is not generated or  
28       produced within its premises;
- 29       (g) Other engineered land disposal facilities that include deep injection wells, borehole  
30       facilities, near surface facilities, surface impoundments, land farming, and abandoned  
31       underground mines; and
- 32       (h) TSD and reception facilities in ports.

33       **SEC. 16. Hazardous Waste Reception Facilities in Ports.** Within two (2) years following the  
34 effectivity of this law, airports or seaports shall establish a hazardous waste reception facility or a  
35 system for the direct collection of such waste from **aircrafts** or ships by a waste service provider.



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

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

## Article Three

### Registration of Hazardous Waste Service Providers and Fees

**SEC. 18. Registration of Hazardous Waste Service Providers.** No service provider of hazardous waste shall be allowed to operate unless the same is duly registered with the Department: *Provided, That* a transporter of hazardous waste shall not be registered unless it has a service agreement with a TSD facility. (note: put hazardous waste before “service provider” for consistency)

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

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

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

## Article Four

### Hazardous Healthcare Waste

**SEC. 20. Listing of Hazardous Healthcare Waste Categories.** – Within twelve (12) months from the effectivity of this Act, the DOH, in coordination with the Department, shall formulate the criteria for the classification and listing of the categories of hazardous healthcare waste to be regulated and monitored. In the formulation of the criteria, the DOH shall take into account relevant factors such as the presence of infectious agents, toxicity, reactivity, ignitability, and corrosivity. For radioactive healthcare waste, the rules and regulations issued by the **agency principally mandated to regulate radioactive and nuclear wastes.** ~~Philippine Nuclear Research Institute~~ shall apply.



**SEC. 21. Management of Hazardous Healthcare Waste in Hospitals and Other Healthcare Facilities.** – For the safe and environmentally sound management of hazardous healthcare waste in hospitals and other healthcare facilities, the DOH shall strictly implement the appropriate manual established for its purpose. These shall include the effective and proper handling, collection, transport, treatment, storage, and disposal of such waste. The rules and regulations shall include guidelines that will prevent significant adverse impacts on health and the environment. (end of 2<sup>nd</sup> TWG) (Note: stiffer penalties for TSD facilities)

## **Article Five Household Hazardous Waste**

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

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

**SEC. 23. Management of Household Hazardous Waste.** –Unless otherwise provided in this Act, the management of household hazardous waste shall be the sole responsibility of the LGUs pursuant to Section 26 hereof. For this purpose, the LGU shall ensure strict implementation of the standards and guidelines for the proper segregation, collection, transport, treatment, storage, and disposal of household hazardous waste.

## **CHAPTER III INSTITUTIONAL MECHANISM**

**SEC. 24. Lead Agency.** – The Department shall be the primary government agency responsible for the implementation and enforcement of this Act, including in special economic and freeport zone areas, unless otherwise provided herein. IT SHALL UNDERTAKE THE NECESSARY COORDINATION OR CONSULTATION WITH CONCERNED GOVERNMENT AGENCIES IN THE IMPLEMENTATION OF THIS ACT.

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

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

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

- (a) Share the responsibility for the implementation, enforcement, and monitoring of the provisions of this Act within their territorial jurisdiction;
- (b) Within twelve (12) months after effectivity of this Act, develop and implement a household hazardous waste management program as part of their Ten-Year Solid Waste Management Plan under Republic Act No. 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”;
- (c) Prepare a compliance scheme in accordance with their household hazardous waste management program;
- (d) Ensure the proper segregation, collection of household hazardous waste, and operationalization of the Materials Recovery Facility pursuant to Republic Act No. 9003;
- (e) Develop and enhance the plans and programs of local governments on community preparedness and response to hazardous waste emergencies;
- (f) Participate in all efforts concerning hazardous waste management; and,
- (g) Enact appropriate ordinances to implement their role in pursuance of this Act.

**SEC. 27. The Inter-Agency Technical Advisory Council.** – For purposes of policy integration and harmonization and coordination of functions, there is hereby created an Inter-Agency Technical Advisory Council (IATAC). It shall be composed of fourteen (14) members from the government sector and five (5) members from the private sector. The government sector shall be represented by the heads of the following agencies in their *ex officio* capacity:

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

- (l) Department of Justice;
- (m) National Economic Development Authority; and
- (n) Department of Philippine Economic Zone Authority, in representation of and in consultation with other economic and freeport zones.

The private sector shall be represented by the following:

- (o) One (1) representative from civil society;
- (p) One (1) representative from business and industry;
- (q) One (1) representative from TSD facility operators;
- (r) One (1) representative from hazardous waste transporters; and
- (s) One (1) representative from the academe.

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

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

- (a) Environmental Management Bureau of the DENR;
- (b) Disease Prevention and Control Bureau of the DOH;
- (c) Industrial Technology Development Institute of the DOST;
- (d) Fertilizer and Pesticide Authority of the DA;
- (e) Bureau of Customs of the Department of Finance;
- (f) Board of Investments of the DTI;
- (g) Bureau of Import Services of the DTI;
- (h) Land Transportation Office of the DOTr;
- (i) Occupational Health and Safety Center of the Department of Labor and Employment;
- (j) Philippine Coast Guard (PCG);
- (k) Civil society organizations;
- (l) Business and Industry;
- (m) Academe; and,

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

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

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

**SEC. 29. Visitorial Powers.** –The Secretaries of the Department and the DOH insofar as healthcare facilities and healthcare TSD providers are concerned, or their authorized representatives, and the DOTr insofar as ships and ports are concerned, shall have the right to visit the premises and inspect the documents of any generator, transporter, TSD facility, or port reception facility, to determine any violation or to aid in the effective enforcement of this Act and its implementing rules and regulations. Likewise, these authorities shall have access and right to copy therefrom, the records required, pursuant to the provisions of this Act. This section shall not apply to private dwellings, unless the visitorial power is otherwise judicially authorized.

#### CHAPTER IV FINANCING HAZARDOUS WASTE MANAGEMENT

**SEC. 30. Financial Liability for Environmental Rehabilitation.** – The Department shall require the generators ~~and service providers and owners of TSD facilities~~ to establish ~~their respective~~ ~~an~~ Environmental Guarantee Fund (EGF) as part of the Environmental Management Plan submitted, in line with the application for an Environmental Compliance Certificate (ECC) as required under Presidential Decree No. 1586 and its implementing rules and regulations ~~(for transporters-as may be required by the DENR, transporters have no ECC)~~. The EGF shall be used for emergency response, cleanup ~~(and other activities like treatment, storage, disposal and transportation necessary for clean-up or emergencies--<separate sentence>)~~, rehabilitation, and remediation of areas that may be damaged during the generation, transport, treatment, storage, or disposal of hazardous waste, and post-closure activities of the facility. The liability for damages shall continue even after the termination of the project and until the lapse of a given period indicated in the ECC, as determined by the Department.

~~The Department is hereby authorized to issue the appropriate rules and guidelines for the implementation of this provision including the identification of the bond, insurance, or other instruments in combination with bank guarantee certification that may be used to comply with the EGF requirements with due consideration for the risks involved and the relevant economic factors. EGF may be in the form of a trust fund, environmental insurance, surety bonds, letter of credit, self-insurance or, and any other instrument in combination of bank guarantee certification as may be identified by the Department. Consideration of the guarantee instrument or combinations thereof shall include an assessment of the risks involved. Generators and owners of TSD facilities required to put up guarantee instruments shall furnish the Department with evidence of availment of such instruments. w~~

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

(a) Fees, charges and fines imposed pursuant to this Act;

- (b) Donations, endowments, grants and contributions; and
- (c) Amounts specifically appropriated for the HWMF under the annual General Appropriations Act

The HWMF shall be utilized for the following activities:

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

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

## CHAPTER V INCENTIVES

**SEC. 32. Rewards.** – Rewards and recognitions, monetary or otherwise, shall be provided to individuals, private organizations and entities, including non-government organizations (NGOs), that have undertaken outstanding and innovative projects, technologies, processes, and techniques, or activities for the management of hazardous waste. Said rewards shall be sourced from the Fund herein created.

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

### Fiscal Incentives –

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

1 applicable laws, may accord high priority to individuals, enterprises, or private entities  
2 engaged in hazardous, medical, and special hazardous waste management by providing  
3 special financial services, including the grant of preferential rates; and,  
4

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

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11 **CHAPTER VI**  
12 **CIVIL LIABILITY AND PENAL PROVISIONS**

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

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

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

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

- 23 (a) Discarding, dumping, storing, or disposing of hazardous waste listed pursuant to this Act,  
24 or causing or permitting the commission of same acts, in public places, in municipal solid  
25 waste facilities, or in other areas or facilities not designed therefor;  
26  
27 (b) Undertaking activities involving the collection and transport of hazardous waste without  
28 the permit or registration required under this Act, or in violation of the rules and  
29 regulations promulgated therefor;  
30  
31 (c) Causing or permitting the collection and transport of unsegregated or unsorted hazardous  
32 waste, except in cases where illegally dumped hazardous wastes pose imminent danger to  
33 health and environment;  
34  
35 (d) Site preparation, construction, expansion, or operation of TSD facilities without an  
36 Environmental Compliance Certificate (ECC) required under Presidential Decree No. 1586  
37 and this Act;  
38  
39 (e) Treating, storing, or disposing of any hazardous waste without proper permit or  
40 registration, or in violation of the rules and regulations promulgated pursuant to this Act;  
41  
42 (f) Owning or operating a TSD facility without the permits and registration required under this  
43 Act;  
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- (g) Establishing and operating open dumps for hazardous waste;
- (h) Open burning of hazardous waste;
- (i) Importing, causing, or permitting the entry of any hazardous waste into Philippine territory in the absence of an importation clearance secured from the Department, pursuant to the implementing rules and regulations of this Act and the relevant international agreements and protocols;
- (j) Mixing of source-separated recyclable material with other hazardous waste in any vehicle, container, or receptacle used in hazardous waste collection, transportation or disposal;
- (k) Non-submission of the abandonment plan or non-implementation of the post-closure activities as one of the conditions of the ECC required pursuant to PD 1586;
- (l) Operating a seaport or airport without a hazardous waste reception facility or collection system required pursuant to Section 16;
- (m) Transporting any hazardous waste to a TSD facility that is not authorized to receive such waste pursuant to this Act;
- (n) Falsifying, tampering with, or rendering inaccurate, any monitoring device or data required under this Act or its rules and regulations; and
- (o) Making any false statement, representation, or certification in any application, label, permit, record, report, manifest, or other relevant documents, or willfully destroying, or concealing any record required under this Act or its rules and regulations.

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

- (a) Unless otherwise provided herein, any person who commits any of the prohibited acts described under Section 35, or violates any of the provisions of this Act, the standards established pursuant to this Act, or its implementing rules and regulations, shall be fined by the Pollution Adjudication Board (PAB), after due hearing conducted thereon, in the amount of not less than One hundred thousand pesos (₱100,000.00) but not more than Five million pesos (₱ 5,000,000.00) for every violation: *Provided, That* for violation of Section 35 involving the prohibited acts under paragraphs (a), (d), (e), (f), (g), and (l) thereof, the fine shall be imposed for each day of violation.

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

- (b) The PAB may order the suspension of development or construction, cessation of operations, or closure of the facility, until such time that proper environmental safeguards are in place, or are in compliance with this Act, or its rules and regulations are undertaken by the offender, without prejudice to the issuance of an *ex parte* order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case:



1        *Provided, That* if the prohibited act shall require a cleanup and rehabilitation of the  
2        environment, the offender shall also be required to restore the area or pay for the restoration  
3        thereof. Whenever applicable, the PAB may award such damages as it may deem just and  
4        fair under the circumstances in favor of a private complainant.

- 5  
6        (c) The PAB shall issue a resolution recommending that the proper government agencies file  
7        criminal charges against any person who commits a gross violation of this Act. Gross  
8        violation shall mean any of the following:

- 9  
10        1. Deliberate disposal of hazardous waste without the required permit issued pursuant to  
11        this Act;
- 12        2. Three (3) or more violations of paragraphs (a), (b), (e), (f), (g), (m), (o) of Section 35  
13        hereof within a period of two (2) years; or,
- 14        3. Blatant disregard of the orders of the PAB such as the nonpayment of fines, breaking of  
15        seals, or operation of the source of pollution, despite the existence of an order for  
16        closure, discontinuance or cessation of operation, or the unjustified refusal for the entry  
17        or access to any premises of an authorized Department representative.

- 18        (d) In case of gross violation of this Act, the offender shall pay a fine of not less than Five  
19        hundred thousand pesos (P500,000.00) but not more than Ten million pesos. (P  
20        10,000,000.00), or be punished with imprisonment of not less than three (3) years but not  
21        more than ten (10) years, or both, at the discretion of the court. If the offender is a juridical  
22        person, the chief executive officer and the pollution control officer or its equivalent, shall  
23        suffer the penalty herein provided: *Provided, That* the officers and incorporators of TSD  
24        facilities that violated the post-closure requirements issued pursuant to Section 16 hereof,  
25        shall be banned from setting up any TSD facility and hazardous waste transport company,  
26        and engaging in the operation of the same.

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

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

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32        **SEC. 37. Administrative Sanctions.** – Local government officials and officials of concerned  
33        government agencies who fail to comply with and enforce the rules and regulations promulgated  
34        relative to this Act, shall be charged administratively in accordance with Republic Act No. 7160 or the  
35        “Local Government Code of 1991” and Executive Order No. 292 or the “Administrative Code of  
36        1987” and other existing laws, rules, and regulations.

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

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

## CHAPTER VII

### MISCELLANEOUS PROVISIONS

**SEC. 40. Research on Hazardous Waste Management.** – The Department, after consultations with the concerned agencies, shall encourage and render assistance to appropriate government and private agencies, institutions, and individuals in the promotion and conduct of researches, experiments, and other studies on hazardous waste management, particularly those relating to the:

- (a) Methods to eliminate said effects or mitigate the health risks related thereto;
- (b) Operation and financing of hazardous waste disposal programs;
- (c) Planning, implementation, and operation of resource recovery and resource conservation systems;
- (d) Cleaner production technologies; and
- (e) Improvements in land disposal practices for hazardous waste.

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

## CHAPTER VIII

## FINAL PROVISIONS

**SEC. 41. Joint Congressional Oversight Committee.** – In addition to its mandated functions, the Joint Congressional Oversight Committee created under Republic Act No. 9003 shall also monitor the implementation of this Act.

**SEC. 42. Report to Congress.** – The Department shall render a detailed report to Congress, not later than March 30 of every year, following the approval of this Act, of its accomplishments and progress on hazardous waste management during the previous year, and shall submit the necessary recommendations in areas requiring legislative action.

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**SEC. 43. Transitory Provision.** – Pending the establishment of the Framework mandated under Section 8 hereof and the promulgation of the implementing rules and regulations of this Act, pertinent existing laws, regulations, programs and projects on hazardous waste management shall continue to be

1 enforced: *Provided, That* for specific undertakings, these may be revised in the interim in accordance  
2 with the intentions of this Act.

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

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

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

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

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

21       Approved,