



## HOUSE OF REPRESENTATIVES

H. No. 5585

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

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

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#### CHAPTER I

#### GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known as the “Hazardous and Radioactive Wastes Management Act”.

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

1 (a) Develop and implement national and local integrated and  
2 comprehensive hazardous and radioactive wastes management programs  
3 focusing on pollution prevention and resource conservation and recovery,  
4 which shall:

5 (1) Improve waste management techniques, organizational  
6 arrangements, methods of collection, separation and recovery of  
7 wastes;

8 (2) Promote environmentally safe disposal of residues;

9 (3) Minimize the generation of wastes by encouraging cleaner  
10 production, process substitution, resource recovery, recycling and reuse, and  
11 treatment; and

12 (4) Institutionalize public participation in the development and  
13 implementation of hazardous and radioactive programs;

14 (b) *Promulgate guidelines for the generation, collection, segregation,*  
15 *transport, recovery, storage, treatment and disposal of hazardous and*  
16 *radioactive wastes including emergency and contingency plans for accidents*  
17 *involving these wastes;*

18 (c) Prohibit and/or restrict the entry, even in transit, of hazardous  
19 and radioactive wastes into Philippine territorial limits for whatever  
20 purpose, consistent with multilateral international agreements and  
21 protocols;

22 (d) Promote a national research and development program for  
23 improved hazardous and radioactive wastes management and resource  
24 conservation techniques;

25 (e) Formulate and enforce a system of accountability for generators,  
26 including the promotion of extended producer responsibility, product  
27 stewardship and responsible care program;

28 (f) Promote international environmental standards on waste  
29 management; and

1 (g) Strengthen the integration of hazardous and radioactive wastes  
2 management and resource conservation and recovery topics into the academic  
3 curricula of formal and nonformal education in order to promote  
4 environmental awareness and action among the citizenry.

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

10 SEC. 4. *Definition of Terms.* – As used in this Act:

11 (a) *Abandoned underground mines* refer to worked out mineral mines  
12 with deep shafts below the ground surface;

13 (b) *Best Available Techniques (BAT)* refer to any technology that shall  
14 take into consideration the costs and benefits of a measure as well as the  
15 precaution and prevention including, but not limited to:

16 (1) The nature, effects and mass of releases concerned;

17 (2) The consumption and use of raw materials in the process and its  
18 energy efficiency;

19 (3) The need to prevent or reduce to a minimum the overall impact of  
20 releases to the environment; and

21 (4) The need to ensure occupational health and safety at the  
22 workplaces;

23 (c) *Best Environmental Practices (BEP)* refer to practices that are  
24 generally accepted as “environmentally friendly”, taking into consideration  
25 the nature, traditions, and culture of the locality and the technological  
26 advances and changes in scientific knowledge and understanding;

27 (d) *Borehole facilities* refer to those that entail the emplacement of  
28 solid radioactive waste in an engineered facility of relatively narrow diameter,  
29 bored and operated direct from the surface. These cover a range of design

1 concepts with depths ranging from a few meters up to several hundred meters  
2 and its diameters can vary from a few tens of centimeters up to more than one  
3 meter;

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

6 (f) *Corrective action* refers to the steps taken to assess, prioritize and  
7 clean up hazardous and radioactive wastes from treatment, storage and  
8 disposal facilities (TSDFs) and/or contaminated sites in order to protect health  
9 and the environment;

10 (g) *Corrosivity* refers to a state where the waste has one of the  
11 following characteristics and properties:

12 (1) It is aqueous and has a pH less than or equal to 2 or greater than or  
13 equal to 12.5; or

14 (2) It is liquid and corrodes steel (SAE 1020) at a rate greater than  
15 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F);

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

19 (i) *Disposal* refers to the discharge, deposit, injection, dumping,  
20 spilling, leaking or placing of any hazardous and radioactive wastes into or on  
21 any land or water so that these wastes or any constituent thereof may enter the  
22 environment or be emitted into the air or discharged into any waters, including  
23 ground waters;

24 (j) *Generation* refers to the act or process of producing hazardous and  
25 radioactive wastes;

26 (k) *Generator* refers to a person, natural or juridical, who produces  
27 hazardous and radioactive wastes;

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

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

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

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

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

21           (1) It is a liquid matter that has a flash point less than 60°C (140°F);

22           (2) It is not a liquid matter and is capable, under standard temperature  
23 and pressure, of causing fire through friction, absorption of moisture or  
24 spontaneous chemical changes and, when ignited, burns so vigorously and  
25 persistently that it creates a hazard;

26           (3) It is an ignitable gas; or

27           (4) It is an oxidizer;

28           (q) *Injection zone* refers to a geological formation, group of  
29 formations or a part of a formation located below the underground source of

1 potable water, and which receives waste fluids or solids through a deep  
2 injection well;

3 (r) *International environmental standards* refer to the requirements or  
4 standards under existing international environmental agreements to which the  
5 Philippines is a party;

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

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

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

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

16 (1) Initial clinical care and management to patients requiring  
17 immediate treatment as well as primary care on prevalent diseases in the  
18 locality;

19 (2) Clinical services that include general medicine, pediatrics,  
20 obstetrics and nonsurgical gynecology, and minor surgery;

21 (3) General administrative services that may provide certain ancillary  
22 services, including primary clinical laboratory, first level radiology services  
23 and pharmacy services; and

24 (4) Nursing care for patients who require minimal category of  
25 supervised care for twenty-four (24) hours or longer;

26 (w) *Level 2 hospital* refers to a nondepartmentalized hospital that  
27 provides:

28 (1) Clinical care and management on the prevalent diseases in the  
29 locality;

1           (2) Clinical services that include general medicine, pediatrics,  
2 obstetrics and gynecology, surgery and anesthesia;

3           (3) Appropriate administrative and certain ancillary services, including  
4 secondary clinical laboratory, first level radiology services and pharmacy  
5 services; and

6           (4) Nursing care provided in the Level 1 hospital as well as  
7 intermediate, moderate and partial category of supervised care for twenty-four  
8 (24) hours or longer;

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

10           (1) Clinical care and management on the prevalent diseases in the  
11 locality as well as particular forms of treatment, surgical procedure, and  
12 intensive care;

13           (2) Clinical services provided in the Level 2 hospital as well as  
14 specialty clinical care;

15           (3) Appropriate administrative and certain ancillary services, including  
16 tertiary clinical laboratory, second level radiology services and pharmacy  
17 services; and

18           (4) Nursing care provided in the Level 2 hospital as well as total and  
19 intensive skilled care;

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

23           (1) Clinical care and management on the prevalent diseases in the  
24 locality as well as specialized and subspecialized forms of treatment, surgical  
25 procedure, and intensive care;

26           (2) Clinical services provided in the Level 3 hospital as well as  
27 subspecialty clinical care;

28           (3) Appropriate administrative and certain ancillary services, including  
29 tertiary clinical laboratory, third level radiology services and pharmacy  
30 services; and

1 (4) Nursing care provided in the Level 3 hospital as well as continuous  
2 and highly specialized critical care;

3 (z) *Manifest or consignment note* refers to a form prescribed by the  
4 Department of Environment and Natural Resources (DENR) and the  
5 Philippine Nuclear Research Institute (PNRI) accompanying hazardous and  
6 radioactive wastes from the point of generation, through transport, to final  
7 disposition;

8 (aa) *Military munitions* refer to all types of both conventional and  
9 chemical ammunition products and their components produced by or for the  
10 military for national defense and security, including munitions produced by  
11 other parties under contract with, or acting as agent for, the Department of  
12 National Defense (DND);

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

17 (cc) *On-site treatment facilities* refer to facilities of generators who  
18 treat their own hazardous and radioactive wastes, either by themselves or  
19 through a service provider, inside their facilities in compliance with waste  
20 acceptance criteria promulgated by the DENR, the Department of Health  
21 (DOH) and the PNRI;

22 (dd) *Open burning* refers to the destruction of wastes by means of  
23 direct exposure to fire;

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

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

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



- 1           (1) It is normally unstable and readily undergoes violent change  
2 without detonating;
- 3           (2) It reacts violently with water;
- 4           (3) It forms potentially explosive mixtures with water;
- 5           (4) When mixed with water, it generates toxic gases, vapors or fumes  
6 in a quantity sufficient to present danger to human health or the environment;
- 7           (5) It is a cyanide- or sulfide-bearing waste which, when exposed to  
8 pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes  
9 in a quantity sufficient to present a danger to human health or the  
10 environment;
- 11          (6) It is capable of detonation or explosive reaction if subjected to a  
12 strong initiating source or if reacted under confinement; or
- 13          (7) It is readily capable of detonation or explosive decomposition or  
14 reaction at standard temperature and pressure;
- 15          (hh) *Resource recovery* refers to the collection, extraction or recovery  
16 of recyclable materials from the waste stream for the purpose of recycling,  
17 generating energy or producing a product suitable for beneficial use;
- 18          (ii) *Segregation* refers to a waste management practice of separating  
19 different materials found in hazardous waste in order to promote recycling and  
20 reuse of resources and to reduce the volume of waste for collection and  
21 disposal. This also refers to separating radioactive wastes according to level  
22 of activity, physical form and half-life;
- 23          (jj) *Special hazardous wastes* refer to substances discarded from  
24 households consisting of consumer or industrial goods or products which  
25 become hazardous at the end of their useful life by virtue of their hazardous  
26 content which may be released to the environment upon indiscriminate  
27 disposal;
- 28          (kk) *Storage* refers to the containment of hazardous and radioactive  
29 wastes, either on a temporary basis or for a period of years, consistent with the

1 guidelines as prescribed by the DENR and in such a manner as not to  
2 constitute the disposal of such wastes;

3 (li) *Surface impoundments* refer to pits, ponds, lagoons and dike areas  
4 that are either natural topographic depression or man-made excavations that  
5 are primarily of earthen materials. These are designed and constructed to hold  
6 or store and treat liquid waste or waste containing free liquids through  
7 processes such as evaporation, cooling, aeration, photo decomposition, and  
8 settling;

9 (mm) *Toxicity* refers to the degree of danger posed by a substance to  
10 humans or animals due to its acute lethality, chronic and subchronic toxicity,  
11 carcinogenicity, teratogenicity or mutagenicity, among others;

12 (nn) *Treatment* refers to any method, technique or process designed to  
13 change the physical, chemical or biological character or composition of any  
14 hazardous and radioactive wastes so as to render such waste nonhazardous,  
15 safer for transport, amenable for recovery, amenable for storage, or reduced in  
16 volume; and

17 (oo) *Waste acceptance criteria* refers to a list of parameters which  
18 describes the minimum characteristics which the waste should possess before  
19 it is accepted in a TSDF.

## 20 21 CHAPTER II

### 22 MANAGEMENT SYSTEM

23 SEC. 5. *Identification and Listing of Hazardous Wastes.* – Within six  
24 (6) months from the effectivity of this Act, the DENR shall, after notice and  
25 public consultation, develop, formulate and publish criteria for identifying and  
26 listing the characteristics of hazardous wastes, taking into account, but not  
27 limited to, toxicity, persistence, reactivity and degradability in nature,  
28 potential for accumulation in tissue and other related factors. The criteria  
29 shall be reviewed and revised every four (4) years thereafter, or as the need  
30 arises: *Provided*, That within six (6) months from the effectivity of this Act,

1 the DENR, in coordination with the Department of the Interior and Local  
2 Government (DILG), after public consultation, shall formulate criteria for  
3 identifying and listing the categories of hazardous wastes to be regulated,  
4 taking into account, but not limited to, the presence of toxicity, reactivity,  
5 ignitability and corrosivity.

6 *SEC. 6. Notification of Hazardous and Radioactive Wastes Activity. –*

7 Upon the effectivity of this Act, any person generating or managing hazardous  
8 or radioactive wastes is required to notify in writing the DENR, the DOH, and  
9 the PNRI of their hazardous or radioactive wastes activities specifying, among  
10 others, the types of wastes, quantities and containers used for storage,  
11 including incidents involving hazardous and radioactive wastes.

12 *SEC. 7. National Hazardous and Radioactive Wastes Status Report. –*

13 The DENR, in coordination with the DOH, the PNRI, and other concerned  
14 agencies, shall, within six (6) months after the formulation of the criteria for  
15 identifying and listing of hazardous and radioactive wastes pursuant to this  
16 Act, prepare a National Hazardous and Radioactive Wastes Management  
17 Status Report which shall be used as a basis in formulating the National  
18 Hazardous and Radioactive Wastes Management Framework as provided in  
19 Section 8 of this Act. The report shall include, but not limited to, the  
20 following:

21 (a) Inventory of existing hazardous and radioactive wastes and their  
22 depots and facilities;

23 (b) General waste characterization, taking into account, but not limited  
24 to, the source, type, and quantity of hazardous and radioactive wastes  
25 generated;

26 (c) Projection of hazardous and radioactive wastes generation,  
27 including quantity for reduction, recovery and reuse;

28 (d) Listing of TSDFs, including transporters of hazardous and  
29 radioactive wastes; and

30 (e) Listing of identified contaminated sites.

1           SEC. 8. *National Hazardous and Radioactive Wastes Management*  
2 *Framework.* – Within eighteen (18) months from the effectivity of this Act,  
3 the DENR, in coordination with the DOH, the PNRI, and other appropriate  
4 agencies and entities, shall prepare and formulate a National Hazardous and  
5 Radioactive Wastes Management Framework, herein referred to as the  
6 “Framework”, that shall embody policies established pursuant to this Act.  
7 Specifically, the Framework shall contain the following:

8           (a) Strategies and techniques for hazardous and radioactive wastes  
9 control;

10           (b) Proper transport, treatment, storage and disposal systems of  
11 hazardous and radioactive wastes;

12           (c) Goals and targets for waste reduction;

13           (d) Period of compliance for waste reduction;

14           (e) Information and education campaign;

15           (f) Human resources development; and

16           (g) Roles and responsibilities of relevant government agencies.

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

20           SEC. 9. *Use of BAT and BEP in Hazardous and Radioactive Wastes*  
21 *Management.* – Generators and owners of TSDFs are required to use  
22 BAT/BEP in hazardous and radioactive wastes management. The DENR, in  
23 coordination with the Inter-Agency Technical Advisory Council (IATAC)  
24 created herein, shall formulate criteria in assessing the proposed BAT/BEP to  
25 be used. In the formulation of these criteria, consideration shall be given,  
26 among others, to the relative economic feasibility of the technology.

27           SEC. 10. *Requirements for Generators of Hazardous and Radioactive*  
28 *Wastes.* – Within six (6) months after the effectivity of this Act, the DENR,  
29 the DOH, and the PNRI shall establish requirements for generators of  
30 hazardous and radioactive wastes. These requirements shall ensure that the

1 generators shall be responsible for the proper management of the wastes  
2 generated and bear the costs for proper storage, transport, treatment and  
3 disposal of such wastes. The requirements shall include, but not limited to,  
4 the following:

5 (a) Recordkeeping practices that accurately identify the quantities of  
6 such hazardous and radioactive wastes generated, the constituent of which are  
7 significant in quantity or are potentially harmful to human health or the  
8 environment, and the disposition of such wastes;

9 (b) Use of appropriate storage facilities and containers to prevent the  
10 release of materials to the environment;

11 (c) Labeling practices for any containers used for the storage, transport  
12 or disposal of such hazardous and radioactive wastes that will identify  
13 accurately such wastes;

14 (d) Use of a manifest or consignment note system and any other means  
15 necessary to assure that all hazardous and radioactive wastes generated are  
16 designated and/or recorded for treatment, storage or disposal in TSDFs with  
17 appropriate permit issued pursuant to this Act. The manifest shall also record  
18 transportation details of said wastes;

19 (e) Emergency and contingency plans for effective action to minimize  
20 damage and contain and mitigate effects of spills and accidents in connection  
21 with the generation, transport, storage or disposal of such wastes;

22 (f) When it is necessary to transport the wastes, the generators shall  
23 only engage the services of transporters and TSDFs holding permits issued  
24 pursuant to this Act; and

25 (g) The waste generator of radioactive wastes shall secure an authority  
26 from the PNRI for the transport of radioactive wastes to the treatment facility.

27 *SEC. 11. Requirements Applicable to Transporters of Hazardous and*  
28 *Radioactive Wastes.* – Within six (6) months after the effectivity of this Act,  
29 the DENR, in coordination with the DOH, the PNRI, and the Department of  
30 Transportation and Communications (DOTC), shall establish requirements

1 applicable to transporters of hazardous and radioactive wastes necessary to  
2 protect human health and the environment. These requirements shall include,  
3 but not limited to, the following:

4 (a) Recordkeeping of such wastes transported, their source and  
5 delivery points;

6 (b) Use of carriers duly registered with the DOTC;

7 (c) Transport of wastes only if properly labeled;

8 (d) Transport of wastes only to the TSDF which the generator  
9 designates in the manifest form to be a facility holding the appropriate permit  
10 issued pursuant to this Act;

11 (e) Emergency and contingency plans for effective action to minimize  
12 the damage and contain and mitigate effects of spills and accidents in  
13 connection with the transport of such wastes; and

14 (f) Coordination with other concerned government agencies in the  
15 event that the transport of such hazardous and radioactive wastes to  
16 designated TSDFs requires security escort or police protection/assistance.

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

25 (a) Performance standard for the design, construction, operation,  
26 maintenance and monitoring of the facility;

27 (b) Requirements and standards to ensure adequate resources,  
28 including human and financial, throughout the life cycle of the facility;

29 (c) Requirements and standards for the closure, decommissioning and  
30 post-closure care, monitoring and maintenance and use of the facility;

1 (d) Waste acceptance requirements and procedures, approved by the  
2 DENR, the DOH and the PNRI, for different types of hazardous and  
3 radioactive wastes packages; and

4 (e) Management, engineering controls, medical surveillance, and use  
5 of personnel protective equipment to minimize the exposure of workers to the  
6 hazards associated with the collection, transport, storage, treatment and/or  
7 disposal of hazardous and radioactive wastes.

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

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

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

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

22 (b) Hazardous waste thermal treatment facilities.

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

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

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

29 (1) The long-term uncertainties associated with land disposal;

1 (2) The goal of managing hazardous wastes in an appropriate manner  
2 in the first instance; and

3 (3) The persistence, toxicity, mobility and propensity to bioaccumulate  
4 of such hazardous wastes and their hazardous constituents.

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

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

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

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

30 (e) Other off-site treatment facilities.



1 Facilities in this category are those facilities that receive hazardous  
2 wastes outside the premises and transform physical and/or chemical  
3 characteristics of hazardous wastes in order to dispose of them into  
4 landfills;

5 (f) Facilities that store hazardous and radioactive wastes which are not  
6 generated or produced at the premises within allowable period.

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

11 (g) Other land disposal facilities.

12 Engineered facilities under this category shall include deep injection  
13 wells, borehole facilities, near surface facilities, surface impoundments, and  
14 land farming and abandoned underground mines.

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

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

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



1 guidelines. The classification system shall be based primarily on the safety  
2 aspects of radioactive wastes disposal: *Provided*, That other stages of  
3 radioactive wastes management may also be developed by the PNRI.

4       SEC. 22. *Management of Radioactive Wastes.* – Pursuant to Sections  
5 10, 11 and 12 hereof, the PNRI shall promulgate the rules and regulations on  
6 radioactive wastes management. The rules and regulations shall be based on  
7 the BAT to limit the outflow of radioactive substances to the environment,  
8 taking into account the benefits as well as the cost of the measures to be  
9 undertaken. The measures shall be both technically and economically feasible:  
10 *Provided*, That the rules and regulations may be based on, but not limited to,  
11 the following methods of radioactive wastes management:

12       (a) Dilute and Disperse – Radioactive waste with activity level that  
13 may be disposed of as ordinary waste into the sewer sanitary landfills;

14       (b) Delay and Decay – Storage of short-lived radionuclides under  
15 well-controlled conditions until the radioactivity has decayed to a level which  
16 meets the established exemption or clearance limits for such waste; and

17       (c) Characterization, Segregation, Treatment, Conditioning, Transport,  
18 Storage and Disposal – Management of radioactive waste containing  
19 long-lived radionuclides, including disused sealed sources, and other wastes  
20 that cannot be managed under subsections (a) and (b) of this section.

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

24       SEC. 23. *Guidelines for the Acceptance of Radioactive Wastes by*  
25 *Transporters and TSDFs.* – Within six (6) months after the effectivity of this  
26 Act, the PNRI shall formulate specific, relevant and appropriate waste  
27 acceptance criteria for transporters and TSDFs of radioactive wastes:  
28 *Provided*, That no radioactive waste shall be accepted unless it complies with  
29 the waste acceptance criteria formulated pursuant hereof.



1 management of hazardous healthcare wastes in hospitals and other healthcare  
2 facilities. The rules and regulations shall include, but not limited to, the  
3 following:

4 (a) Hospitals and other healthcare facilities shall practice or  
5 implement waste minimization and segregation at source;

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

8 (c) Labeling of receptacle per waste category shall likewise be  
9 implemented for identification of waste and management measures in case of  
10 accidents;

11 (d) All hazardous healthcare wastes shall be collected and stored in  
12 designated on-site storage areas until transported to a TSDF;

13 (e) Treatment of hazardous healthcare wastes on-site shall be done  
14 through appropriate treatment methods;

15 (f) Upon the approval of the DENR, healthcare facilities with capacity  
16 to manage hazardous healthcare wastes on-site may also treat for a fee the  
17 hazardous healthcare wastes generated by other healthcare facilities:  
18 *Provided*, That for the off-site treatment requirements of storage and disposal  
19 of such wastes, guidelines for facilities under paragraphs (b) to (f) of Section  
20 13 of this Act shall apply: *Provided, finally*, That in the case of treatment of  
21 radioactive healthcare wastes, approval of the PNRI shall be secured;

22 (g) For hazardous healthcare liquid wastes, all healthcare facilities  
23 shall provide wastewater treatment facilities and comply with the effluent  
24 standards set by the DENR. The treatment and disposal of sludge shall  
25 conform to the provisions of this Act; and

26 (h) To ensure the proper management of hazardous healthcare wastes,  
27 a Committee on Hazardous Healthcare Waste Management may be created in  
28 all healthcare facilities: *Provided*, That in all Level 1, Level 2, Level 3 and  
29 Level 4 hospitals, the creation of this committee shall be mandatory. The  
30 committee shall also develop an emergency plan to ensure immediate and

1 appropriate action once an emergency occurs. For other healthcare  
2 establishments, a hazardous healthcare waste management officer shall be  
3 designated.

#### 4 CHAPTER V

##### 5 SPECIAL HAZARDOUS WASTES

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

12 SEC. 31. *Market-Based Instruments (MBIs) for Special Hazardous*  
13 *Wastes.* – The LGUs shall enact appropriate ordinances implementing MBIs  
14 such as responsible care, extended producer responsibility or product  
15 stewardship program that shall include, but not limited to, take-back or  
16 return-to-supplier schemes that shall promote waste minimization and  
17 resource recovery.

18 SEC. 32. *Transport, Treatment, Storage and Disposal of Special*  
19 *Hazardous Wastes.* – Upon collection of special hazardous wastes by the  
20 LGUs pursuant to Section 30 hereof, the transport, treatment, storage and  
21 disposal of special hazardous wastes shall be regulated in accordance with this  
22 Act.

#### 23 CHAPTER VI

##### 24 INSTITUTIONAL MECHANISM

25 SEC. 33. *Lead Agency.* – The DENR shall be the primary government  
26 agency responsible for the implementation and enforcement of this Act,  
27 including in Philippine Economic Zone Authority (PEZA) areas, special  
28 economic and freeport zone areas, and Board of Investments (BOI) areas  
29 unless otherwise provided herein. As such, it shall have the following  
30 functions, powers and responsibilities:

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

1 (n) Encourage, coordinate, participate in or conduct studies,  
2 investigations, research and technical demonstrations relating to hazardous  
3 and radioactive wastes management as it may deem advisable and necessary  
4 for the discharge of its duties pursuant to this Act;

5 (o) Encourage waste reduction, resource recovery, exchange and  
6 energy conservation in hazardous and radioactive wastes management;

7 (p) Oversee any corrective action work undertaken pursuant to the  
8 rules and regulations issued in accordance with this Act;

9 (q) Formulate and undertake the appropriate protocol with other  
10 concerned agencies for immediate coordinated responses to hazardous and  
11 radioactive wastes-related emergency incidents;

12 (r) Issue order against any person or entity and impose fines, penalties  
13 and other administrative sanctions to compel compliance with the provisions  
14 hereof, standards, rules and regulations issued pursuant to this Act; and

15 (s) Exercise such powers and perform such other functions as may be  
16 necessary to carry out the objectives of this Act.

17 **SEC. 34. *Role of the DOH.*** – The DOH shall be primarily responsible  
18 in performing the following duties and responsibilities:

19 (a) Develop, promulgate, and publish criteria in identifying and listing  
20 the categories of hazardous healthcare wastes to be monitored and regulated;

21 (b) Develop and promulgate the rules and regulations on the effective  
22 management of hazardous healthcare wastes in hospitals and other healthcare  
23 facilities; and

24 (c) Exercise such powers and perform such other functions as may be  
25 necessary to carry out the provisions of this Act.

26 **SEC. 35. *Role of the PNRI.*** – The PNRI shall be primarily responsible  
27 in performing the following duties and responsibilities:

28 (a) Develop and promulgate regulations establishing a program for the  
29 monitoring of the radioactive wastes listed pursuant to this Act;



1 (b) Develop, promulgate, and publish the criteria for identifying and  
2 listing the types of radioactive wastes to be monitored and regulated;

3 (c) Develop and promulgate the rules and regulations on the  
4 radioactive wastes management pursuant to Section 22 hereof;

5 (d) Formulate specific, relevant and appropriate waste acceptance  
6 criteria for transporters and TSDFs of radioactive wastes pursuant to Section  
7 23 hereof;

8 (e) Exercise jurisdiction over all aspects of generation, possession,  
9 collection, recovery, transport, entry, even in transit, into Philippine territory,  
10 treatment, storage and disposal of radioactive wastes; and

11 (f) Exercise such powers and perform such other functions as may be  
12 necessary to carry out the provisions of this Act.

13 SEC. 36. *Role of LGUs.* – The LGUs shall perform the following  
14 duties and responsibilities:

15 (a) Share the responsibility for the implementation, enforcement and  
16 monitoring of the provisions of this Act within their territorial jurisdiction  
17 such as the registration and compliance monitoring of generators, transports  
18 and TSDFs;

19 (b) Prepare a compliance scheme in accordance with their special  
20 hazardous wastes management program;

21 (c) Ensure the proper segregation and collection of special hazardous  
22 wastes;

23 (d) Develop government and community preparedness and  
24 responsiveness for emergencies arising from hazardous and radioactive  
25 wastes;

26 (e) Participate in all efforts concerning hazardous and radioactive  
27 wastes management; and

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

1           **SEC. 37. *Inter-Agency Technical Advisory Council (IATAC).*** – For  
2 purposes of policy integration and harmonization and coordination of  
3 functions, there is hereby created an Inter-Agency Technical Advisory  
4 Council (IATAC) which shall be attached to the DENR and which shall be  
5 composed of the following officials or their duly authorized representatives:

- 6           (a) Secretary of Environment and Natural Resources, as Chairperson;  
7           (b) Secretary of Health, as Co-chairperson;  
8           (c) Secretary of Science and Technology, as Co-chairperson;  
9           (d) Secretary of Agriculture;  
10          (e) Secretary of Finance;  
11          (f) Secretary of Trade and Industry;  
12          (g) Secretary of National Defense;  
13          (h) Secretary of Foreign Affairs;  
14          (i) Secretary of Transportation and Communications;  
15          (j) President of the League of Cities;  
16          (k) President of the League of Municipalities;  
17          (l) President of the League of Provinces;  
18          (m) President of the League of Barangays;  
19          (n) Director General of the PEZA;  
20          (o) Representative from civil society organizations;  
21          (p) Representative from the industry;  
22          (q) Representative from TSDf operators; and  
23          (r) Representative from the academe.

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

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

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

5           SEC. 38. *The IATAC Technical Working Group.* – The IATAC shall  
6 be supported by a technical working group (TWG) which shall be composed  
7 of representatives from the following agencies and institutions:

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

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



1 operation: *Provided*, That an annual audit shall be conducted by a  
2 multidisciplinary body constituted and authorized by the IATAC created  
3 pursuant hereof.

4 (c) Permit Modification, Suspension and Revocation – The DENR  
5 and the PNRI shall modify, suspend and revoke such permit upon a  
6 determination of noncompliance by a TSDF with the relevant provisions of  
7 this Act or the terms and conditions of the permit.

8 (d) Interim Status – A permit to operate a TSDF issued prior to this  
9 Act shall be valid and in force for a period of twelve (12) months after the  
10 effectivity of this Act: *Provided*, That the required application for the TSDF  
11 permit or license shall have been filed within the said twelve (12)-month  
12 period: *Provided, further*, That this paragraph shall not apply to any facility  
13 which has been previously denied a TSDF permit or license or if the authority  
14 to operate the facility has been previously terminated.

15 SEC. 42. *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 DENR, subject to  
18 payment of a reasonable fee.

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

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

25 A license is not required for the transport of any hazardous or  
26 radioactive waste on the premises where it is generated or onto a property  
27 owned by the generator thereof located within a one (1) kilometer radius from  
28 said premises or within the same industrial estate: *Provided*, That the DENR  
29 is notified in writing prior to the transfer and a week after the transfer has  
30 been completed. Nothing in this section shall be interpreted to preclude the

1 DENR and the PNRI from inspecting unlicensed hazardous waste transporting  
2 equipment and requiring that it be adequate to provide protection to human  
3 health and the environment.

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

9 (a) Strong economic inducement for generators to modify their  
10 production or management processes;

11 (b) Cost of administering hazardous and radioactive wastes  
12 management;

13 (c) Cost of damages caused by hazardous and radioactive wastes on  
14 the surrounding environment, including that of rehabilitation;

15 (d) Category of waste; and

16 (e) Classification of waste.

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

## 19 CHAPTER VIII

### 20 FINANCING HAZARDOUS WASTES MANAGEMENT

21 SEC. 44. *Financial Liability for Environmental Rehabilitation.* – The  
22 DENR shall require generators and owners of TSDFs to put up an  
23 Environmental Guarantee Fund (EGF) as part of the Environmental  
24 Management Plan attached to the Environmental Compliance Certificate  
25 (ECC) required pursuant to Presidential Decree No. 1586 and its  
26 implementing rules and regulations. The EGF shall finance the needs of  
27 emergency response, cleanup or rehabilitation of areas that may be damaged  
28 during the generation, transport, treatment, storage or disposal of hazardous  
29 and radioactive wastes. Liability for damages shall continue even after the

1 termination of the project and until the lapse of a given period indicated in the  
2 ECC, as determined by the DENR.

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

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

## 16 CHAPTER IX

### 17 INCENTIVES

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

23 SEC. 47. *Incentives Scheme.* – An incentive scheme is hereby  
24 provided for the purpose of encouraging enterprises, private entities, LGUs  
25 and NGOs to develop or undertake effective hazardous and radioactive wastes  
26 management, or actively participate in any program geared towards the  
27 promotion thereof, consistent with the objectives of this Act.

28 (a) Tax and Duty Exemption on Imported Capital Equipment –  
29 Within five (5) years after the effectivity of this Act, registered enterprises,  
30 LGUs and NGOs shall enjoy tax- and duty-free importation of machinery,

1 equipment, technology, spare parts and specialized types of vehicles used for  
2 the transport, processing, storage, and treatment of hazardous and radioactive  
3 wastes, including cleaner production and waste minimization technologies:  
4 *Provided*, That the importation of such machinery, equipment, technology,  
5 vehicles, and spare parts shall comply with the following conditions:

6 (1) These are not manufactured domestically in sufficient quantity, of  
7 comparable quality and at reasonable prices;

8 (2) These are reasonably needed and will be used actually, directly and  
9 exclusively for the abovementioned activities; and

10 (3) The importation of such machinery, equipment, technology,  
11 vehicles, and spare parts should be approved by the BOI of the DTI:  
12 *Provided, further*, That the sale, transfer or disposition of such machinery,  
13 equipment, technology, vehicles, and spare parts, without prior approval of  
14 the BOI, within five (5) years from the date of acquisition, shall be prohibited;  
15 otherwise, the registered enterprise, LGU or NGO concerned and the buyer,  
16 transferee or assignee shall be solidarily liable to pay twice the amount of tax  
17 and duty exemption given it.

18 (b) Exemption from Value-Added Tax (VAT) on the Sale of Domestic  
19 Capital Equipment – Within five (5) years from the effectivity of this Act,  
20 the sale of domestic capital equipment, including its spare parts, to registered  
21 enterprises, LGUs and NGOs to be used for the processing, storage and  
22 treatment of hazardous and radioactive wastes shall be exempted from the  
23 VAT imposed under the National Internal Revenue Code of 1997, as  
24 amended: *Provided*, That the said incentive shall be subject to the same  
25 conditions and prohibitions cited in the preceding paragraph.

26 (c) Tax Exemption of Donations, Legacies and Gifts – All  
27 donations, legacies and gifts made by any person or entity in favor of the  
28 registered enterprises, LGUs and NGOs, for the support and maintenance of  
29 the program for effective hazardous and radioactive wastes management, shall  
30 be exempt from the donor's tax and such amount of donation shall be



1 deductible from the gross income of the donor pursuant to Section 34,  
2 paragraph (h) of the National Internal Revenue Code of 1997, as amended.

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

12 (e) Extension of Grants to LGUs. – Cities or municipalities whose  
13 special hazardous wastes management programs have been duly accredited by  
14 the DENR or have adopted innovative waste management programs may be  
15 entitled to receive grants for the purpose of developing their technical  
16 capacities toward actively participating in the program for effective and  
17 sustainable waste management.

18 (f) Tax Exemption on Hazardous Wastes Generated Within PEZA  
19 Areas, Freeports, and Other Special Economic Zones – Hazardous waste  
20 materials generated within PEZA areas, freeports and other special economic  
21 zones shall be allowed to be brought to the Philippine customs territory for the  
22 sole intention of recycling and/or treatment and shall be exempted from the  
23 payment of any tax due on said hazardous wastes: *Provided*, That said  
24 *recyclable hazardous waste materials are identified and listed in accordance*  
25 *with Section 5 of this Act.*

## 26 CHAPTER X

### 27 CIVIL LIABILITY AND PENAL PROVISIONS

28 SEC. 48. *Generator's Liability.* – A generator is primarily responsible  
29 for the management of hazardous and radioactive wastes until said wastes  
30 have been certified as properly treated or disposed by duly accredited TSDFs:

1 *Provided*, That for wastes that are exported outside of the country and treated  
2 and disposed in accordance with international agreements, the TSDFs in the  
3 country of destination shall issue the certificate of treatment and disposal. All  
4 other environmental service providers involved in the transport, treatment,  
5 storage and disposal of said wastes shall be jointly and severally liable with  
6 the generator in the event of any adverse environmental impact due to the  
7 improper management of the wastes.

8 SEC. 49. *Prohibited Acts*. – The following acts are prohibited:

9 (a) Discarding, throwing or dumping of hazardous or radioactive  
10 wastes listed pursuant to this Act in public places such as roads, sidewalks,  
11 canals, esteros, parks, establishments and municipal solid waste facilities, or  
12 causing or permitting the same;

13 (b) Undertaking activities involving the collection or transport of  
14 hazardous or radioactive wastes in violation of the standards and other  
15 requirements or permits set forth in this Act;

16 (c) Causing or permitting the collection of unsegregated or unsorted  
17 hazardous wastes;

18 (d) Operating a TSDF without permit issued pursuant to this Act;

19 (e) Transporting hazardous or radioactive wastes without the required  
20 permit or license pursuant to this Act;

21 (f) Mixing of source-separated recyclable material with other  
22 hazardous waste in any vehicle, box, container or receptacle used in hazardous  
23 or radioactive waste collection or disposal;

24 (g) Disposal of hazardous or radioactive wastes in open and controlled  
25 dumps as enjoined in this Act, or causing and permitting the same;

26 (h) Establishment and operation of open and controlled dumps for  
27 hazardous or radioactive wastes;

28 (i) Transporting and dumping of collected hazardous or radioactive  
29 wastes in areas other than the facilities prescribed under this Act;

30 (j) Open burning of hazardous or radioactive wastes;

1           (k) Transporting any hazardous or radioactive wastes to a TSDF which  
2 is not authorized to receive such wastes pursuant to this Act;

3           (l) Treating, storing or disposing of any hazardous or radioactive  
4 waste without permit or license to do so pursuant hereof, or in knowing  
5 violation of any material condition or requirement of such permit or license,  
6 or in violation of any standard promulgated pursuant to this Act;

7           (m) Making any false material statement, representation or  
8 certification in any application, label, permit, record, report, manifest or other  
9 document filed, maintained or required to be maintained under this Act;

10           (n) Falsifying, tampering with or rendering inaccurate any monitoring  
11 device or result therefrom used, filed, maintained or required to be maintained  
12 under this Act;

13           (o) Generating, treating, storing, transporting, disposing of or handling  
14 any hazardous or radioactive waste and, in connection therewith, knowingly  
15 destroying, altering or concealing any record required to be maintained  
16 pursuant to this Act;

17           (p) Owning, maintaining or operating any hazardous or radioactive  
18 waste disposal facility in a manner which permits any act or hazardous waste  
19 management practice in violation of standards or rules and regulations issued  
20 pursuant to this Act;

21           (q) Failing to notify the DENR, the DOH and the PNRI of hazardous  
22 or radioactive waste activities pursuant to Section 6 hereof;

23           (r) Importing or causing or permitting the entry, even in transit, of any  
24 hazardous or radioactive waste into Philippine territory in violation of the  
25 provisions of this Act and its implementing rules and regulations and relevant  
26 international agreements and protocols;

27           (s) Constructing, substantially altering or operating, including all  
28 post-closure activities and operations specified in the rules and regulations, a  
29 hazardous or radioactive waste TSDF without first obtaining a permit as  
30 specified in this Act; and

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

4 For purposes of this provision, the term “hazardous waste” shall  
5 include special hazardous and healthcare waste.

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

15 For purposes of the application of the fines, the PAB shall, within one  
16 (1) year after the effectivity of this Act, establish a fine rating system to adjust  
17 the maximum fine based on the violator’s ability to pay, degree of willfulness,  
18 degree of negligence, degree of severity of the offense, history of  
19 noncompliance and degree of recalcitrance.

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

23 The PAB may order the closure, suspension of development or  
24 construction, or cessation of operations until such time that proper  
25 environmental safeguards are put in place and/or compliance with this Act or  
26 its rules and regulations are undertaken, without prejudice to the issuance of  
27 an *ex parte* order for such closure, suspension of development or construction,  
28 or cessation of operations during the pendency of the case: *Provided,* That if  
29 the prohibited act undertaken shall require cleanup and rehabilitation, the  
30 offender shall also be required to restore the area or compensate for the

1 restoration thereof. The PAB may also award such damages as it may deem  
2 just under the circumstances in favor of a private complainant.

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

7 (a) Deliberate disposal of hazardous or radioactive wastes without the  
8 required permit issued pursuant to this Act;

9 (b) Three (3) or more violations of paragraphs (a), (d), (e), (g), (k), (l)  
10 and (m) of Section 49 hereof within a period of two (2) years; or

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

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

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

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

1           SEC. 51. *Administrative Sanctions.* – Local government officials and  
2 officials of government agencies concerned who fail to comply with and  
3 enforce rules and regulations promulgated relative to this Act shall be charged  
4 administratively in accordance with Republic Act No. 7160 or the “Local  
5 Government Code of 1991” and Executive Order No. 292 or the  
6 “Administrative Code of 1987” and other existing laws, rules and regulations.

7           SEC. 52. *Administrative Action.* – Without prejudice to the right of  
8 any affected person to file an administrative action, the DENR, the DOH and  
9 the PNRI shall, at their instance or upon verified complaint by any person,  
10 institute administrative and civil proceedings against any person who violates:

11           (a) Standards or limitations provided under this Act; or

12           (b) Any order, rule or regulation issued by the DENR, the DOH or the  
13 PNRI with respect to such standards or limitations.

14           SEC. 53. *Citizen Suit.* – For purposes of enforcing the provisions of  
15 this Act or its implementing rules and regulations, any citizen may file an  
16 appropriate civil, criminal or administrative action in the proper courts or  
17 bodies against the following:

18           (a) Any person who violates or fails to comply with the provisions of  
19 this Act or its implementing rules and regulations; or

20           (b) The DENR or other implementing agencies with respect to orders,  
21 rules and regulations issued inconsistent with this Act; or

22           (c) Any public officer who willfully or grossly neglects the  
23 performance of an act specifically enjoined as a duty by this Act or its  
24 implementing rules and regulations, or abuses his authority in the  
25 performance of his duty, or, in any manner, improperly performs his duties  
26 under this Act or its implementing rules and regulations: *Provided, however,*  
27 That no suit can be filed until after a thirty (30)-day notice has been given to  
28 the public officer and the alleged violator concerned and no appropriate action  
29 has been taken thereon.



1 government and private agencies, institutions and individuals in the conduct  
2 and promotion of researches, experiments and other studies on hazardous and  
3 radioactive wastes management, particularly those relating to:

4 (a) Adverse effects on health as a result of the release into the  
5 environment of hazardous and radioactive wastes, and methods to eliminate  
6 said effects or minimize the health risks;

7 (b) The operation and financing of hazardous and radioactive wastes  
8 disposal programs;

9 (c) The planning, implementation and operation of resource recovery  
10 and resource conservation systems;

11 (d) The production of usable forms of recovered resources, including  
12 fuel from hazardous waste;

13 (e) The development and application of new and improved methods of  
14 collecting, separating and disposing of hazardous and radioactive wastes, and  
15 processing and recovering materials and energy from hazardous and  
16 radioactive wastes;

17 (f) Cleaner production technologies;

18 (g) Improvements in land disposal practices for hazardous and  
19 radioactive wastes; and

20 (h) Development of new uses of recovered resources and identification  
21 of existing or potential markets of recovered resources.

22 In carrying out hazardous and radioactive wastes researches and  
23 studies, the DENR, the DOH and the DOST or their authorized  
24 representatives may award grants or enter into contracts with government  
25 agencies, NGOs and private persons.

26 *SEC. 57. Public Education and Information.* – The DENR, the DOH  
27 and the PNRI, in coordination with the Department of Education (DepED),  
28 the Technical Education and Skills Development Authority (TESDA), the  
29 Commission on Higher Education (CHED), the DILG, the Philippine  
30 Information Agency (PIA) and the LGUs, shall conduct a continuing



1 education and information campaign on hazardous and radioactive wastes  
2 management. Such education and information program shall:

3 (a) Aim to develop public awareness of the impacts of hazardous and  
4 radioactive wastes and how to prevent or minimize their adverse effects;

5 (b) Focus on activities which are feasible and which will have the  
6 greatest impact on the hazardous and radioactive wastes management; and

7 (c) Encourage the general public, accredited NGOs and POs to  
8 publicly endorse and patronize environment-friendly products.

9 SEC. 58. *Environmental Education in the Formal and Nonformal*  
10 *Sectors.* – The national government shall, through the DepED and in  
11 coordination with concerned government agencies, NGOs and private  
12 institutions, strengthen the integration of environmental concerns in school  
13 curricula at all levels, with particular emphasis on the principles underlying  
14 hazardous and radioactive wastes management in order to promote  
15 environmental awareness and affirmative action among the citizenry.

16 SEC. 59. *Role of the Business and Industry.* – The DENR, the DOH  
17 and the PNRI shall encourage commercial and industrial establishments,  
18 through appropriate incentives other than tax incentives, to initiate, participate  
19 and invest in integrated hazardous and radioactive wastes management  
20 projects; to manufacture environment-friendly products; to introduce, develop  
21 and adopt innovative processes that shall recycle and reuse materials,  
22 conserve raw materials and energy, reduce waste and prevent pollution; and to  
23 undertake community activities to promote and propagate effective hazardous  
24 and radioactive wastes management practices.

## 25 CHAPTER XII

### 26 FINAL PROVISIONS

27 SEC. 60. *Appropriations.* – The Secretaries of the DENR, the DOH  
28 and the DOST shall include in their respective programs the implementation  
29 of this Act, the funding of which shall be included in the annual General  
30 Appropriations Act.

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

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

11           SEC. 61. *Implementing Rules and Regulations.* – Within one (1) year  
12 after the effectivity of this Act, the DENR, the DOH and the PNRI,  
13 respectively, shall promulgate the implementing rules and regulations of this  
14 Act: *Provided*, That rules and regulations issued by other government  
15 agencies and instrumentalities relative to hazardous and radioactive wastes  
16 management consistent with this Act shall supplement the rules and  
17 regulations issued by the DENR, the DOH and the PNRI pursuant to the  
18 provisions of this Act.

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

21           SEC. 62. *Joint Congressional Oversight Committee.* – In addition to  
22 its mandated functions, the Joint Congressional Oversight Committee created  
23 under Republic Act No. 9003 or the “Ecological Solid Waste Management  
24 Act of 2000” shall also monitor the implementation of this Act.

25           SEC. 63. *Transitory Provision.* – Pending the establishment of the  
26 Framework mandated under Section 8 hereof and the promulgation of the  
27 implementing rules and regulations of this Act, pertinent existing laws,  
28 regulations, programs and projects on hazardous and radioactive wastes  
29 management shall be enforced: *Provided*, That for specific undertakings,

1 these may be revised in the interim in accordance with the intentions of this  
2 Act.

3       SEC. 64. *Report to Congress.* – The DENR shall render to Congress  
4 not later than March 30 of every year following the approval of this Act, a  
5 detailed report of its accomplishments and progress on hazardous and  
6 radioactive wastes management during the year and shall submit the necessary  
7 recommendations in areas requiring legislative action.

8       SEC. 65. *Separability Clause.* – If any provision of this Act or the  
9 application of such provision to any person or circumstance is declared  
10 unconstitutional, the remainder of this Act or the application of such  
11 provision to other persons or circumstances shall not be affected by such  
12 declaration.

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

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

Approved,

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