

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

'04 JUN 30 P12:10

RECEIVED BY: 

SENATE

S. NO. 33

Introduced by Senator Juan M. Flavier

EXPLANATORY NOTE

The 1987 Constitution provides that, "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and shall protect and promote the right to health of the people, and instill health consciousness among the." Environmental awareness in the Philippines has increased in the past few years. However, awareness on the dangers posed by medical waste has not been given the attention it deserves.

The facts on medical waste are chilling. About 40 tons of medical waste is generated per day in Metro Manila. 92% of the 64 government and private hospitals surveyed by the Presidential Task Force on Waste Management dispose of their general wastes through the city or municipal refuse disposal system. Only 9.4% of the hospitals surveyed incinerate pathological wastes and only 7.8% incinerate infectious waste. Radioactive waste are stored and allowed to decay by most of the hospitals surveyed. Chemical wastes are disposed of into sinks or water closets or through hospital septic tanks and sewer lines.

The dangers posed to our people's health and environment by the unregulated management of medical waste is a real and ever present threat. Hospital incinerators can emit more dioxin and other hazardous pollutants than any other type of incinerator because of the type of waste they treat. Landfills, garbage dumps, and open pits attract scavengers, and medical wastes like syringes carelessly dumped therein can prick anyone of those scavengers. This could easily hasten the spread of the much dreaded AIDS disease, as well as other communicable diseases.

This bill seeks to regulate medical wastes by empowering the Secretary of Health to establish acceptable standards for its management and disposal. It likewise strengthens the ability of the Department of Health in dealing with the issue of medical waste management, and imposes stiff penalties for the mindless disposal of dangerous medical waste.

In view of the foregoing, urgent approval of this bill is earnestly requested.


JUAN M. FLAVIER
Senator

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AN ACT
PROVIDING FOR THE REGULATION AND DISPOSAL OF BIO-MEDICAL
WASTES, DECLARING CERTAIN ACTS UNLAWFUL, PRESCRIBING
PENALTIES THERETO, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known and referred to as
The "Bio-Medical Waste Control Act."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the
State, in accordance with the mandate of the Constitution, to protect and
advance the right of the people to a balanced and healthful ecology in accord
with the rhythm and harmony of nature, and to promote the right to health of the
people To this end, the State shall provide for a comprehensive program for the
management, collection, and disposal of bio-medical waste.

SEC. 3. Definition of Terms. - For purposes of this Act:

(a) "Medical waste" - shall refer to any solid waste which is generated
in the diagnosis and treatment of human beings or animals, in research
pertaining thereto, or in the production or testing of biologicals. The term shall
include, but shall not be limited to, each of the following types of solid waste:

- i. Cultures and stocks of infectious agents and associated biologicals,
including cultures from medical and pathological laboratories,

- cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures;
- ii. Pathological wastes, including tissues, organs, and body parts that are removed during surgery or autopsy;
 - iii. Waste human blood and products of blood, including, serum, plasma, and other blood components;
 - iv. Sharps that have been used in patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass, and scalpel blades;
 - v. Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents, during research, production of biologicals, or testing of pharmaceuticals;
 - vi. Wastes from surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, ender pads, and surgical gloves;
 - vii. Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons and laboratory coats;
 - viii. Discarded medical equipment and parts that were in contact with infectious agents;
 - ix. Laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats, and aprons;
 - x. Biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from human beings or animals

who are isolated to protect others from communicable diseases;
and

xi. Such other waste materials that results from the administration of medical care to a patient by a health care provider and is found by the Department to pose a threat to human health or the environment.

(b) "Department" - shall refer tot he Department of Health;

© "Generator" - shall refer tot he hospital, clinic or other facility which produces medical waste;

(d) "Secretary" - shall refer tot he Secretary of Health and/or his duly authorized representatives.

SEC. 4. Lead Agency. - The Department shall b responsible for the implementation and enforcement of the provisions of this Act. To this end, the Department, through the Secretary, shall have the following powers and functions:

(a) Formulate and develop a comprehensive program for the management, collection ad disposal of bio-medical waste which all local government units have to comply with. The program shall include the establishment of standards regulating the generation and disposal of bio-medical waste which, in the judgement of the Secretary, is necessary to protect public health and welfare. In formulating the program, the secretary shall give emphasis to environmentally-sound, ecologically-safe, and cost-efficient methods;

(b) Establish regional bio-medical waste treatment and disposal facilities or if it is more practicable, to develop a network of shared bio-medical waste treatment facilities and gradually phase out unsafe on-site disposal facilities in hospital grounds;

- (c) Conduct a comprehensive Bio-Medical Waste Management (BMWM) study of all hospitals nationwide to properly appraise actual needs and problems, and to determine specific areas for improvement or technical assistance;
- (d) Develop a waste audit or assessment protocol for hospitals and other health facilities;
- (e) Require the implementation of an approved BMWM program as a condition for licensing of hospitals and other health facilities. For this purpose, the Department's hospital performance evaluation system shall include an assessment of the BMWM program;
- (f) Formulate, revise, and from time to time update, a Manual on bio-medical waste management and distribute copies to all government and private hospital's, clinics, laboratories, research offices, pharmacies, funeral parlors and other institutions;
- (g) Monitor the disposal and transport of bio-medical wastes;
- (h) Exercise visitorial and enforcement powers to ensure strict compliance with this Act;
- (i) Issue rules and regulations to effectively implement the provisions of this Act; and
- (j) Perform such other powers and functions necessary to achieve the objectives of this Act.

SEC. 5. Role of Local Government Units. - All local government units shall, pursuant to national policies, the relevant provisions of the Local Government Code and subject to the review of the Department, enforce the provisions of this Act.

The local government units shall design and submit to the Department their own BMWM plans that impose limitations and/or criteria on existing or potential generators within their jurisdiction boundaries.

If the Department finds the local government unit procedures adequate, it shall recommend implementation of the plan: Provided, That the Department shall maintain its authority to independently inspect the enforcement procedure adopted: Provided, further, That the Department shall have the power to take over all parts of a local government program, if the local government unit concerned lacks the capability to carry out their plans, or if it fails to meet or fairly enforce the standards set by the Department.

SEC. 6. Visitorial powers of the Secretary or his Duly Authorized Representatives. - The Secretary or his duly authorized representative shall have access to, and the right to copy therefrom, the records required to be maintained pursuant to the provisions of this Act. The Secretary or his duly authorized representative shall likewise have the right to enter the premises of any bio-medical waste generator, transporter, incinerator or such other disposal facility at any time of the day or night to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation or which may aid in the effective enforcement of this Act and its implementing rules and regulations.

SEC. 7. Enforcement Powers of the Secretary. - The Secretary or his duly authorized representative shall have the power to order and administer, after due notice and hearing, compliance with the provisions of this Act and the implementing rules and regulations issued pursuant thereto. The Secretary may likewise order the suspension of operations of any generator when non-compliance with this Act or its implementing rules and regulations poses grave and imminent danger to the health and safety of the public. Within twenty-four (24) hours from the order of suspension, a hearing shall be conducted to determine whether the order suspending the operations of the generator shall be lifted or made permanent.

SEC. 8. Monitoring the transport of Bio-Medical Waste. - The comprehensive program of the Department shall provide for the close monitoring

of the transport of bio-medical waste from the generator to the disposal facility, including a mechanism which will provide the generator with assurance that the waste is actually received by said disposal facility: Provided, That the bio-medical waste generated should be source-separated and contained in appropriately labeled containers to ensure protection from exposure to waste handlers and the public.

SEC. 9. Relationship with other Government Agencies and NGOs. -

in the implementation of this Act, the secretary may, as the need arises, call on any government agency for assistance in the form of personnel, facilities, and other resources. The Secretary may likewise deputize any law enforcement officer to render assistance in the enforcement of its directives or orders.

The secretary may also enjoin non-governmental organizations (NGOs), academic institutions, and other private groups to actively participate in the implementation of this Act.

SEC.10. Injunction Prohibited. - No inferior court or entity shall issue any temporary or permanent injunction or restraining order or otherwise assume jurisdiction over any case involving the enforcement orders issued by the Secretary in accordance with this Act.

SEC. 11. Prohibited Acts. - The following Acts and omissions shall be considered unlawful:

- (a) Any person who knowingly violates the requirements of or regulations issued pursuant to this Act;
- (b) Any person who knowingly omits material information or makes any false material statement or representation in any record, report, or other document filed, maintained, or used for purposes of compliance with this Act or the implementing rules and regulations issued pursuant thereto;
- (c) Any person who knowingly generates, stores, transports, disposes of, or otherwise handles any biological waste in

violation of the provisions of this Act and its implementing rules and regulations;

- (d) Any person who knowingly destroys, alters, conceals, or fails to file any record, report, or other document required to be maintained or filed for purposes of compliance with this Act or the rules and regulations issued pursuant thereto;
- (e) Any person who obstructs, impedes, delays or otherwise renders ineffective the orders of the Secretary or his duly authorized representatives issued pursuant to the authority granted under this Act.

SEC. 12. Penalty. - Any person who violates the provisions of this Act or its implementing rules and regulations shall, upon conviction, be punished with a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Five hundred thousand pesos (P500,000.00) or imprisonment of not less than six (6) years but not more than ten (10) years, or both, at the discretion of the Court.

If the offense is committed by a corporation, partnership, or other judicial entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge of the business operations shall be liable for the commission of the offense penalized under this Act.

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

SEC. 13. Damages. - Any person who violates any of the provisions, or fails to comply with the provisions of this law or its implementing rules and regulations, or any order or decision of the Secretary or his duly authorized representative promulgated pursuant to this Act, thereby causing any harm, injury, illness or death to any person, and/or damage to property shall, in addition

to the penalties herein provided, be liable to pay the Government and/or the person adversely affected actual or compensatory damages.

SEC. 14. Appropriation. - Such amount as may be necessary for the effective implementation of this Act is hereby appropriated from the funds of the National Treasury not otherwise appropriated. Thereafter, such amount as may be necessary for its continued operation shall be included in the annual General Appropriation Act.

SEC. 15. Separability Clause. - If for any reason any provision of this Act is declared unconstitutional or invalid, such parts or portions not affected thereby shall remain in full force and effect.

SEC. 16. Repealing Clause. - All laws, executive orders, presidential decrees, and rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 17. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,