

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

5 MAY -5 P6:02

SENATE

RECEIVED BY: 

Senate Bill No. 1988

Introduced by: **Senator "COMPAÑERA" PIA S. CAYETANO**

EXPLANATORY NOTE

Republic Act 9003 otherwise known as the Solid Waste Management Act does not cover medical waste which, almost often than not, are hazardous to health.

It is imperative therefore that this type of waste be properly treated before it is released in the environment in order to prevent the spread of diseases and its catastrophic effect. This Senate Bill seeks to provide a guideline for the proper handling, treatment and tracking of medical waste.

For these reasons, approval of this Bill is urgently sought.


"COMPAÑERA" PIA S. CAYETANO
Senator

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

5 MAY -5 P6:02

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RECEIVED BY: 

S.B. No. 1998

Introduced by **SENATOR COMPAÑERA PIA S. CAYETANO**

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

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

CHAPTER I – General Provisions

SECTION 1. *Short Title* – This Act shall be known as the “Philippine Hazardous and Radioactive Wastes Management Act of 2005.”

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:

- a. Develop and implement national and local integrated and comprehensive hazardous and radioactive waste management programs, including resource conservation and recovery systems, which shall:
 - i. Improve waste management techniques, organizational arrangements, methods of collection, separation and recovery of wastes;
 - ii. Promote environmentally safe disposal of residues;
 - iii. Minimize the generation of hazardous and radioactive wastes by encouraging cleaner production, process substitution, resource recovery, recycling and reuse, and treatment; and
 - iv. Institutionalize public participation in the development and implementation of such programs.
- b. Promulgate guidelines for the generation, collection, segregation, transport, recovery, storage, treatment and disposal of hazardous and radioactive wastes including emergency and contingency plans for accidents involving such wastes;

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

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

SEC. 4. Definition of terms – As used in this Act:

- a. *Abandoned underground mines* shall refer to worked out mineral mines with deep shafts extending to about one to two thousand feet below the ground surface.
- b. *Best Available Techniques* (BAT) shall refer to any technology that shall take consideration costs and benefits of a measure as well as precaution and prevention, such as but not limited to:
 1. the nature, effects and mass of releases concerned;
 2. consumption and use of raw materials in the process and its energy efficiency;
 3. the need to prevent or reduce to a minimum the overall impact of releases to the environment; and
 4. ensure occupational health and safety at the workplaces.
- c. *Best Environmental Practices* (BEP) shall refer to practices that are generally accepted as “environmentally friendly” taking into consideration the nature, traditions and culture of the locality. For this purpose, technological advances and changes in scientific knowledge and

1 understanding shall likewise be considered in determining acceptable
2 practices in preserving the environment.

3 d. *Borehole facilities* shall refer to those that entail the emplacement of solid
4 radioactive waste in an engineered facility of relatively narrow diameter
5 bored and operated directly from the surface. It covers a range of design
6 concepts with depths ranging from a few meters up to several hundred
7 meters and their diameters can vary from a few tens of centimeters up to
8 more than one meter.

9 e. *Carcinogen* means any substance that can cause or contribute to the
10 incidence of cancer;

11 f. *Collection* refers to the act of removing hazardous waste from the source
12 or from a storage point.

13 g. *Construction* means the erection or building of new structures;

14 h. *Contaminated sites* shall refer to a place or spot where the soil quality
15 exceeds the soil standards set pursuant to Sec. 17 hereof;

16 i. *Corrective action* refers to the steps taken to assess, prioritize and clean
17 up hazardous and radioactive wastes from Treatment, Storage and
18 Disposal Facilities (TSDFs) and/or contaminated sites in order to protect
19 health and the environment;

20 j. *Corrosivity* refers to a state where the waste has either of the following
21 properties: (1) it is aqueous and has a pH less than or equal to 2 or
22 greater than or equal to 12.5; (2) it is a liquid and corrodes steel (SAE
23 1020) at a rate greater than 6.35mm (0.250 inch) per year at a test
24 temperature of 55°C (130°F);

25 k. *Degradability* refers to the ability of a compound to be reduced to simpler
26 forms through a break down of its structure;

27 l. *Deep injection well* means a well used for the underground injection of
28 excess brine and geothermal sludge from geothermal operations;

29 m. *Department* means the Department of Environment and Natural
30 Resources;

31 n. *Disposal* means the discharge, deposit, injection, dumping, spilling,
32 leaking, or placing of any hazardous and radioactive wastes into or on any
33 land or water so that such wastes or any constituent thereof may enter the
34 environment or be emitted into the air or discharged into any waters,
35 including ground waters;

36 o. *Generation* refers to the act or process of producing hazardous and
37 radioactive waste;

- 1 p. *Generator* refers to a person, natural or juridical, who produces hazardous
2 and radioactive waste;
- 3 q. *Geological repository* refers to the isolation of high level radioactive waste
4 using a system of engineered and natural barriers at depths up to several
5 hundred meter in a geologically stable formation;
- 6 r. *Hazardous wastes* refers to a substance discarded from commercial and
7 industrial establishments, institutions and healthcare facilities which,
8 because of the concentration, or physical, chemical, or infectious
9 characteristics, may cause or significantly contribute to increases in
10 mortality or serious illnesses, or pose an unreasonable risk and potential
11 threat to human health, and the environment;
- 12 s. *Hazardous and radioactive waste management* means the systematic
13 administration of activities which provide for the identification, listing,
14 collection, segregation, storage, transport, recovery, reuse, processing,
15 reprocessing, treatment, and disposal of hazardous and radioactive
16 wastes.
- 17 t. *Healthcare waste* shall refer to waste that is generated or produced as a
18 result of the following activities: diagnosis, treatment, or immunization of
19 human beings or animals; research pertaining to the above activities;
20 production or testing of biologicals; and waste originating from minor or
21 scattered sources.
- 22 u. *Ignitability* means the characteristic used to define as hazardous wastes
23 that could cause a fire during transport, storage, or disposal. A waste
24 exhibits the characteristics of ignitability if a sample of the waste has any
25 of the following properties: 1) it is a liquid that has flash point less than 60°
26 c (140° f); 2) it is not a liquid and is capable, under standard temperature
27 and pressure, of causing fire through friction; absorption of moisture, or
28 spontaneous chemical changes and when ignited, burns so vigorously and
29 persistently that it creates a hazard; 3) it is an ignitable gas; or, 4) it is an
30 oxidizer.
- 31 v. *Injection zone* means a geological formation, group of formation, or a part
32 of a formation receiving fluids through a well or orifice;
- 33 w. *International environmental standards* shall refer to the requirements or
34 standards under existing international environmental agreements to which
35 the Philippines is a party;
- 36 x. *Landfill* means a waste disposal site designed, constructed, operated and
37 maintained in a manner that exerts engineering control over significant

- 1 potential environmental impacts arising from the development and
2 operation of the facility
- 3 y. *Land disposal* refers to the placement of hazardous and radioactive
4 wastes on the surface, near surface and at depths within the soil column;
- 5 z. *Land treatment or land farming* refers to a managed technology that
6 involves the controlled application of waste on the soil surface and/or the
7 incorporation of waste or contaminated soils into the upper soil zone.
- 8 aa. *Manifest or Consignment Note* refers to a form prescribed by the
9 Department and PNRI accompanying hazardous and radioactive wastes
10 from point of generation, through transport, to final disposition.
- 11 bb. *Military munitions* shall refer to all types of both conventional and chemical
12 ammunition products and their components produced by or for the military
13 for national defense and security, including munitions produced by other
14 parties under contract with or acting as agent for the Department of
15 National Defense.
- 16 cc. *Mined cavities* shall refer to the emplacement of radioactive waste at
17 some depths inside mines or caverns which is either man-made or natural.
- 18 dd. *Mutagens* means any substance that can cause a change in genetic
19 material.
- 20 ee. *Near surface facilities* shall refer to the disposal of radioactive waste with
21 or without engineered barrier on or below ground surface where the final
22 protective covering is of the order of a few meters thick or in caverns a few
23 tens of meter below the earths surface.
- 24 ff. *On-site treatment facilities* refers to facilities of generators who treat their
25 own hazardous and radioactive wastes either by themselves or through a
26 service provider inside their facilities in compliance with waste acceptance
27 criteria promulgated by the Department, DOH and PNRI.
- 28 gg. *Open burning* shall refer to shall refer to the low temperature thermal
29 destruction of wastes by means of direct exposure to fire. For this
30 purpose, this shall apply to the traditional small-scale methods of
31 community sanitation called "siga".
- 32 hh. *Partial treatment* refers to any process used to modify the characteristics
33 of a hazardous or radioactive waste without totally negating its hazardous
34 characteristics. This may include, volume reduction, conditioning, moisture
35 reduction, neutralization among others.
- 36 ii. *Persistence* shall refer to the substantial length of time a compound, once
37 introduced into the environment, stays there; or the property of a

substance whose half-life in water, sediment or soil exceeds duration of 50 days.

jj. *Person(s)* refers to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.

kk. *People's Organization* (PO) shall refer to non-profit and non-stock association of citizens in a locality embracing a common goal to protect the environment and ultimately public health.

ll. *Primary Care Hospital* refers to a non-departmentalized hospital that provides (a) Clinical care and management on the prevalent diseases in the locality; (b) Clinical services like general medicine, pediatrics, obstetrics and gynecology, surgery and anesthesia; (c) Administrative and ancillary services (clinical laboratory, radiology, pharmacy); and (d) Nursing care for patients who require intermediate, moderate and partial category of supervised care for 24 hours or longer.

mm. *Radioactive wastes* refer to materials that contain or are contaminated with radionuclides at concentrations or activities greater than clearance levels as established by the PNRI. This also refers to disused sealed sources for which no use is foreseen.

nn. *Reactivity* shall refer to the state of a waste, or a representative sample of the waste, exhibiting any of the following properties: (1) it is normally unstable and readily undergoes violent change without detonating; (2) it reacts violently with water; (3) it forms potentially explosive mixtures with water; (4) when mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present danger to human health or the environment; (5) it is a cyanide- or sulfide- bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment; (6) it is capable of detonation or explosive reaction if subjected to a strong initiating source or if reacted under confinement; or, (7) it is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

oo. *Resource recovery* shall refer 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: *Provided*, That such resource recovery facilities exclude incineration.

pp. *Recycle* means the process of minimizing the generation of waste by recovering usable products that might otherwise become waste.

- 1 qq. *Secondary Care Hospital* refers to a departmental hospital that provides
2 (a) Clinical care and management of diseases in the locality as well as
3 particular forms of treatment, surgical procedure and intensive care; (b)
4 Clinical services provided in the Primary Care Hospital as well as specially
5 clinical care; (c) Appropriate administrative and ancillary services (clinical
6 laboratory, radiology, pharmacy); and (d) Nursing Care provided in the
7 First Level Referral Hospital as well as total and intensive skilled care.
- 8 rr. *Segregation* shall refer to a waste management practice of separating
9 different materials found in hazardous waste in order to promote recycling
10 and re-use of resources and to reduce the volume of waste for collection
11 and disposal. This also refers to separating radioactive wastes according
12 to level of activity, physical form and half-life.
- 13 ss. *Special hazardous wastes* shall refer to substances discarded from
14 households and consumer or industrial goods or products which *become*
15 *hazardous at the end of its useful life by virtue of its toxic or hazardous*
16 *content which may be released to the environment upon indiscriminate*
17 *disposal*.
- 18 tt. *Storage* means the containment of hazardous and radioactive wastes,
19 either on a temporary basis or for a period of years, consistent with the
20 guidelines as prescribed by the Department and in such a manner as not
21 to constitute disposal of such wastes.
- 22 uu. *Surface impoundments* shall refer to pits, ponds, lagoons and dike areas
23 that are either natural topographic depression or man-made excavations
24 that are primarily of earthen materials. They are designed and constructed
25 to hold or store, treat and/or dispose liquid waste or waste containing free
26 liquids through processes such as evaporation, cooling, aeration, photo
27 decomposition, and/or settling.
- 28 vv. *Sustainable development* refers to development which meets the needs of
29 the present without compromising the ability of future generations to meet
30 their own needs.
- 31 ww. *Special hazardous wastes collectors* refer to entities which receive or
32 collect special hazardous wastes under a take back program or similar
33 collection mechanism for the purpose of consolidating the wastes from
34 households or consumers preparatory to delivery to an accredited
35 recycling or treatment facility.
- 36 xx. *Technical demonstration* means the initial exhibition of a new technology
37 process or practice or a significantly new combination or use of
38 technologies, processes or practices, subsequent to the development

stage, for the purpose of proving technological feasibility and cost effectiveness.

yy. *Tertiary Care Hospital* refers to a teaching and training hospital that provides: (a) Clinical care and management of diseases in the locality as well as specialized and sub-specialized forms of treatment, surgical procedure and intensive care; (b) Clinical services provided in the Second Level Referral Hospital as well as sub-specialty clinical care; (c) Appropriate administrative and ancillary services (clinical laboratory, radiology, pharmacy); and, (d) Nursing Care provided in the Secondary Care Hospital as well as continuous and highly specialized critical care.

zz. *Thermal treatment* refers to the controlled heating which involves a prescribed heating rate, maximum temperature, and cooling cycle to produce the property and grain structure required.

aaa. *Toxicity* means the degree of danger posed by a substance to human or animal due to its acute lethality, chronic and sub-chronic toxicity, carcinogenicity, teratogenicity, or mutagenicity among others.

bbb. *Treatment* means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous and radioactive wastes so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

ccc. *Treatment, Storage and Disposal Facility (TSDF)* refers to a site where a hazardous substance is treated, stored or disposed.

ddd. *Waste acceptance criteria* shall refer to a list of parameters which describes the minimum characteristics which the waste should possess before it may be placed or accepted in a TSDF.

CHAPTER II – Management System

SEC. 5. Identification and Listing of Hazardous Wastes – Within six (6) months from the effectivity of this Act, the Department shall, after notice and public consultation, develop, formulate and publish criteria for identifying and listing the characteristics of hazardous wastes taking into account, but not be limited to, toxicity, persistence, reactivity and degradability in nature, potential for accumulation in tissue, and other related factors such as ignitability, corrosivity, and other hazardous characteristics. Such criteria shall be reviewed and revised every four (4) years thereafter, or as the need arises.

Provided, That the Department, in coordination with the Department of Health (DOH) and Philippine Nuclear Research Institute (PNRI), shall also identify or list those hazardous and radioactive wastes that contain certain

1 constituents such as identified carcinogens, mutagens, or teratogens that
2 endanger human health.

3 *Provided, further,* That the Department, in coordination with the
4 Department of National Defense (DND) and appropriate government agencies,
5 shall formulate criteria for identifying when military munitions become hazardous
6 and radioactive wastes. For purposes of this act, the term "military munitions"
7 includes chemical and conventional munitions.

8 *Provided, finally,* That within six (6) months from the effectivity of this Act,
9 the Department in coordination with the Department of Trade and Industry (DTI)
10 and the Department of Interior and Local Government (DILG), *after public*
11 *consultation,* shall formulate criteria for identifying and listing the categories of
12 special hazardous wastes products to be tracked and regulated taking into
13 account, but not be limited to, the presence of toxicity, reactivity, ignitability and
14 corrosivity,

15 **SEC. 6. Notification of Hazardous and Radioactive Waste Activity –**
16 Upon the effectivity of this Act, any person generating or managing hazardous or
17 radioactive waste is required to notify in writing the Department, DOH and PNRI
18 of their hazardous or radioactive waste activities specifying, among others, the
19 types of waste, quantities and containers used for storage, including incidents
20 involving hazardous and radioactive wastes.

21 **SEC. 7. National Hazardous and Radioactive waste Status Report –**
22 The Department in coordination with the DOH, PNRI, and other concerned
23 agencies, shall within six (6) months after the formulation of the criteria for
24 identifying and listing of hazardous and radioactive wastes pursuant to section 6
25 hereof, prepare a National Hazardous and Radioactive Waste Management
26 Status Report which shall be used as a basis in formulating the National
27 Hazardous and Radioactive waste Management Framework provided in Sec. 8 of
28 this Act. The said report shall include, but shall not be limited to, the following:

- 29 a. inventory of existing hazardous and radioactive wastes and their depots
30 and facilities;
- 31 b. general waste characterization, taking into account, but not be limited to,
32 the source, type and quantity of hazardous and radioactive wastes
33 generated;
- 34 c. projection of hazardous and radioactive wastes generation including
35 quantity for reduction, recovery and reuse;
- 36 d. listing of treatment, storage and disposal facilities including transporters of
37 hazardous and radioactive wastes; and,
- 38 e. listing of identified contaminated sites.

1 **SEC. 8. National Hazardous and Radioactive Waste Management**

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

- 8 a. hazardous and radioactive waste control strategies and techniques;
9 b. proper hazardous and radioactive waste transport, treatment, storage and
10 disposal systems;
11 c. waste reduction goals and targets;
12 d. period of compliance for waste reduction;
13 e. information and education campaign;
14 f. human resources development; and,
15 g. roles and responsibilities of relevant government agencies.

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

19 **SEC. 9. Use of best available technology and best environmental**
20 **practices in hazardous and radioactive waste management** - Generators and
21 owners of treatment, storage and disposal facilities are required to use best
22 available technologies and best environmental practices (BAT/BEP) in hazardous
23 and radioactive waste management. The Department, in coordination with the
24 Inter-Agency Technical Advisory Council (IATAC) created hereof, shall formulate
25 criteria in assessing the proposed BAT/BEP to be used. In the formulation of
26 these criteria, consideration shall be given, among others, to the relative
27 economic feasibility of the technology. Further, such technology shall render the
28 waste sufficiently low in toxicity, reactivity corrosivity and ignitability as to present
29 the least possible risk to human health and safety and to the environment.

30 **SEC. 10. Requirements for Generators of Hazardous and Radioactive**
31 **Wastes** - Within six (6) months after effectivity of this Act, the Department, DOH
32 and PNRI shall establish requirements for generators of such hazardous and
33 radioactive wastes necessary to protect human health and the environment.
34 These requirements shall ensure that the generators shall be responsible for the
35 proper management of the wastes generated and bear the costs for proper
36 storage, transport, treatment and disposal of such waste. Further, such
37 requirements shall include, but not be limited to, the following:

- a. recordkeeping practices that accurately identify the quantities of such hazardous and radioactive wastes generated, the constituent thereof which are significant in quantity or in potential harm to human health or the environment, and the disposition of such wastes;
- b. use of appropriate storage facilities and containers to prevent release of materials to the environment;
- c. labeling practices for any containers used for the storage, transport, or disposal of such hazardous and radioactive wastes as will identify accurately such waste;
- d. use of a manifest or consignment note system and any other means necessary to assure that all hazardous and radioactive wastes generated are designated for treatment, storage, or disposal in, and arrived at TSDFs with appropriate permit issued pursuant to this Act;
- e. Emergency and contingency plans for effective action to minimize damage and contain and mitigate effects of spills and accidents in connection with the generation, transport, storage or disposal of such wastes;
- f. When it is necessary to transport the waste, the generators shall only engage services of transporters and TSDFs holding permits issued pursuant to this Act; and,
- g. In the case of radioactive waste, the waste generator is required to submit a certificate of transport from their Radiological Health and Safety Officer (RHSO) for the transport of radioactive waste to the treatment facility.

SEC. 11. Requirements Applicable to Transporters of Hazardous and Radioactive Wastes – Within six (6) months after the effectivity of this Act, the Department, in coordination with the DOH, PNRI, the Department Of Transportation and Communication (DOTC) shall establish requirements applicable to transporters of hazardous and radioactive wastes necessary to protect human health and the environment. Such requirements shall include, but need not be limited to the following:

- a. recordkeeping concerning such waste transported, and their source and delivery points;
- b. use of carriers duly registered with the Department of Transportation and Communication (DOTC);
- c. transport of waste only if properly labeled;
- d. transport of waste only to TSDF which the generator designates in the manifest form to be a facility holding appropriate permit issued pursuant to this Act;

- e. emergency and contingency plans for effective action to minimize damage and contain and mitigate effects of spills and accidents in connection with the transport of such wastes;
- f. coordination with other concerned government agencies in the event that transport of such hazardous and radioactive wastes to designated TSDF requires security escort or police protection/assistance.

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

- a. Performance Standard for the design, construction, operation, maintenance and monitoring of the facility.
- b. Requirements and Standard to ensure adequate resources, including human and financial, throughout the life cycle of the facility.
- c. Requirements and Standards for the closure, decommissioning and post closure care, monitoring and maintenance and use of the facility.
- d. Waste acceptance requirements and procedures, approved by the Department, DOH and PNRI, for different types of hazardous and radioactive waste packages.
- e. Management, engineering controls and use of personnel protective equipment to minimize exposure of workers to the hazardous wastes and medical surveillance of workers directly involve in the collection, transport, storage or disposal of hazardous wastes.

SEC. 13. Categories of TSDFs for Hazardous Wastes and Radioactive Wastes - Within six (6) months after the effectivity of this Act, the Department shall formulate specific, relevant and appropriate standards, including waste acceptance criteria, for the various categories of TSDFs identified hereunder: *Provided*, That no waste shall be accepted unless it complies with the waste acceptance criteria formulated pursuant to this act: *Provided, further*, That the Department shall revise, as the need arises, the regulations, standards and guidelines applicable to the categories listed hereunder taking into account improvements in the technology of control and measurement: *Provided, finally*, That such regulations shall specify criteria for the acceptable location of new and

existing TSDFs as necessary to protect human health and the environment. The categories of TSDFs are as follows:

(A) Facilities that conduct on-site storage, treatment and disposal of hazardous waste generated or produced at the premises through industrial or commercial processes and activities other than disposal via sewer.

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

(B) Commercial or industrial hazardous waste thermal treatment facilities.

TSDFs in this category are facilities that conduct on-site and off-site thermal treatment: *Provided*, That the Department shall promulgate regulations on hazardous wastes used as fuel and raw material: *Provided, further*, That the Department may also exempt from the requirements hereof facilities which burn *de minimis* quantities of hazardous wastes as fuel, as defined by the Department, if (i) the wastes are burned at the same facility at which such wastes are generated; (ii) the waste is burned to recover useful energy, as determined by the Department on the basis of the design and operating characteristics of the facility and the heating value and other characteristics of the waste; and (iii) the waste is burned in a type of device determined by the Department to be designed and operated at a destruction and removal efficiency sufficient such that protection of human health and environment is assured.

(C) Landfills that accept hazardous waste for disposal.

The Department shall, after due review and public consultation, promulgate regulations concerning the prohibition of specified hazardous wastes in landfills: *Provided*, That the placement of such specified hazardous wastes in landfills may be allowed upon determination by the Department that the prohibition for disposal of such waste in landfills is not required in order to protect human health and the environment for as long as the waste remains hazardous, taking into account the following factors:

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

(2) the goal of managing hazardous waste in an appropriate manner in the first instance; and,

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

1 For this purpose, disposal of hazardous waste in landfills is deemed to be
2 protective of human health and the environment if it is determined that there
3 will be no migration of hazardous constituents of the waste from the disposal
4 unit or injection zone: *Provided, further,* That the disposal of any liquids in
5 landfills shall be prohibited.

6 *Provided, further,* That the disposal in landfills of wastes containing
7 hazardous solvents, pesticides and polycyclic hydrocarbons such as, among
8 others, furans and dioxins, as determined by the Department, after public
9 consultation, are prohibited unless the Department determines the prohibition
10 of the disposal of such waste is not required in order to protect human health
11 and the environment for as long as the waste remains hazardous, taking into
12 account the factors referred to in subparagraphs (1) to (3) of this category.

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

23 *Provided, finally,* That the storage of waste in landfills is hereby prohibited.

24 (D) Facilities that recycle or reprocess hazardous waste which are not generated
25 or produced at the premises.

26 The Department, in coordination with DOST, shall promulgate standards
27 for this category of TSDF. Facilities in this category are those that receive *off-*
28 *site treatment* of hazardous waste and recover valuable materials from the
29 hazardous wastes, use hazardous waste as input materials or fuel for
30 production, or produce compost by biological treatment of hazardous waste. It
31 also includes, but are not limited to, reclaimers of spent lead-acid batteries,
32 precious metals, and oil recyclers.

33 (E) Other off-site treatment facilities. Facilities in this category are those facilities
34 that receive hazardous waste outside the premises and transform physical
35 and/or chemical characteristics of the hazardous waste by physicochemical or
36 thermal treatment other than incineration or in order to dispose of them into
37 landfills.

1 (F) Facilities that store hazardous wastes which are not generated or produced at
2 the premises within allowable period.

3 The storage of any hazardous waste is prohibited, unless such storage is
4 solely for the purpose of the accumulation of such quantities of hazardous
5 wastes as are necessary to facilitate proper recovery, treatment or disposal
6 but shall not be longer than is prescribed by the Department.

7 (G) Other land disposal facilities. Facilities under this category shall include,
8 among others, deep injection wells, borehole facilities, near surface facilities,
9 mined cavities, surface impoundments, land treatment units/land farming and
10 abandoned underground mines.

11 **SEC. 14. Closure plan** – The owner of TSDFs shall submit a closure
12 plan, including the funds necessary for the same, subject to the review and
13 approval of the Department.

14 **SEC. 15. Post-closure of facility** - The owner of a TSDF must close the
15 facility upon termination of its operation, and shall, after such closure, provide for
16 protection during a post-closure care period, in accordance with the requirements
17 of the Department and the closure plan, including the funds necessary for same.
18 The protection shall include, but not be limited to, monitoring and maintenance.
19 The owner shall maintain a hazardous waste facility permit for the post-closure
20 care period pursuant to chapter VI hereof.

21 **SEC. 16. Environmental Impact Statement (EIS) System** - Prior to the
22 establishment of TSDFs, all government agencies and private corporations, firms
23 and entities who intend to set up TSDFs shall be subject to environmental impact
24 statement (EIS) system pursuant to the provisions of P.D. 1586 and its
25 implementing rules and regulations.

26 **SEC. 17. Formulation of Soil Quality Standards for Identification of**
27 **Contaminated Sites** - Within six [6] months from the effectivity of this act, the
28 Department, in coordination with other relevant government agencies, shall
29 formulate soil quality standards which shall be used to determine contaminated
30 sites.

31 **SEC. 18. Registry of Contaminated Sites** - The Department shall
32 maintain a registry of confirmed contaminated sites in the country based on the
33 soil quality standards set pursuant to Section 17 hereof: *Provided*, That the
34 Department shall take all necessary action to insure that the registry provides a
35 complete listing of all such sites, their exact location, and the types of waste
36 found at each site: *Provided, further*, That in developing and maintaining the
37 registry, the Department shall assess, based upon new information received, the
38 relative priority of the need for action at each site to remedy environmental and

1 health problems resulting from the presence of hazardous and radioactive
2 wastes at such sites: *Provided, finally*, That any site classified as properly closed
3 or remediated where no evidence of present or potential adverse impact exists
4 shall be deleted from the registry.

5 **SEC. 19. Import and Export of Hazardous and Radioactive Wastes -**
6 The Department and PNRI shall promulgate rules and regulations on the import
7 and export of hazardous and radioactive wastes in accordance with relevant
8 international treaties and agreements.

9 **SEC. 20. Market-Based Instruments, Responsible Care and Product**
10 **Stewardship Program** – Within six [6] months from the effectivity of this Act, the
11 Department in coordination with the manufacturers of commercial or industrial
12 products shall identify and implement *market-based instruments*, extended
13 producer responsibility, responsible care, products stewardship programs that
14 shall include, but not be limited to take back, or return to supplier or third party
15 treater schemes, that shall promote cleaner production, waste minimization,
16 resource recovery and treatment. *Provided*, That, the Department shall identify
17 and list products that shall be covered by such programs.

18 **CHAPTER III - Radioactive Wastes**

19 **SEC. 21. Listing of Radioactive Wastes** - Within six (6) months from the
20 effectivity of this Act, the DOST/PNRI, in coordination with the Department, after
21 public consultation, shall formulate and publish the criteria for identifying and
22 listing the types of radioactive wastes to be monitored and regulated.

23 **SEC. 22. Classification of Radioactive Wastes** - For purposes of this
24 Act, radioactive wastes are classified as follows:

- 25 A. Exempt wastes (EW) are radioactive wastes with activity level at or below
26 clearance levels set by the PNRI which are based on an annual dose to
27 members of the public set by the PNRI;
- 28 B. Low and intermediate wastes (LILW) are radioactive waste with activity or
29 concentration level above the clearance levels set by the PNRI. LILW may
30 be a short lived waste or a long lived waste. A short lived waste (LILW-SL)
31 is a waste containing radionuclides with half-lives below or equal to the
32 limits set by the PNRI. It may contain long lived radionuclides but with
33 activity level not exceeding the limit set by the PNRI. Long lived wastes
34 (LILW-LL) are wastes containing radionuclides with long half-lives and
35 with activity exceeding the short lived waste limits set by the PNRI; and,
- 36 C. High level waste (HLW) is radioactive waste with activity or concentration
37 level exceeding the limits for low and intermediate waste set by the PNRI.

1 **SEC. 23. Management of Radioactive Wastes** - Pursuant to Sections
2 10, 11, and 12 hereof, the PNRI shall promulgate rules and regulations on
3 radioactive waste management. Said rules and regulations shall be based on the
4 best available technique to limit the outflow of radioactive substances to the
5 environment, taking into account the benefits as well as the cost of the
6 measures. The measures shall be both technically and economically feasible:
7 *Provided, That* said rules and regulations may be based on, but not be limited to,
8 the following methods of managing radioactive waste:

9 A. Dilute and disperse – radioactive waste with activity level that can be
10 disposed of as ordinary waste into the sewage, municipal landfills etc.

11 B. Delay and decay – short lived radionuclides by storing under well
12 controlled conditions until the radioactivity has decayed to a level which
13 meets the established exemption or clearance limits for such waste.

14 C. Characterization, segregation, treatment, conditioning, transport, storage,
15 disposal – Methods for managing radioactive waste containing long lived
16 radio nuclides, including disused sealed sources, and other wastes that
17 cannot be managed under subsections (a) and (b) of this section.

18 *Provided, further,* That the acceptable storage period for conditioned
19 wastes prior to the establishment of a final disposal repository shall be for a
20 maximum period of fifty (50) years.

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

27 **SEC. 25. Site Requirements and Selection Criteria** - The PNRI shall
28 develop and promulgate generic site requirements for locating a final repository
29 for radioactive wastes.

30 **SEC. 26. Safety Assessment and Environmental Impact Assessment**
31 - The PNRI shall develop and promulgate criteria and regulations on the
32 performance requirements and safety assessment of TSDF. *Provided,* That the
33 safety assessment shall, among others, address both radiological and non-
34 radiological risks. *Provided, further,* That non-radiological environmental impact
35 assessment shall be carried out in accordance with relevant environmental laws.

36 **SEC. 27. Emergency Preparedness** - The PNRI shall promulgate
37 requirements and guidance on the formulation of emergency plan commensurate
38 to the seriousness of the accidents that could occur at the TSDFs.

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

6 **CHAPTER IV - Hazardous Healthcare Waste**

7 **SEC. 29. Listing of Hazardous Healthcare Waste** - Within six (6)
8 months from the effectivity of this Act, the DOH in coordination with the
9 Department and the Department of Interior and Local Government (DILG), after
10 public consultation, shall formulate criteria for identifying and listing the
11 categories of hazardous healthcare waste to be tracked and regulated. In the
12 formulation of such criteria, the DOH shall take into account, but not be limited to,
13 presence of infectious agents, toxicity, reactivity, ignitability and corrosivity.

14 **SEC. 30. Management of Hazardous Healthcare Wastes in Hospitals**
15 **and other Healthcare Facilities** - Pursuant to Sections. 10, 11 & 12 hereof, the
16 DOH shall promulgate rules and regulations on the effective management of
17 hazardous healthcare wastes *in hospitals and other health care facilities*. Such
18 rules and regulations shall include, but not be limited to, the following:

- 19 A. Hospitals and other health care facilities shall practice or implement waste
20 minimization and segregation.
- 21 B. Segregation at source shall be the responsibility of the waste generator.
- 22 C. Appropriate storage receptacles or bins shall be provided for each
23 healthcare waste category.
- 24 D. Labeling of receptacle per waste category shall likewise be implemented
25 for identification of waste and management measures in case of
26 accidents.
- 27 E. All hazardous healthcare wastes shall be collected and stored in
28 designated on-site storage area until transported to a TSDF.
- 29 F. Treatment of hazardous healthcare waste on-site shall be done through
30 appropriate treatment methods.
- 31 G. Upon the approval of the Department, health care facilities with capacity to
32 manage hazardous healthcare waste on-site may also treat for a fee the
33 hazardous healthcare waste generated by other healthcare facilities.
34 *Provided, That in case of treatment of radioactive healthcare waste,*
35 approval of the PNRI shall be secured.
- 36 H. For hazardous healthcare liquid waste, all healthcare facilities shall
37 provide wastewater treatment facilities and comply with the effluent

standards set by DENR. Treatment and disposal of sludge shall conform to the provisions of this Act.

- I. To ensure proper management of hazardous healthcare waste, a committee on hazardous healthcare waste management may be created in all healthcare facilities: *Provided*, That in all Primary Care Hospitals, Secondary Care Hospitals and Tertiary Care Hospitals the creation of a committee on hazardous healthcare waste management shall be mandatory. The committee shall also develop an emergency plan to ensure an immediate and appropriate action once an emergency occurs. For other health care establishments, a hazardous healthcare waste management officer shall be designated.

CHAPTER V – Special Hazardous Wastes

SEC. 31. Collection of Special Hazardous Wastes - Local Government Units (LGUs) shall be responsible for the collection of special hazardous wastes from persons, households and commercial establishment in accordance with Republic Act No. 9003. *Provided*, That the LGUs may enter into agreement with entities duly accredited by the Department for the collection of special hazardous wastes.

SEC. 32. Responsible Care Program for Special Hazardous Wastes - The LGUs shall enact appropriate ordinances implementing responsible care, extended producer responsibility or product stewardship program, that shall include, but not be limited to, take back or return to supplier or third party treater schemes, that shall promote cleaner production, waste minimization, resource recovery and treatment.

SEC. 33. Disposal of Special Hazardous Wastes - The disposal of special hazardous wastes in municipal solid waste, in any landfill or other TSD facilities shall be prohibited; Such disposal shall only be done through delivery to a retailer or wholesaler, or to a collection or recycling facility authorized by the Department *Provided*, That retailers shall dispose of special hazardous wastes only through delivery to the agent of a wholesaler, or to a collection or recycling facility authorized by the Department.

SEC. 34. Transport, Treatment, Storage and Disposal of Special Hazardous Wastes - Upon collection of hazardous special wastes by LGUs pursuant to Sec. 31 hereof, the transport, treatment, storage and disposal of special hazardous waste shall be regulated in accordance with this Act.

CHAPTER VI - Institutional Mechanism

SEC. 35. Lead Agency – The Department shall be the primary government agency responsible for the implementation and enforcement of this

1 Act, including in PEZA areas, special economic zones and free ports, unless
2 otherwise provided herein. As such, it shall have the following functions, powers
3 and responsibilities:

- 4 A. prepare a National Hazardous and Radioactive Wastes Report;
- 5 B. prepare a National Hazardous and Radioactive Wastes Management
6 Framework;
- 7 C. develop and promulgate criteria for identifying and listing the
8 characteristics of hazardous and radioactive wastes;
- 9 D. *establish, enforce, review and revise standards for generators of*
10 *hazardous and radioactive wastes;*
- 11 E. establish, enforce, review and revise standards for transporters of
12 hazardous and radioactive wastes;
- 13 F. establish, enforce, review and revise standards applicable to owners and
14 operators of facilities for the treatment, storage and disposal of hazardous
15 and radioactive wastes ;
- 16 G. exercise jurisdiction over all aspects of generation, possession, collection,
17 destruction, recovery, use, storage, transportation, entry into, even in
18 transit, treatment and disposal of hazardous and wastes;
- 19 H. evaluate applications for and issue permits and licenses pursuant to this
20 Act;
- 21 I. revoke, modify or deny in accordance with the standards, rules and
22 regulations, hazardous waste transporter licenses, TSDFs permits and
23 other permits/licenses issued in accordance with this Act;
- 24 J. establish a cooperative effort among the national government, LGUs,
25 academic institutions, civil society and the private sector to attain the
26 objectives of this Act;
- 27 K. develop and implement programs to achieve goals and objectives set
28 under this Act;
- 29 L. accept, receive and administer grants or other funds or gifts from public
30 and private agencies for the purpose of carrying out the provisions of this
31 Act. Funds received by the Department pursuant to this section shall
32 accrue to the Hazardous and Radioactive Waste Management Fund;
- 33 M. secure necessary scientific, technical, including laboratory facilities, by
34 contract or otherwise;
- 35 N. encourage, coordinate, participate in or conduct studies, investigations,
36 research and technical demonstrations relating to hazardous and
37 radioactive waste management as it may deem advisable and necessary
38 for the discharge of its duties pursuant to this Act;

- 1 O. encourage waste reduction, resource recovery, exchange and energy
- 2 conservation in hazardous and radioactive waste management;
- 3 P. oversee any corrective action work undertaken pursuant to rules and
- 4 regulations issued in accordance with this Act;
- 5 Q. formulate and undertake appropriate protocol with other concerned
- 6 agencies for immediate coordinated responses to hazardous and
- 7 radioactive waste-related emergency incidents;
- 8 R. issue order against any person or entity and impose fines, penalties and
- 9 other administrative sanctions to compel compliance with the provisions
- 10 hereof, standards, rules and regulations issued pursuant to this Act; and,
- 11 S. exercise such powers and perform such other functions as may be
- 12 necessary to carry out the objectives of this Act.

13 **SEC. 36. Role of the DOH** – The DOH shall be primarily responsible in
14 performing the following duties and responsibilities:

- 15 A. *Develop, promulgate and publish criteria in identifying and listing the*
- 16 *categories of hazardous healthcare wastes to be monitored and regulated;*
- 17 B. *Develop and promulgate rules and regulations on the effective*
- 18 *management of hazardous healthcare wastes in hospitals and other*
- 19 *health care facilities; and,*
- 20 C. Exercise such powers and perform such other functions as may be
- 21 necessary to carry out the provisions of this Act.

22 **SEC. 37. Role of the PNRI** – The PNRI shall be primarily responsible in
23 performing the following duties and responsibilities:

- 24 A. Develop and promulgate regulations establishing a program for the
- 25 monitoring of the radioactive waste listed pursuant to this Act;
- 26 B. Develop, promulgate and publish criteria for identifying and listing the
- 27 types of radioactive wastes to be monitored and regulated;
- 28 C. Develop and promulgate rules and regulations on the radioactive waste
- 29 management pursuant to section 23 hereof;
- 30 D. Formulate specific, relevant and appropriate waste acceptance criteria for
- 31 transporters and TSDFs of radioactive wastes pursuant to section 24
- 32 hereof;
- 33 E. *Exercise jurisdiction over all aspects of generation, possession, collection,*
- 34 *recovery, transport, entry, even in transit, into Philippine territory,*
- 35 *treatment, storage and disposal of radioactive wastes; and*
- 36 F. Exercise such powers and perform such other functions as may be
- 37 necessary to carry out the provisions of this Act.

1 **SEC. 38. Role of Local Government Units** - Local government units
2 shall have the following duties and responsibilities:

- 3 A. Share the responsibility for the implementation, enforcement and
4 monitoring of the provisions of this Act within their territorial jurisdictions
5 such as registration and compliance monitoring of generators, transports
6 and TSDFs.;
- 7 B. Prepare a compliance scheme in accordance with their special hazardous
8 waste management program;
- 9 C. Segregation and collection of special hazardous waste;
- 10 D. Emergency preparedness and response; and,
- 11 E. Participate in all efforts concerning hazardous and radioactive wastes
12 management.

13 **SEC. 39. Interagency Technical Advisory Council (IATAC)** - For
14 purposes of policy integration and harmonization and coordination of functions,
15 there is hereby created an inter-agency technical advisory council attached to the
16 Department which shall be composed of the following officials or their duly
17 authorized representatives:

- 18 1. Secretary of Environment and Natural Resources, as Chairperson
- 19 2. Secretary of Health, as Co-Chairperson
- 20 3. Secretary of Science and Technology, as Co-Chairperson
- 21 4. Secretary of Agriculture, as Member
- 22 5. Secretary of Finance
- 23 6. Secretary of Trade and Industry
- 24 7. Secretary of National Defense
- 25 8. Secretary of Foreign Affairs
- 26 9. Secretary of Transportation and Communication
- 27 10. League of Cities
- 28 11. League of Municipalities
- 29 12. League of Provinces
- 30 13. League of Barangays
- 31 14. Director General of the Philippine Export Zone Authority
- 32 15. Representative from Civil Society
- 33 16. Representative from the Industry
- 34 17. Representative from TSDF operators
- 35 18. Representative from third party environmental service providers
- 36 19. Representative from the Academe

37 The IATAC shall have the following functions, among others:

1 (A) *Formulate criteria* in assessing the proposed BAT/BEP to be used in
2 accordance with section 9 hereof; and,

3 (B) Constitute and authorize a multidisciplinary body to conduct annual audit
4 to determine compliance of TSDF operators with the terms and conditions
5 in the permits and licenses issued pursuant to this Act.

6 **SEC. 40. IATAC Technical Working Group** - The IATAC shall be
7 supported by a Technical Working Group (TWG) which shall be composed of
8 representatives of the following:

- 9 1. Environmental Management Bureau (EMB) of the Department
- 10 2. Environmental and Occupational Health Office of the DOH
- 11 3. Philippine Nuclear Research Institute of the DOST
- 12 4. Industrial Technology Development Institute of the DOST
- 13 5. Bureau of Soil and Water Management of the Department of Agriculture
14 (DA)
- 15 6. Food and Pesticide Authority of the DA
- 16 7. Bureau of Customs of the Department of Finance
- 17 8. Bureau of International Trade Relations of DTI
- 18 9. Board of Investments of the DTI
- 19 10. Bureau of Import Services of the DTI
- 20 11. Department of National Defense
- 21 12. Land Transportation Office of the DOTC
- 22 13. Occupational Health and Safety Center of the Department of Labor and
23 Employment
- 24 14. Philippine Coast Guard
- 25 15. NGOs
- 26 16. Industry
- 27 17. Academe

28 The TWG shall provide technical support to the IATAC.

29 **SEC. 41. Linkage Mechanism** - The Department and its concerned
30 agencies may coordinate and enter into agreement with other government
31 agencies, civil society, industrial sector and other concerned sectors in the
32 furtherance of the policies of this Act. *Provided*, That the Department shall
33 coordinate with the Department of Interior and Local Government and the
34 Philippine National Police in the enforcement of the requirements for transporters
35 issued pursuant to this Act.

36 **SEC. 42. Visitorial Powers** – The Department, PNRI and DOH or its duly
37 authorized representative shall have access to, and the right to copy therefrom,
38 the records required to be maintained pursuant to the provisions of this Act. The

1 Secretary of the Department and DOH and director of PNRI or their authorized
2 representatives shall likewise have the right to enter the premises of any
3 generator, transporter, or TSDF any time to question any employee or investigate
4 any fact, condition or matter which may be necessary to determine any violation,
5 or which may aid in the effective enforcement of this Act and its implementing
6 rules and regulations. This section shall not apply to private dwelling places
7 unless the visitorial power is otherwise judicially authorized.

8 **CHAPTER VII - Permits and Fees**

9 **SEC. 43. *Permits for Treatment, Storage, or Disposal of Hazardous***
10 ***and Radioactive Wastes*** – (A) Any person owning an existing or a new TSDF of
11 hazardous or radioactive wastes identified or listed pursuant to this Act is
12 required to secure a permit or license pursuant to this section. The Department
13 and PNRI shall prescribe reasonable fees for the issuance of said permit or
14 license.

15 (B) *Duration of permit* – Any permit under this section shall be issued annually
16 during the first three (3) years of operation as TSDF. Thereafter, the Department
17 and PNRI may issue a permit license which is valid for five (5) years to TSDF
18 who has satisfactorily complied with the rules and regulations issued pursuant to
19 this Act for the three (3) consecutive years: *Provided*, That an annual audit shall
20 be conducted by a multidisciplinary body constituted and authorized by the
21 IATAC created pursuant hereof.

22 (C) *Permit modification, suspension and revocation* – The Department and PNRI
23 shall modify, suspend and revoke such permit upon a determination of
24 noncompliance by a TSDF with the relevant provisions of this Act or the terms
25 and conditions of the permit.

26 (D) *Interim status* – Any person who owns a TSDF in existence prior to this Act
27 which is required to have a permit under this section shall be treated as having
28 been issued such permit for a period of twelve (12) months after the effectivity of
29 this Act. *Provided*, That the required application for TSDF permit or license shall
30 have been filed within the said twelve (12) month period. *Provided, further*, That
31 this paragraph shall not apply to any facility which has been previously denied a
32 TSDF permit or license or if authority to operate the facility has been previously
33 terminated.

34 **SEC. 44. *Hazardous and Radioactive Waste Transporter License*** – (A)
35 Any person transporting any hazardous and radioactive waste is required to
36 secure a waste transporter license from the Department subject to payment of
37 reasonable fee.

1 (B) *Duration of license* – A waste transporter license issued under this section
2 shall be valid for a period of one (1) year.

3 (C) *License modification, suspension and revocation* – The Department and
4 PNRI shall modify, suspend and revoke such license upon a determination of
5 noncompliance by a transporter with the relevant provisions of this Act or the
6 terms and conditions of the permit.

7 A license is not required for the transport of any hazardous or radioactive waste
8 on the premises where it is generated or onto a property owned by the generator
9 thereof located within a one (1) km. radius from said premises or within the same
10 industrial estate. *Provided*, That the Department is notified in writing prior to the
11 transfer and a week after the transfer has been completed. Nothing in this
12 section shall be interpreted to preclude the Department and the PNRI from
13 inspecting unlicensed hazardous waste transporting equipment and to require
14 that it be adequate to provide protection for the health of humans and the
15 environment.

16 **SEC. 45. Hazardous Waste disposal Fee** - All hazardous waste disposal
17 facility shall collect, on behalf of the government, from each hazardous waste
18 generator or transporter disposing such waste at the disposal site, a fee that shall
19 accrue to the hazardous waste management fund. The fee shall be established
20 by the Department taking into consideration the following:

21 (A) To provide strong economic inducement for generators to modify their
22 production or management processes;

23 i. To cover the cost of administering hazardous and radioactive waste
24 management;

25 ii. Reflect damages caused by hazardous and radioactive waste on
26 the surrounding environment, including the cost of rehabilitation;

27 iii. Category of waste; and,

28 iv. Classification of waste.

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

31 **SEC. 46. Prohibition against the Use of Open and Controlled Dumps**
32 **for Hazardous and Radioactive Wastes** - No open and controlled dumps shall
33 be established and operated nor any practice or disposal of hazardous and
34 radioactive wastes by any person, including LGUs, which constitutes the use of
35 open and controlled dumps for such wastes, be allowed after the effectivity of this
36 Act.

37 **CHAPTER VIII-- Financing Hazardous Waste Management**

1 **SEC. 47. Hazardous and Radioactive Waste Management Fund -**

2 There is hereby created a Hazardous and radioactive Waste Management Fund
3 which shall be constituted from the following sources:

4 (A) Fifty million pesos (P50,000,000.00) from the net income of the Philippine
5 Amusement and Gaming Corporation (PAGCOR) after deducting the taxes
6 and income share of the national government, which shall be remitted by
7 PAGCOR directly to the Department in two (2) equal tranches for a period of
8 two (2) years from effectivity of this Act;

9 (B) Fines and penalties imposed, fees, proceeds of permits , licenses issued by
10 the Department, DOH and PNRI under this Act, donations, endowments,
11 grants and contributions from domestic and foreign sources; and

12 (C) Amounts specifically appropriated for the Hazardous and radioactive Waste
13 Management Fund under the annual General Appropriations Act.

14 The Fund shall be used to finance the following:

15 (A) products, facilities, technologies and processes to enhance proper
16 hazardous and radioactive waste management;

17 (B) awards and incentives;

18 (C) research program;

19 (D) information, education, communication and monitoring activities;

20 (E) technical assistance; and

21 (F) capacity and capability building activities.

22 The DOH and the PNRI shall have a share in the Fund in connection with
23 the management of hazardous healthcare and radioactive wastes in accordance
24 with this Act. Specific criteria for the availment of the Fund shall be prepared by
25 the Department.

26 In no case, however, shall the Fund be used for the creation of positions
27 or payment of salaries and wages.

28 **SEC. 48. Financial Liability for Environmental Rehabilitation –** The
29 Department shall require generators and owners of TSDFs to put up
30 Environmental Guarantee Fund (EGF) as part of the Environmental Management
31 Plan attached to the Environmental Compliance Certificate (ECC) pursuant to
32 Presidential Decree No. 1586 and its Implementing Rules and Regulations. The
33 EGF shall finance the needs of emergency response, clean up or rehabilitation of
34 areas that may be damaged during the generation, transport, treatment, storage
35 or disposal of hazardous and radioactive wastes. Liability for damages shall
36 continue even after the termination of the project and, until the lapse of a given
37 period indicated in the ECC, as determined by the Department.

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

7 **SEC. 49. Performance Bond** - Prior to issuance of the required permit to
8 operate, the Department shall require transporters, owners of treatment/storage
9 facilities to post performance bond in the amount equivalent to not less than 5%
10 to 25% of their capitalization depending on whether the transporter or owner of
11 treatment/storage facility is small, medium or large scale. The performance bond
12 shall be forfeited in the event of abandonment of sites and/or non-performance of
13 post-closure requirements issued pursuant to Sec. 15 hereof. *Provided*, That this
14 provision shall not apply to State-owned treatment/storage facilities and to
15 recyclers identified and listed as such pursuant to this Act.

16 **CHAPTER X -- INCENTIVES**

17 **SEC. 50. Rewards** – Rewards, monetary or otherwise, shall be provided
18 to individuals, private organizations and entities, including non-government
19 organizations that have undertaken outstanding and innovative projects,
20 technologies, processes and techniques on activities in hazardous and
21 radioactive wastes management. Said rewards shall be sourced from the
22 Hazardous and Radioactive Wastes Management Fund herein created.

23 **SEC. 51. Incentives Scheme** - An incentive scheme is hereby provided
24 for the purpose of encouraging enterprises, private entities, LGUs and NGOs to
25 develop or undertake an effective hazardous and radioactive waste
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 and Vehicles –**

29 Within ten (10) years upon the effectivity of this Act, enterprises, private
30 entities, LGUs, and NGOs shall enjoy tax and duty-free importation of
31 machinery, equipment, vehicles and spare parts used for transport,
32 processing, storage and treatment of hazardous and radioactive wastes
33 including cleaner production and waste minimization technologies:
34 *Provided*, That the importation of such machinery, equipment, technology,
35 vehicle and spare parts shall comply with the following conditions:

- 36 i. They are not manufactured domestically in sufficient quantity, of
37 comparable quality and at reasonable prices;

- 1 ii. They are reasonably needed and will be used actually, directly and
2 exclusively for the above mentioned activities; and,
- 3 iii. The approval of the Board of Investment (BOI) of the DTI for the
4 importation of such machinery, equipment, vehicle and spare parts.
5 *Provided, further,* That the sale, transfer or disposition of such machinery,
6 equipment, technology, vehicle and spare parts, without prior approval of
7 the BOI, within five (5) years from the date of acquisition shall be
8 prohibited, otherwise, the enterprise, private entity, LGU or NGO
9 concerned and the buyer, transferee or assignee shall be solidarily liable
10 to pay twice the amount of tax and duty exemption given it.
- 11 B. *Tax Credit on Domestic Capital Equipment* – Within ten (10) years from
12 the effectivity of this Act, a tax credit equivalent to 50% of the value of the
13 national internal revenue taxes and customs duties that would have been
14 waived on the machinery, equipment, technology, vehicle and spare parts,
15 had these items been imported shall be given to enterprises, private
16 entities, LGUs and NGOs subject to the same conditions and prohibition
17 cited in the preceding paragraph.
- 18 C. *Tax and Duty Exemption of Donations, Legacies and Gift* – All legacies,
19 gifts and donations to enterprises or private entities, LGUs, and NGOs, for
20 the support and maintenance of the program for effective hazardous and
21 radioactive waste management shall be exempt from donor's tax and shall
22 be deductible in full from the gross income of the donor for income tax
23 purposes.
- 24 D. *Financial Assistance Program* - Government financial institutions such as
25 the Development Bank of the Philippines (DBP), Landbank of the
26 Philippines (LBP), Government Service Insurance System (GSIS), and
27 such other government institutions providing financial services shall, in
28 accordance with and to the extent allowed by the enabling provisions of
29 their respective charters or applicable laws, accord high priority to extend
30 financial services to individuals, enterprises, or private entities engaged in
31 hazardous, radioactive, medical and hazardous special waste
32 management.
- 33 E. *Extension of Grants to LGUs.* – Cities or municipalities whose special
34 hazardous waste management programs have been duly accredited by
35 the Department or have adopted innovative waste management programs
36 may be entitled to receive grants for the purpose of developing their
37 technical capacities toward actively participating in the program for
38 effective and sustainable waste management.

1 F. *Incentives to Host LGUs.* – Local government units who host common
2 hazardous and radioactive waste management facilities shall be entitled to
3 incentives.

4 G. *Tax and Duty Exemption on Hazardous waste materials generated within*
5 *and exiting from PEZA areas and other special Ecozones.* - Hazardous
6 waste materials generated within and exiting from PEZA areas, free ports
7 and other special Ecozones intended solely for recycling or treatment and
8 disposal shall enjoy tax and duty-free importation. Provided, that said
9 recyclable waste materials are identified and listed in accordance with
10 Section 20 of this Act.

11 **CHAPTER XI - Civil Liability and Penal Provisions**

12 **SEC. 52. Generator's liability** - The generator is primarily responsible for
13 the management of hazardous and radioactive waste until said waste has been
14 certified as properly treated or disposed by duly accredited TSDFs. *Provided,*
15 *That wastes that are exported outside of the country and treated and disposed in*
16 *accordance with international agreements, the TSDFs in the country of*
17 *destination shall issue the certificate of treatment and disposal. All other*
18 *environmental service providers involved in the transport, treatment, storage and*
19 *disposal of said waste shall be jointly and severally liable with the generator in*
20 *the event of any adverse environmental impacts due to the improper*
21 *management of the waste.*

22 **SEC. 53. Prohibited Acts** - The following acts are prohibited:

- 23 1. Discarding, throwing or dumping of hazardous or radioactive wastes, listed
24 pursuant to this Act in public places, such as roads, sidewalks, canals,
25 esteros, parks, establishments and municipal solid waste facilities, or
26 causing or permitting the same;
- 27 2. Undertaking activities involving the collection or transport of hazardous or
28 radioactive waste in violation of the standards and other requirements or
29 permits set forth in this Act;
- 30 3. Causing or permitting the collection of non-segregated or unsorted
31 hazardous waste;
- 32 4. Operating TSDFs without permits issued pursuant to this Act;
- 33 5. Transporting hazardous or radioactive waste without the required permit
34 or license pursuant to this Act;
- 35 6. The mixing of source-separated recyclable material with other hazardous
36 waste in any vehicle, box, container or receptacle used in hazardous or
37 radioactive waste collection or disposal;

- 1 7. Disposal of hazardous or radioactive wastes in open and controlled dumps
2 as enjoined in this Act, or causing and permitting the same;
- 3 8. Transporting and dumping of collected hazardous or radioactive wastes in
4 areas other than facilities prescribed under this Act;
- 5 9. Disposal of special hazardous waste except by delivery to a retailer or
6 wholesaler or to a collection or recycling facility authorized by the
7 Department;
- 8 10. Open burning of hazardous or radioactive hazardous wastes;
- 9 11. Transporting any hazardous or radioactive wastes to a TSDF which is not
10 authorized to receive such waste pursuant to this Act;
- 11 12. Treating, storing or disposing of any hazardous or radioactive waste
12 either: (a) without permit or license to do so pursuant hereof; or (b) in
13 knowing violation of any material condition or requirement of such permit
14 or license; or (c) in violation of any standards promulgated pursuant to this
15 Act;
- 16 13. Making any false material statement, representation or certification in any
17 application, label, permit, record, report, manifest or other document filed,
18 maintained, or required to be maintained under this Act;
- 19 14. Falsifying, tampering with, or rendering inaccurate any monitoring device
20 or result therefrom used, filed, maintained, or required to be maintained
21 under this Act;
- 22 15. Generating, treating, storing, transporting, disposing of or handling any
23 hazardous or radioactive wastes, and who in connection therewith
24 knowingly destroying, altering or concealing any record required to be
25 maintained pursuant to this Act;
- 26 16. Owning, maintaining or operating any hazardous or radioactive waste
27 disposal facility in a manner which permits any acts or hazardous waste
28 management practices in violation of standards or rules and regulations
29 issued pursuant to this Act;
- 30 17. Failing to notify the Department, DOH and PNRI of hazardous or
31 radioactive waste activities pursuant to section 6 hereof;
- 32 18. Importing or causing or permitting the entry, even in transit, into Philippine
33 territory in violation of the provisions of this act and its implementing rules
34 and regulations and relevant international agreements and protocols;
- 35 19. Constructing, substantially altering or operating, including all post-closure
36 activities and operations specified in the rules and regulations, a
37 hazardous or radioactive waste TSDF without first obtaining a permit as
38 specified in this Act; and,

1 20. Site preparation, construction, expansion or operation of TSDFs without
2 an Environmental Compliance Certificate required pursuant to Presidential
3 Decree No. 1586 and this Act.

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

6 **SEC. 54. 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 provision of this Act or its
9 implementing rules and regulations, shall be fined by the Pollution Adjudication
10 Board (PAB) in the amount not less than ten thousand (P10,000.00) but not more
11 than one hundred thousand pesos (P100,000.00) for every violation. *Provided,*
12 *That for violation of Section 53 involving prohibited act no. 1, 7, 8, 12, 16, 19 and*
13 *20, the fine shall be imposed for every day of violation.*

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

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

22 *Provided, That the PAB may order the closure, suspension of*
23 *development or construction, or cessation of operations until such time that*
24 *proper environmental safeguards are put in place and/or compliance with the Act*
25 *or its rules and regulations are undertaken. This paragraph shall be without*
26 *prejudice to the issuance of an ex parte order for such closure, suspension of*
27 *development or construction, or cessation of operations during the pendency of*
28 *the case.*

29 *Provided, further, That if the prohibited act undertaken shall require clean-*
30 *up and rehabilitation, the offender shall also be required to restore or*
31 *compensate for the restoration of the area. The PAB may also award such*
32 *damages as it may deem just under the circumstances in favor of the private*
33 *complainant in the case.*

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

- 37 a. Deliberate disposal of hazardous or radioactive waste without the required
38 permit issued pursuant to this Act;

1 b. three (3) or more violations referred to in items 1, 4, 5, 7, 12, 13 and 14 of
2 sec. 53 hereof within a period of two (2) years; or

3 c. blatant disregard of the orders of the PAB, such as the non-payment of
4 fines, breaking of seals, or operation of the source of pollution despite the
5 existence of an order for closure, discontinuance or cessation of
6 operation, or unjustified refusal for the entry or access to any premises of
7 an authorized Department representative.

8 In which case, offenders shall be punished a fine of not less than one
9 hundred pesos (P100,000.00) but not more than three million pesos
10 (P3,000,000.00) and/or with imprisonment of not less than three (3) years but not
11 more than ten (10) years at the discretion of the court. If the offender is a juridical
12 person, the chief executive officer and the pollution control officer or its
13 equivalent shall suffer the penalty herein provided. *Provided, finally,* That the
14 officers and incorporators of TSDFs who violated the post-closure requirements
15 issued pursuant to Sec. 15 hereof shall be banned from setting up TSDFs and
16 hazardous and radioactive waste transport companies, and engaging in the
17 operation of the same.

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

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

23 **SEC. 55. Administrative Sanctions** - Local government officials and
24 officials of government agencies concerned who fail to comply with and enforce
25 rules and regulations promulgated relative to this Act shall be charged
26 administratively in accordance with R. A. 7160 and other existing laws, rules and
27 regulations.

28 **SEC. 56. Administrative Action** – Without prejudice to the right of any
29 affected person to file an administrative action, the Department, DOH and PNRI
30 shall, on its own instance or upon verified complaint by any person, institute
31 administrative and civil proceedings against any person who violates:

32 a. Standards or limitation provided under this Act; or

33 b. Any order, rule or regulation issued by the Department, DOH or PNRI with
34 respect to such standard or limitation.

35 **SEC. 57. Citizen Suits** - For purposes of enforcing the provisions of this
36 Act or its implementing rules and regulations, any citizen may file an appropriate
37 civil, criminal or administrative action in the proper courts or bodies against the
38 following:

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

3 (b) The Department or other implementing agencies with respect to orders,
4 rules and regulations issued inconsistent with this Act; or

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

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

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

21 **SEC. 58. Suits And Strategic Legal Action Against Public**
22 **Participation (SLAPP) And The Enforcement Of This Act** - Where a suit is
23 brought against a person who filed an action as provided in Sec. 57 of this Act, or
24 against any person, institution or government agency that implements this Act, it
25 shall be the duty of the investigating prosecutor or the court, as the case may be,
26 to immediately make a determination not exceeding thirty (30) days whether said
27 legal action has been filed to harass, vex, exert undue pressure or stifle such
28 legal recourses of the person complaining of or enforcing the provisions of this
29 act. Upon determination thereof, evidence warranting the same, the court shall
30 dismiss the case and award attorney's fees and double damages.

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

34 **CHAPTER XII — Miscellaneous Provisions**

35 **SEC. 59. Mandatory Public Hearings** - Mandatory public hearings for the
36 Framework shall be undertaken in accordance with the process to be formulated
37 by the Department.

1 **SEC. 60. Research on Hazardous and Radioactive Waste**
2 **Management** - The Department, after consultations with the cooperating
3 agencies, shall encourage, cooperate with, and render financial and other
4 assistance to appropriate government and private agencies, institutions and
5 individuals in the conduct and promotion of researches, experiments, and other
6 studies on hazardous and radioactive waste management, particularly those
7 relating to:

- 8 (a) adverse health welfare effects of the release into the environment of
9 hazardous and radioactive wastes, and methods to eliminate said effects
10 or minimize the health risks;
- 11 (b) the operation and financing of hazardous and radioactive waste disposal
12 programs;
- 13 (c) the planning, implementation and operation of resource recovery and
14 resource conservation systems;
- 15 (d) the production of usable forms of recovered resources, including fuel from
16 hazardous waste;
- 17 (e) the development and application of new and improve methods of
18 collecting, separating and disposing of hazardous and radioactive wastes
19 and processing and recovering materials and energy from hazardous and
20 radioactive wastes;
- 21 (f) cleaner production technologies;
- 22 (g) improvements in land disposal practices for hazardous and radioactive
23 wastes; and
- 24 (h) development of new uses of recovered resources and identification of
25 existing or potential markets of recovered resources.

26 In carrying out hazardous and radioactive waste researches and studies,
27 the Department, DOH and PNRI or their authorized representatives may award
28 grants or enter into contracts with government agencies, non-government
29 organizations and private persons.

30 **SEC. 61. Public Education and Information** - The Department, PNRI
31 and DOH, in coordination with Department of Education (DepEd), TESDA,
32 Commission on Higher Education (CHED), DILG and Philippine Information
33 Authority (PIA) and LGUs, shall conduct a continuing education and information
34 campaign on hazardous and radioactive waste management. Such education
35 and information program shall:

- 36 a. Aim to develop public awareness of the impacts of hazardous and
37 radioactive wastes and how to prevent or minimize their adverse effects;

1 b. Concentrate on activities which are feasible and which will have the
2 greatest impact on the hazardous and radioactive waste management;
3 and

4 c. Encourage the general public, accredited NGOs and POs to publicly
5 endorse and patronize environment friendly products.

6 **SEC. 62. *Environmental Education in the Formal and Non-formal***
7 **Sectors** -The national government, through the DepEd and in coordination with
8 concerned government agencies, NGOs and private institutions, shall strengthen
9 the integration of environmental concerns in school curricula at all levels, with
10 particular emphasis on hazardous and radioactive waste management principles
11 in order to promote environmental awareness and action among the citizenry.

12 **SEC. 63. *Business and Industry Role*** - The Department, DOH and PNRI
13 shall encourage commercial and industrial establishments, through appropriate
14 incentives other than tax incentives, to initiate, participate and invest in integrated
15 hazardous and radioactive waste management projects, to manufacture
16 environment-friendly products, to introduce, develop and adopt innovative
17 processes that shall recycle and re-use materials, conserve raw materials and
18 energy, reduce waste, and prevent pollution, and to undertake community
19 activities to promote and propagate effective hazardous and radioactive waste
20 management practices.

21 **CHAPTER XIII – Final Provisions**

22 **SEC. 64. *Implementing Rules and Regulations*** – Within one (1) year
23 after the effectivity of this Act, the Department, DOH and PNRI, in coordination
24 with the Committees on Environment and Ecology of the Senate and House of
25 Representatives, respectively, shall promulgate the implementing rules and
26 regulations of this Act: *Provided*, That rules and regulations issued by other
27 government agencies and instrumentalities relative to hazardous and radioactive
28 waste management consistent with this act shall supplement the rules and
29 regulations issued by the DENR, PNRI and DOH pursuant to the provisions of
30 this Act.

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

33 **SEC. 65. *Joint Congressional Oversight Committee*** - There is hereby
34 created a Joint Congressional Oversight Committee to monitor the
35 implementation of this Act. The Committee shall be composed of five (5)
36 Senators and five (5) Representatives to be appointed by the Senate President
37 and the Speaker of the House of Representatives, respectively. The Oversight
38 Committee shall be co-chaired by a Senator and a Representative designated by

1 the Senate President and the Speaker of the House of Representatives,
2 respectively.

3 **SEC. 66. *Transitory Provision*** - Pending the establishment of the
4 Framework under Sec. 8 hereof, and promulgation of implementing rules and
5 regulations of this Act, pertinent existing laws, regulations, programs and projects
6 on hazardous and radioactive waste management shall be enforced. *Provided,*
7 That for specific undertaking, the same may be revised in the interim in
8 accordance with the intentions of this Act.

9 **SEC. 67. *Report to Congress*** - The Department shall report to Congress,
10 not later than March 30 of every year following the approval of this Act, giving a
11 detailed account of its accomplishments and progress on hazardous and
12 radioactive waste management during the year and make the necessary
13 recommendations in areas where there is need for legislative action..

14 **SEC. 68. *Separability Clause*** - If any provision of this Act or the
15 application of such provision to any person or circumstances is declared
16 unconstitutional, the remainder of the Act or the application of such provision to
17 other persons or circumstances shall not be affected by such declaration.

18 **SEC. 69. *Repealing Clause*** - Republic Act No. 6969, Executive Order
19 No. 192, Republic Act No. 9003, Republic Act No. 7160, and Republic Act No.
20 2067, as amended, are partly modified. All laws, decrees, issuances, rules and
21 regulations, or parts thereof inconsistent with the provisions of this Act are
22 hereby repealed or modified accordingly:

23 **SEC. 70. *Effectivity Clause*** - This Act shall take effect fifteen (15) days
24 after its publication in at least two (2) newspapers of general circulation

Approved,