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SENATE

Senate Bill No. 1366

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

The State's responsibility to protect both the health of its people and the environment are enshrined under Article II of the Constitution:

*"Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.*

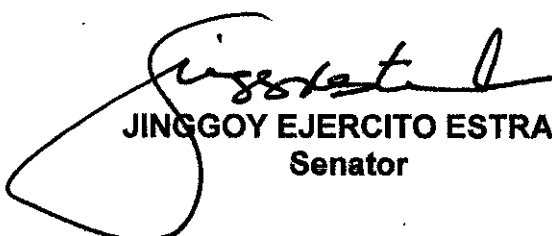
*Section 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."*

The *Philippine Hazardous and Radioactive Wastes Management Act* seeks to, among others, develop and implement programs on hazardous and radioactive wastes management both in the local and national levels; promulgate guidelines for the handling of such wastes which will include emergency and contingency plans for accidents; and formulate a system of accountability and responsibility for generators and producers of hazardous and radioactive wastes. It also seeks to protect our territorial limits by prohibiting the entry to and transit through it of such wastes.

This measure defines "*hazardous and radioactive wastes management*" as "the systematic administration of activities which provide for the identification, listing, collection, segregation, storage, transport, recovery, reuse, processing, reprocessing, treatment and disposal of hazardous and radioactive wastes".

The Department of Environment and Natural Resources (DENR), together with other concerned agencies, is mandated under this bill to publish a Wastes Management Status Report and to formulate a National Hazardous and Radioactive Wastes Management Framework.

With the end in view of protecting our people's safety and health and of achieving a sustainable development, the immediate passage of this bill is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

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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

1  
2  
3  
4  
5  
6 **SECTION 1. Short Title.** – This Act shall be known as the "*Philippine*  
7 *Hazardous and Radioactive Wastes Management Act*".  
8  
9

10 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State to  
11 advance the protection of human health and the environment from the potential  
12 risks of hazardous and radioactive wastes within the framework of sustainable  
13 development. Towards this end, the State shall:  
14

15 (a) Develop and implement national and local integrated and comprehensive  
16 hazardous and radioactive wastes management programs focusing on  
17 pollution prevention and resource conservation recovery, which shall:  
18

19 (1) Improve wastes management techniques, organizational  
20 arrangements, methods of collection, separation and recovery of  
21 wastes;  
22

23 (2) Promote environmentally safe disposal of residues;  
24

25 (3) Minimize the generation of hazardous and radioactive wastes by  
26 encouraging cleaner production, process substitution, resource  
27 recovery, recycling and reuse, and treatment; and,  
28

29 (4) Institutionalize public participation in the development and  
30 implementation of such programs;  
31  
32

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

28 **SEC. 3. Coverage of the Act.** – This Act shall apply to the generation,  
29 possession, collection, recovery, reuse, storage, transport, treatment and  
30 disposal of hazardous and radioactive wastes in the country for whatever  
31 purposes; *Provided*, That this Act shall cover the entry of such wastes, even in  
32 transit, into the Philippine territorial limits.  
33

34  
35 **SEC. 4. Definition of Terms.** – As used in this Act, the term:  
36

- 37 (a) “*Abandoned underground mines*” refer to worked out mineral mines  
38 with deep shafts extending to about one thousand (1,000) to two  
39 thousand (2,000) thousand feet below the ground surface;  
40  
41 (b) “*Best available techniques (BAT)*” refer to any technology that shall  
42 take into consideration costs and benefits of a measure as well as  
43 precaution and prevention such as, but not limited to:  
44  
45 (1) the nature, effects and mass of releases concerned;  
46 (2) consumption and use of raw materials in the process and its energy  
47 efficiency;  
48 (3) the need to prevent or reduce to a minimum the overall impact of  
49 releases to the environment; and,  
50 (4) ensure occupational health and safety at the workplaces.  
51  
52 (c) “*Best environmental practices (BEP)*” refer to practices that are  
53 generally accepted as “environmentally friendly”, taking into  
54 consideration the nature, traditions and culture of the locality. For this  
55 purpose, technological advances and changes in scientific knowledge  
56 and understanding shall likewise be considered in determining  
57 acceptable practices in preserving the environment;

- 1  
2 (d) "*Borehole facilities*" shall refer to those that entail the emplacement of  
3 solid radioactive wastes in an engineered facility of relatively narrow  
4 diameter bored and operated directly from the surface. It covers a  
5 range of design concepts with depths ranging from a few meters up to  
6 several hundred meters, and their diameters can vary from a few tens  
7 of centimeters up to more than one (1) meter;  
8  
9 (e) "*Carcinogen*" refers to any substance that can cause or contribute to  
10 the incidence of cancer;  
11  
12 (f) "*Collection*" refers to the act of removing hazardous waste from the  
13 source or from a storage point;  
14  
15 (g) "*Construction*" refers to the erection or building of new structures;  
16  
17 (h) "*Contaminated sites*" refer to places or spots where the soil quality  
18 exceeds the soil standards set pursuant to Section 17 hereof.  
19  
20 (i) "*Corrective action*" refers to the steps taken to assess; prioritize and  
21 clean up hazardous and radioactive wastes from the treatment,  
22 storage and, disposal facilities (TSDFs) and/or contaminated sites in  
23 order to protect health and the environment;  
24  
25 (j) "*Corrosivity*" refers to a state where the waste has either of the  
26 following properties: (1) it is aqueous and has a pH less than or equal  
27 to 2 or greater than or equal to 12.5; (2) it is a liquid and corrodes steel  
28 (SAE 1020) at a rate greater than 6.35 mm. (0.250 inch) per year at a  
29 test temperature of 55°C (130°F);  
30  
31 (k) "*Degradability*" refers to the ability of a compound to be reduced to  
32 simpler fonus through a breakdown of its structure;  
33  
34 (l) "*Deep injection well*" means a well used for subsurface injection of  
35 waste fluids and solids derived from industries such as geothermal and  
36 oil and gas into an injection zone;  
37  
38 (m) "*Department*" means the Department of Environment and Natural  
39 Resources (DENR);  
40  
41 (n) "*Disposal*" means the discharge, deposit, injection, dumping, spilling,  
42 leaking or placing of any hazardous and radioactive wastes into or on  
43 any land or water so that such wastes, or any constituent thereof, may  
44 enter the environment or be emitted into the air or discharged into any  
45 waters, including ground waters;  
46  
47 (o) "*Generation*" refers to the act or process of producing hazardous and  
48 radioactive wastes;  
49  
50 (p) "*Generator*" refers to a person, natural or juridical, who produces  
51 hazardous and radioactive wastes;  
52  
53 (q) "*Geological repository*" refers to the isolation of high level radioactive  
54 waste using a system of engineered and natural barriers at depths up  
55 to several hundred meters in a geologically stable formation;  
56

- 1 (r) "*Hazardous wastes*" refer to substances discarded from commercial  
2 and industrial establishments, institutions and healthcare facilities  
3 which, because of the concentration, or physical, chemical or infectious  
4 characteristics, may cause or significantly contribute to increases in  
5 mortality or serious illnesses, or pose an unreasonable risk and  
6 potential threat to human health and the environment;  
7
- 8 (s) "*Hazardous and radioactive wastes management*" means the  
9 systematic administration of activities which provide for the  
10 identification, listing, collection, segregation, storage, transport,  
11 recovery, reuse, processing, reprocessing, treatment and disposal of  
12 hazardous and radioactive wastes;  
13
- 14 (t) "*Healthcare waste*" refers to waste that is generated or produced as a  
15 result of the following activities: diagnosis, treatment or immunization  
16 of human beings or animals; research pertaining to the above-  
17 activities; production or testing of biological and waste originating from  
18 minor or scattered sources;  
19
- 20 (u) "*Ignitability*" refers to the characteristic used to define as hazardous  
21 wastes that could cause a fire during transport, storage or disposal. A  
22 waste exhibits the characteristics of ignitability if a sample of the waste  
23 has any of the following properties: (1) it is a liquid that has a flash  
24 point of less than 60°C (140°F); (2) it is not a liquid and is capable,  
25 under standard temperature and pressure, of causing fire through  
26 friction, absorption of moisture or spontaneous chemical changes and,  
27 when ignited, burns so vigorously and persistently that it creates a  
28 hazard; (3) it is an ignitable gas; or (4) it is an oxidizer;  
29
- 30 (v) "*Injection zone*" refers to a geological formation, group of formation or  
31 a part of a formation located below the underground source of potable  
32 water, and which receives waste fluids or solids through a deep  
33 injection well;  
34
- 35 (w) "*International environmental standards*" refer to the requirements or  
36 standards under existing international environmental agreements to  
37 which the Philippines is a party;  
38
- 39 (x) "*Landfill*" refers to a waste disposal site designed, constructed,  
40 operated and maintained in a manner that exerts engineering control  
41 over significant potential environmental impacts arising from the  
42 development and operation of the facility;  
43
- 44 (y) "*Land disposal*" refers to the placement of hazardous and radioactive  
45 wastes on the surface, near surface and at depths within the soil  
46 column;  
47
- 48 (z) "*Land treatment or land farming*" refers to a managed technology that  
49 involves the controlled application of waste on the soil surface and/or  
50 the incorporation of waste or contaminated soils into the upper soil  
51 zone.  
52
- 53 (aa) "*Level 1 hospital*" refers to an emergency hospital that provides:  
54  
55 (1) initial clinical care and management to patients requiring immediate  
56 treatment, as well as primary care on prevalent diseases in the  
57 locality;

- 1 (2) clinical services that include general medicine, pediatrics, obstetrics  
2 and nonsurgical gynecology and minor surgery;  
3 (3) general administrative service and may provide ancillary services  
4 (primary clinical laboratory, first level radiology, pharmacy); and,  
5 (4) nursing care for patients who require minimal category of  
6 supervised care for twenty-four (24) hours or longer.

7  
8 (bb) "*Level 2 hospital*" refers to a non-departmentalized hospital that  
9 provides:

- 10  
11 (1) clinical care and management on prevalent diseases in the locality;  
12 (2) clinical services that include general medicine, pediatrics, obstetrics  
13 and gynecology, surgery and anesthesia;  
14 (3) appropriate administrative and ancillary services (secondary clinical  
15 laboratory, first level radiology, pharmacy); and,  
16 (4) nursing care provided in the level 1 hospital as well as intermediate,  
17 moderate and partial category of supervised care for twenty-four  
18 (24) hours or longer.

19  
20 (cc) "*Level 3 hospital*" refers to a departmentalized hospital that provides:

- 21  
22 (1) clinical care and management on prevalent diseases in the locality  
23 as well as particular forms of treatment, surgical procedure and  
24 intensive care;  
25 (2) clinical services provided in the level 2 hospital as well as specialty  
26 clinical care;  
27 (3) appropriate administrative and ancillary services (tertiary clinical  
28 laboratory, second radiology, pharmacy); and,  
29 (4) nursing care provided in the level 2 hospital as well as total and  
30 intensive skilled care .

31  
32 (dd) "*Manifest or consignment note*" refers to a form prescribed by the  
33 Department and the Philippine Nuclear Research Institute (PNRI)  
34 accompanying hazardous and radioactive wastes from the point of  
35 generation, through transport, to final disposition;

36  
37 (ee) "*Military munitions*" refer to all types of both conventional and chemical  
38 ammunition products and their components produced by or for the  
39 military for national defense and security, including munitions produced  
40 by other parties under contract with or acting as agent for the  
41 Department of National Defense (DND);

42  
43 (ff) "*Mined cavities*" refer to the emplacement of radioactive waste at some  
44 depths inside mines or caverns which is either man-made or natural;

45  
46 (gg) "*Mutagens*" refer to any substance that can cause a change in genetic  
47 material;

48  
49 (hh) "*Near surface facilities*" refer to the disposal of radioactive wastes with  
50 or without engineered barrier on or below ground surface where the  
51 final protective covering is of the order of a few meters thick or in  
52 caverns a few tens of meter below the earth's surface;

53  
54 (ii) "*On-site treatment facilities*" refer to facilities of generators who treat  
55 their own hazardous and radioactive wastes, either by themselves or  
56 through a service provider, inside their facilities in compliance with

1 waste acceptance criteria promulgated by the Department, the  
2 Department of Health (DOH) and the PNRI;

3  
4 (jj) "Open burning" refers to the low temperature thermal destruction of  
5 wastes by means of direct exposure to fire. For this purpose, this shall  
6 apply to the traditional small-scale methods of community sanitation  
7 called "siga";

8  
9 (kk) "Partial treatment" refers to any process used to modify the  
10 characteristics of a hazardous or radioactive waste without totally  
11 negating its hazardous characteristics. This may include volume  
12 reduction, conditioning, moisture reduction and neutralization, among  
13 others;

14  
15 (ll) "Persistence" refers to the substantial length of time a compound, once  
16 introduced into the environment, stays there, or the property of a  
17 substance whose half-life in water, sediment or soil exceeds duration  
18 of fifty (50) days;

19  
20 (mm) "Person(s)" refers to any being, natural or juridical, susceptible of rights  
21 and obligations, or of being the subject of legal relations;

22  
23 (nn) "People's organization (PO)" refers to a nonprofit and non-stock  
24 association of citizens in a locality, embracing a common goal to  
25 protect the environment and, ultimately, public health;

26  
27 (oo) "Radioactive wastes" refer to materials that contain or are  
28 contaminated with radionuclides at concentrations or activities greater  
29 than clearance levels as established by the PNRI. This also refers to  
30 disused sealed sources for which no use is foreseen;

31  
32 (pp) "Reactivity" refers to the state of a waste material, or a representative  
33 sample of the waste material, exhibiting any of the following properties:

- 34  
35 (1) It is normally unstable and readily undergoes violent change  
36 without detonating;
- 37 (2) It reacts violently with water;
- 38 (3) It forms potentially explosive mixtures with water;
- 39 (4) When mixed with water, it generates toxic gases, vapors or fumes  
40 in a quantity sufficient to present danger to human health or the  
41 environment;
- 42 (5) It is a cyanide- or sulfide-bearing waste which, when exposed to pH  
43 conditions between 2 and 12.5, can generate toxic gases, vapors or  
44 fumes in a quantity sufficient to present a danger to human health  
45 or the environment;
- 46 (6) It is capable of detonation or explosive reaction if subjected to a  
47 strong initiating source or if reacted under confinement; or
- 48 (7) It is readily capable of detonation or explosive decomposition or  
49 reaction at standard temperature and pressure.

50  
51 (qq) "Resource recovery" refers to the collection, extraction or recovery of  
52 recyclable materials from the waste stream for the purpose of  
53 recycling, generating energy or producing a product suitable for  
54 beneficial use; *Provided*, That such resource recovery facilities  
55 exclude incineration;

- 1 (rr) "Recycling" refers to the process of minimizing the generation of  
2 wastes by recovering usable products that might otherwise become  
3 waste;  
4
- 5 (ss) "Segregation" refers to a wastes management practice of separating  
6 different materials found in hazardous waste in order to promote  
7 recycling and reuse of resources and to reduce the volume of wastes  
8 for collection and disposal. This also refers to separating radioactive  
9 wastes according to level of activity, physical form and half-life;  
10
- 11 (tt) "Special hazardous wastes" refer to substances discarded from  
12 households consisting of consumer or industrial goods or products  
13 which become hazardous at the end of its useful life by virtue of its  
14 hazardous content which may be released to the environment upon  
15 indiscriminate disposal;  
16
- 17 (uu) "Storage" refers to the containment of hazardous and radioactive  
18 wastes, either on a temporary basis or for a period of years,  
19 consistent with the guidelines as prescribed by the Department and in  
20 such a manner as not to constitute disposal of such wastes;  
21
- 22 (vv) "Surface impoundments" refer to pits, ponds, lagoons and dike areas  
23 that are either natural topographic depressions or man-made  
24 excavations that are primarily of earthen materials. They are designed  
25 and constructed to hold or store, treat and/or dispose liquid waste or  
26 waste containing free liquids through processes such as evaporation,  
27 cooling, aeration, photo decomposition and/or settling;  
28
- 29 (ww) "Sustainable development" refers to development which meets the  
30 needs of the present without compromising the ability of future  
31 generations to meet their own needs;  
32
- 33 (xx) "Special hazardous wastes collectors" refer to entities which receive or  
34 collect special hazardous wastes under a take-back program or similar  
35 collection mechanism for the purpose of consolidating the wastes from  
36 households or consumers, preparatory to delivery to an accredited  
37 recycling or treatment facility;  
38
- 39 (yy) "Technical demonstration" refers to the initial exhibition of a new  
40 technology process or practice, or a significantly new combination or  
41 use of technologies, processes or practices, subsequent to the  
42 development stage, for the purpose of proving technological feasibility  
43 and cost effectiveness;  
44
- 45 (zz) "Level 4 hospital" refers to a teaching and training hospital (with at  
46 least one (1) accredited residency training program for physicians) that  
47 provides:  
48
- 49 (1) clinical care and management on prevalent diseases in the locality  
50 as well as specialized and sub-specialized forms of treatment,  
51 surgical procedure and intensive care;
  - 52 (2) clinical services provided in the level 3 hospital as well as sub-  
53 specialized clinical care;
  - 54 (3) appropriate administrative and ancillary services (tertiary clinical  
55 laboratory, third level radiology, pharmacy); and,
  - 56 (4) nursing care provided in the level 3 hospital as well as continuous  
57 and highly specialized critical care.



- 1  
2 (aaa) "Thermal treatment" refers to the controlled heating which involves a  
3 prescribed heating rate, maximum temperature and cooling cycle to  
4 produce the property and grain structure required;  
5  
6 (bbb) "Toxicity" refers to the degree of danger posed by a substance to  
7 human or animal due to its acute lethality, chronic and sub-chronic  
8 toxicity, carcinogenicity, teratogenicity or mutagenicity, among others;  
9  
10 (ccc) "Treatment" refers to any method, technique or process designed to  
11 change the physical, chemical or biological character or composition of  
12 any hazardous and radioactive wastes so as to render such waste  
13 non-hazardous, safer for transport, amenable for recovery, amenable  
14 for storage or reduced in volume;  
15  
16 (ddd) "Treatment, storage and disposal facility (TSDF)" refers to a site where  
17 a hazardous substance is treated, stored or disposed;  
18  
19 (eee) "Waste acceptance criteria" refers to a list of parameters which  
20 describe the minimum characteristics which the waste should possess  
21 before it may be placed or accepted in a TSDF.  
22  
23

## 24 CHAPTER II

### 25 MANAGEMENT SYSTEM

26  
27  
28  
29 **SEC. 5. Identification and Listing of Hazardous Wastes.** – Within six (6) months  
30 from the effectivity of this Act, the Department shall, after notice and public  
31 consultation, develop, formulate and publish criteria for identifying and listing the  
32 characteristics of hazardous wastes, taking into account, but not be limited to,  
33 toxicity, persistence, reactivity and degradability in nature, potential for  
34 accumulation in tissue, and other related factors such as ignitability, corrosivity  
35 and other hazardous characteristics. Such criteria shall be reviewed and revised  
36 every four (4) years thereafter, or as the need arises; *Provided*, That the  
37 Department, in coordination with the DOH and the PNRI, shall also identify or list  
38 those hazardous and radioactive wastes that contain certain constituents such as  
39 identified carcinogens, mutagens or teratogens that endanger human health;  
40 *Provided, further*, That the Department, in coordination with the DND and  
41 appropriate government agencies, shall formulate criteria for identifying when  
42 military munitions become hazardous and radioactive wastes; *Provided, finally*,  
43 That within six (6) months from the effectivity of this Act, the Department, in  
44 coordination with the Department of Trade and Industry (DTI) and the  
45 Department of the Interior and Local Government (DILG), after public  
46 consultation, shall formulate criteria for identifying and listing the categories of  
47 special hazardous waste products to be tracked and regulated, taking into  
48 account, but not be limited to, the presence of toxicity, reactivity, ignitability and  
49 corrosivity.  
50

51  
52 **SEC. 6. Notification of Hazardous and Radioactive Wastes Activity.** – Upon the  
53 effectivity of this Act, any person generating or managing hazardous or  
54 radioactive wastes is required to notify in writing the Department, the DOH and  
55 the PNRI of their hazardous or radioactive wastes activities specifying, among  
56 others, the types of wastes, quantities and containers used for storage, including  
57 incidents involving hazardous and radioactive wastes.

1  
2  
3 **SEC. 7. National Hazardous and Radioactive Wastes Status Report.** – The  
4 Department, in coordination with the DOH, the PNRI and other concerned  
5 agencies, shall, within six (6) months, publish a Wastes Management Status  
6 Report which shall be used as a basis in formulating the National Hazardous and  
7 Radioactive Wastes Management Framework provided in Section 8 of this Act.  
8

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

- 10  
11 (a) Inventory of existing hazardous and radioactive wastes and their depots  
12 and facilities;  
13  
14 (b) General waste characterization, taking into account, but not be limited to,  
15 the source, type and quantity of hazardous and radioactive wastes  
16 generated;  
17  
18 (c) Projection of hazardous and radioactive wastes generation, including  
19 quantity for reduction, recovery and reuse;  
20  
21 (d) Listing of treatment, storage and disposal facilities, including transporters  
22 of hazardous and radioactive wastes; and;  
23  
24 (e) Listing of identified contaminated sites.  
25  
26

27 **SEC. 8. National Hazardous and Radioactive Wastes Management Framework.**  
28 – Within eighteen (18) months from the effectivity of this Act, the Department, in  
29 coordination with the DOH, the PNRI and other appropriate agencies and  
30 entities, shall prepare and formulate a National Hazardous and Radioactive  
31 Wastes Management Framework, herein referred to as the "Framework", that  
32 shall embody policies established pursuant to this Act. Specifically, the  
33 Framework shall contain the following:  
34

- 35 (a) Hazardous and radioactive wastes control strategies and techniques;  
36  
37 (b) Proper hazardous and radioactive wastes transport, treatment, storage  
38 and disposal systems;  
39  
40 (c) Waste reduction goals and targets;  
41  
42 (d) Period of compliance for waste reduction;  
43  
44 (e) Information and education campaign;  
45  
46 (f) Human resources development; and,  
47  
48 (g) Roles and responsibilities of relevant government agencies.  
49

50 The framework shall be adopted as the official blueprint for hazardous and  
51 radioactive wastes management with which all relevant government agencies  
52 must comply with.  
53  
54

55 **SEC. 9. Use of Best Available Technology and, Best Environmental Practices in**  
56 **Hazardous and Radioactive Wastes Management.** – Generators and owners of  
57 treatment, storage and disposal facilities are required to use best available

1 technologies and best environmental practices (BAT / BEP) in hazardous and  
2 radioactive wastes management. The Department, in coordination with the Inter-  
3 Agency Technical Advisory Council (IATAC) created herein, shall formulate  
4 criteria in assessing the proposed BAT / BEP to be used. In the formulation of  
5 these criteria, consideration shall be given, among others, to the relative  
6 economic feasibility of the technology. Further, such technology shall render the  
7 waste sufficiently low in toxicity, reactivity, corrosivity and ignitability as to present  
8 the least possible risk to human health and safety and to the environment.

9  
10  
11 **SEC. 10. Requirements for Generators of Hazardous and Radioactive Wastes.** –  
12 Within six (6) months after the effectivity of this Act, the Department, the DOH  
13 and the PNRI shall establish requirements for generators of such hazardous and  
14 radioactive wastes necessary to protect human health and the environment.  
15 These requirements shall ensure that the generators shall be responsible for the  
16 proper management of the wastes generated and bear the costs for proper  
17 storage, transport, treatment and disposal of such wastes. Further, such  
18 requirements shall include, but not be limited to, the following:

- 19  
20 (a) Recordkeeping practices that accurately identify the quantities of such  
21 hazardous and radioactive wastes generated, the constituent thereof  
22 which are significant in quantity or in potential harm to human health or the  
23 environment, and the disposition of such wastes;  
24  
25 (b) Use of appropriate storage facilities and containers to prevent release of  
26 materials to the environment;  
27  
28 (c) Labeling practices for any containers used for the storage, transport or  
29 disposal of such hazardous and radioactive wastes that will identify  
30 accurately such wastes;  
31  
32 (d) Use of a manifest or consignment note system and any other means  
33 necessary to assure that all hazardous and radioactive wastes generated  
34 are designated for treatment, storage or disposal in, and arrived at TSDFs  
35 with appropriate permit issued pursuant to this Act;  
36  
37 (e) Emergency and contingency plans for effective action to minimize  
38 damage and contain and mitigate effects of spills and accidents in  
39 connection with the generation, transport, storage or disposal of such  
40 wastes;  
41  
42 (f) When it is necessary to transport the wastes, the generators shall only  
43 engage the services of transporters and the TSDFs holding permits issued  
44 pursuant to this Act; and,  
45  
46 (g) In the case of radioactive wastes, the wastes generator is required to  
47 submit a certificate of transport from their radiological health and safety  
48 officer (RHSO) for the transport of radioactive wastes to the treatment  
49 facility.

50  
51  
52 **SEC. 11. Requirements Applicable to Transporters of Hazardous and**  
53 **Radioactive Wastes.** – Within six (6) months after the effectivity of this Act, the  
54 Department, in coordination with the DOH, the PNRI and the Department of  
55 Transportation and Communications (DOTC); shall establish requirements  
56 applicable to transporters of hazardous and radioactive wastes necessary to

1 protect human health and the environment. Such requirements shall include, but  
2 need not be limited to, the following:

- 3
- 4 (a) Recordkeeping concerning such wastes transported, and their source and  
5 delivery points;
  - 6
  - 7 (b) Use of carriers duly registered with the DOTC;
  - 8
  - 9 (c) Transport of wastes only if properly labeled;
  - 10
  - 11 (d) Transport of wastes only to the TSDf which the generator designates in  
12 the manifest form to be a facility holding appropriate permit issued  
13 pursuant to this Act;
  - 14
  - 15 (e) Emergency and contingency plans for effective action to minimize damage  
16 and contain and mitigate of spills and accidents in connection with the  
17 transport of such wastes; and,
  - 18
  - 19 (f) Coordination with other concerned government agencies in the event that  
20 transport of such hazardous and radioactive wastes to the designated  
21 TSDf requires security escort or police protection/assistance.
  - 22
  - 23

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

- 33
- 34 (a) Performance standards for the design, construction, operation,  
35 maintenance and monitoring of the facility;
  - 36
  - 37 (b) Requirements and standards to ensure adequate resources, including  
38 human and financial, throughout the life cycle of the facility;
  - 39
  - 40 (c) Requirements and standards for the closure, decommissioning and post-  
41 closure care, monitoring and maintenance and use of the facility;
  - 42
  - 43 (d) Waste acceptance requirements and procedures, approved by the  
44 Department, the DOH and the PNRI, for different types of hazardous and  
45 radioactive wastes packages; and,
  - 46
  - 47 (e) Management, engineering controls and use of personnel protective  
48 equipment to minimize exposure of workers to the hazardous wastes and  
49 medical surveillance of workers directly involved in the collection,  
50 transport, storage or disposal of hazardous wastes.
  - 51
  - 52

53 **SEC. 13. Categories of TSDf's for Hazardous and Radioactive Wastes.** – Within  
54 six (6) months after the effectivity of this Act, the Department shall formulate  
55 specific, relevant and appropriate standards, including waste acceptance criteria,  
56 for the various categories of TSDf's identified hereunder; *Provided*, That no  
57 waste shall be accepted unless it complies with the waste acceptance criteria

1 formulated pursuant to this Act; *Provided, further,* That the Department shall  
2 revise, as the need arises, the regulations, standards and guidelines applicable  
3 to the categories listed hereunder, taking into account improvements in the  
4 technology of control and measurement; *Provided, finally,* That such regulations  
5 shall specify criteria for the acceptable location of new and existing TSDFs as  
6 necessary to protect human health and the environment.

7  
8 The categories of TSDFs are as follows:

9  
10 (a) Facilities that conduct on-site storage, treatment and disposal of  
11 hazardous wastes generated or produced at the premises through  
12 industrial or commercial processes and activities other than disposal via  
13 sewer – The Department shall encourage on-site treatment of hazardous  
14 wastes by, among others, providing for incentives; *Provided,* That  
15 generators who undertake partial treatment of wastes shall not be  
16 considered as on-site facility operators for purposes of this category;  
17 *Provided, however,* That mining operations shall fall under this category;

18  
19 (b) Commercial or industrial hazardous wastes thermal treatment facilities;

20  
21 (c) TSDFs in this category are facilities that conduct on-site and off-site  
22 thermal treatment; *Provided,* That the Department shall promulgate  
23 regulations on hazardous wastes used as fuel and raw material;  
24 *Provided, further,* That the Department may also exempt from the  
25 requirements hereof facilities which burn *de minimis* quantities of  
26 hazardous wastes as fuel, as defined by the Department, if:

27  
28 (1) the wastes are burned at the same facility at which such wastes are  
29 generated;

30  
31 (2) the waste is burned to recover useful energy, as determined by the  
32 Department on the basis of the design and operating characteristics  
33 of the facility and the heating value and other characteristics of the  
34 waste; and,

35  
36 (3) the waste is burned in a type of device determined by the  
37 Department to be designed and operated at a destruction and  
38 removal efficiency sufficient such that the protection of human  
39 health and environment is assured;

40  
41 (d) Landfills that accept hazardous wastes for disposal – The Department  
42 shall, after due review and public consultation, promulgate regulations  
43 concerning the prohibition of specified hazardous wastes in landfills;  
44 *Provided,* That the placement of such specified hazardous wastes in  
45 landfills may be allowed upon determination by the Department that the  
46 prohibition for disposal of such waste in landfills is not required in order to  
47 protect human health and the environment for as long as the waste  
48 remains hazardous, taking into account the following factors:

49  
50 (1) The long-term till certainties associated with land disposal;

51  
52 (2) The goal of managing hazardous wastes in an appropriate manner  
53 in the first instance; and,

54  
55 (3) The persistence, toxicity, mobility and propensity to bio-accumulate  
56 such hazardous wastes and their hazardous constituents.  
57

1 For this purpose, disposal of hazardous wastes in landfills is deemed to be  
2 protective of human health and the environment if it is determined that  
3 there will be no migration of hazardous constituents of the wastes from the  
4 disposal unit or injection zone; *Provided, however,* That the disposal of  
5 any liquid in landfills shall be prohibited; *Provided, further,* That the  
6 disposal in landfills of wastes containing hazardous solvents, pesticides  
7 and polycyclic hydrocarbons such as, among others, furans and dioxins,  
8 as determined by the department, after public consultation, is prohibited  
9 unless the Department determines the prohibition of the disposal of such  
10 waste is not required in order to protect human health and the  
11 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  
14 Within six (6) months from the preparation of the status report, the  
15 Department shall review, classify and rank, subject to public consultations,  
16 all hazardous wastes listed pursuant to this Act, other than those wastes  
17 which are referred to in subparagraph (3) of this category or deep injection  
18 wells. Within twelve (12) months thereafter, the Department, when  
19 necessary, shall promulgate regulations prohibiting disposal in landfills of  
20 such hazardous wastes listed and ranked; *Provided,* That the Department  
21 shall promptly publish in a newspaper of general circulation notice of such  
22 determination, together with an explanation of the basis for such  
23 determination; *Provided, further,* That the storage of hazardous and  
24 radioactive wastes in landfills is hereby prohibited;

- 25
- 26 (e) Facilities that recycle or reprocess hazardous wastes which are not  
27 generated or produced at the premises – The Department, in coordination  
28 with the POST, shall promulgate standards for this category of the TSDF.  
29 Facilities in this category are those that receive off-site treatment of  
30 hazardous wastes and recover valuable materials from the hazardous  
31 wastes, use hazardous wastes as input materials or fuel for production, or  
32 produce compost by biological treatment of hazardous wastes. These  
33 also include, but are not limited to, reclaimers of spent lead-acid batteries,  
34 precious metals and oil recyclers;
- 35
- 36 (f) Other off-site treatment facilities – Facilities in this category are those  
37 facilities that receive hazardous wastes outside the premises and  
38 transform physical and/or chemical characteristics of the hazardous  
39 wastes by physicochemical or thermal treatment other than incineration or  
40 in order to dispose of them into landfills;
- 41
- 42 (g) Facilities that store hazardous and radioactive wastes which are not  
43 generated or produced at the premises within allowable period – The  
44 storage of any hazardous and radioactive waste is prohibited, unless such  
45 storage is solely for the purpose of the accumulation of such quantities of  
46 hazardous wastes as are necessary to facilitate proper recovery,  
47 treatment or disposal but shall not be longer than is prescribed by the  
48 Department; and,
- 49
- 50 (h) Other land disposal facilities – Facilities under this category shall include,  
51 among others, deep injection wells, borehole facilities, near surface  
52 facilities, mined cavities, surface impoundments, land treatment units/land  
53 farming and abandoned underground mines.
- 54  
55  
56

1 **SEC. 14. Closure Plan.** – The owner of TSDFs shall submit a closure plan,  
2 including the funds and human resources necessary for the same, subject to the  
3 review and approval of the Department.  
4

5  
6 **SEC. 15. Post-closure of Facility.** – The owner of a TSDF must close the facility  
7 upon termination of its operation and shall, after such closure, provide for  
8 protection during a post-closure care period, in accordance with the requirements  
9 of the Department and the closure plan, including the funds and human  
10 resources necessary for the same. The protection shall include, but shall not be  
11 limited to, monitoring, repair and maintenance. The owner shall maintain a  
12 hazardous waste facility permit for the post-closure care period pursuant to  
13 Chapter VI hereof.  
14

15  
16 **SEC. 16. Environmental Impact Statement (EIS) System.** – Prior to the  
17 establishment of TSDFs, all government agencies and private corporations, firms  
18 and entities which intend to set up TSDFs shall be subject to the Environmental  
19 Impact Statement (EIS) System pursuant to the provisions of Presidential Decree  
20 No. 1586 and its implementing rules and regulations.  
21

22  
23 **SEC. 17. Formulation of Soil Quality Standards for Identification of**  
24 **Contaminated Sites.** – Within six (6) months from the effectivity of this Act, the  
25 Department, in coordination with other relevant government agencies, shall  
26 formulate soil quality standards which shall be used to determine contaminated  
27 sites.  
28

29  
30 **SEC. 18: Registry of Contaminated Sites.** – The Department shall maintain a  
31 registry of confirmed contaminated sites in the country based on the soil quality  
32 standards set pursuant to Section 17 hereof; *Provided,* That the Department  
33 shall take all necessary action to ensure that the registry provides a complete  
34 listing of all such sites, their exact location and the types of waste found at each  
35 site; *Provided, further,* That in developing and maintaining the registry, the  
36 Department shall assess, based upon new information received, the relative  
37 priority of the need for action at each site to remedy environmental and health  
38 problems resulting from the presence of hazardous and radioactive wastes at  
39 such sites; *Provided, finally,* That any site classified as properly closed or  
40 remediated where no evidence of present or potential adverse impact exists shall  
41 be deleted from the registry.  
42

43  
44 **SEC. 19. Import and Export of Hazardous and Radioactive Wastes.** – In  
45 accordance with Section 2 (c) hereof, the Department and the PNRI shall  
46 promulgate rules and regulations on the import and export of hazardous and  
47 radioactive wastes consistent with relevant multilateral international agreements  
48 and protocols.  
49

50  
51 **SEC. 20. Market-based Instruments, Responsible Care and Product**  
52 **Stewardship Program.** – Within six (6) months from the effectivity of this Act, the  
53 Department, in coordination with the manufacturers of commercial or industrial  
54 products, shall identify and implement market-based, instruments, extended  
55 producer responsibility, responsible care, products stewardship programs that  
56 shall promote cleaner production, waste minimization and resource recovery;

1 *Provided*, That the Department shall identify and list products that shall be  
2 covered by such programs.  
3

### 4 5 CHAPTER III

### 6 7 RADIOACTIVE WASTES

8  
9  
10 **SEC. 21.** *Listing of Radioactive Wastes.* – Within six (6) months from the  
11 effectivity of this Act, the Department of Science and Technology (DOST) - PNRI,  
12 in coordination with the Department, after public consultation, shall formulate and  
13 publish the criteria for identifying and listing the types of radioactive wastes to be  
14 monitored and regulated.  
15

16  
17 **SEC. 22.** *Classification of Radioactive Wastes.* – The PNRI shall establish the  
18 waste classification system based on internationally-acceptable guidelines. The  
19 classification system shall be based primarily on the safety aspects of radioactive  
20 wastes disposal; *Provided*, That other stages of radioactive wastes management  
21 may also be developed by the PNRI.  
22

23  
24 **SEC. 23.** *Management of Radioactive Wastes.* – Pursuant to Sections 10, 11  
25 and 12 hereof, the PNRI shall promulgate rules and regulations on radioactive  
26 wastes management. Said rules and regulations shall be based on the best  
27 available technique to limit the outflow of radioactive substances to the  
28 environment, taking into account the benefits as well as the cost of the technique.  
29 The technique shall be both technically and economically feasible; *Provided*,  
30 That said rules and regulations may be based on, but not be limited to, the  
31 following methods of managing radioactive wastes:  
32

- 33 (a) Dilute and Disperse – Radioactive waste with activity level that can be  
34 disposed of as ordinary waste into the sewage, municipal landfills, etc.;
- 35  
36 (b) Delay and Decay – Short-lived radionuclides by storing under well  
37 controlled conditions until the radioactivity has decayed to a level which  
38 meets the established exemption or clearance limits for such waste;  
39
- 40 (c) Characterization, Segregation, Treatment, Conditioning, Transport,  
41 Storage, Disposal Methods for managing radioactive wastes containing  
42 long-lived radio nuclides, including disused, sealed sources and other  
43 wastes that cannot be managed under subsections (a) and (b) of this  
44 Section; *Provided*, That the acceptable storage period for conditioned  
45 wastes prior to the establishment of a final disposal repository shall be for  
46 a maximum period of fifty (50) years.  
47

48  
49 **SEC. 24.** *Guidelines for the Acceptance of Radioactive Wastes by Transporters*  
50 *and TSDFs.* – Within six (6) months after the effectivity of this Act, the PNRI shall  
51 formulate specific, relevant and appropriate waste acceptance criteria for  
52 transporters and TSDFs of radioactive wastes; *Provided*, That no radioactive  
53 waste shall be accepted unless it complies with the waste acceptance criteria  
54 formulated pursuant hereof.  
55  
56



1 **SEC. 25. Site Requirement and Selection Criteria.** – The PNRI shall develop and  
2 promulgate generic site requirements for locating a final repository for radioactive  
3 wastes.  
4

5  
6 **SEC. 26. Safety Assessment and Environmental Impact Assessment (EIA).** –  
7 The PNRI shall develop and promulgate criteria and regulations on the  
8 performance requirements and safety assessment of the TSDF; *Provided*, That  
9 the safety assessment shall, among others, address both radiological and non-  
10 radiological risks; *Provided, further*, That non-radiological EIA shall be carried  
11 out in accordance with relevant environmental laws.  
12

13  
14 **SEC. 27. Emergency Preparedness.** – The PNRI shall promulgate requirements  
15 and guidance on the formulation of emergency plans commensurate to the  
16 seriousness of the accidents that could occur at the TSDFs.  
17

18  
19 **SEC. 28. Security.** – The PNRI shall promulgate guidelines on security  
20 arrangements that should be in place to ensure that radioactive waste is not  
21 accidentally or deliberately removed from their proper location without location.  
22 Particular attention shall be given to materials of intrinsic value that could pose a  
23 serious threat to human health and the environment if control were lost.  
24

## 25 26 CHAPTER IV

### 27 HAZARDOUS HEALTHCARE WASTES

28  
29  
30  
31 **SEC. 29. Listing of Hazardous Healthcare Wastes.** – Within six (6) months from  
32 the effectivity of this Act, the DOH, in coordination with the Department and the  
33 DILG, after public consultation, shall formulate criteria for identifying and listing  
34 the categories of hazardous healthcare wastes to be tracked and regulated. In  
35 the formulation of such criteria, the DOH shall take into account, but not be  
36 limited to, presence of infectious agents, toxicity, reactivity, ignitability and  
37 corrosivity.  
38

39  
40 **SEC. 30. Management of Hazardous Healthcare Wastes in Hospitals and Other**  
41 **Healthcare Facilities.** – Pursuant to Sections 10, 11 and 12 hereof, the DOH shall  
42 promulgate rules and regulations on the effective management of hazardous  
43 healthcare wastes in hospitals and other healthcare facilities. Such rules and  
44 regulations shall include, but not be limited to, the following:  
45

- 46 (a) Hospitals and other healthcare facilities shall practice or implement waste  
47 minimization and segregation;  
48  
49 (b) Segregation at source shall be the responsibility of the waste generator;  
50  
51 (c) Appropriate storage receptacles or bins shall be provided for each  
52 healthcare waste category;  
53  
54 (d) Labeling of receptacle per waste category shall likewise be implemented  
55 for identification of waste and management measures in case of  
56 accidents;  
57

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

## 27 CHAPTER V

### 28 SPECIAL HAZARDOUS WASTES

29  
30  
31  
32  
33 **SEC. 31.** *Collection of Special Hazardous Wastes.* – Local government units  
34 (LGUs) shall be responsible for the collection of special hazardous wastes, as  
35 listed by the Department in accordance with Section 5 hereof, from persons and  
36 households; *Provided*, That the LGUs may enter into agreement with entities  
37 duly accredited by the Department for the collection of special hazardous wastes.  
38

39  
40 **SEC. 32.** *Responsible Care Program for Special Hazardous Wastes.* – The  
41 LGUs shall enact appropriate ordinances implementing responsible care,  
42 extended producer responsibility or product stewardship program that shall  
43 include, but shall not be limited to, take back or return to supplier schemes, that  
44 shall promote cleaner production, waste minimization and resource recovery.  
45

46  
47 **SEC. 33.** *Transport, Treatment, Storage and Disposal of Special Hazardous*  
48 *Wastes.* – Upon collection of hazardous special wastes by LGUs pursuant to  
49 Section 31 hereof, the transport, treatment, storage and disposal of special  
50 hazardous wastes shall be regulated in accordance with this Act.  
51

## 52 CHAPTER VI

### 53 INSTITUTIONAL MECHANISM

1 **SEC. 34. Lead Agency.** – The Department shall be the primary government  
2 agency responsible for the implementation and enforcement of this Act, including  
3 in Philippine Economic Zone Authority (PEZA) areas, special economic zones  
4 and freeports, unless otherwise provided herein. As such, it shall have the  
5 following functions, powers and responsibilities:  
6

- 7 (a) Prepare a National Hazardous and Radioactive Wastes Report;
- 8
- 9 (b) Prepare a National Hazardous and Radioactive Wastes Management  
10 Framework;
- 11
- 12 (c) Develop and promulgate criteria for identifying and listing the  
13 characteristics of hazardous and radioactive wastes;
- 14
- 15 (d) Establish, enforce, review and revise standards for generators of  
16 hazardous and radioactive wastes;
- 17
- 18 (e) Establish, enforce, review and revise standards for transporters of  
19 hazardous and radioactive wastes;
- 20
- 21 (f) Establish, enforce, review and revise standards applicable to owners and  
22 operators of facilities for the treatment, storage and disposal of hazardous  
23 and radioactive wastes;
- 24
- 25 (g) Exercise jurisdiction over all aspects of generation, possession, collection,  
26 destruction, recovery, use, storage, transportation, entry into, even in  
27 transit, treatment and disposal of hazardous and radioactive wastes;
- 28
- 29 (h) Evaluate applications for and issue permits and licenses' pursuant to this  
30 Act;
- 31
- 32 (i) Revoke, modify or deny in accordance with the standards, rules and  
33 regulations, hazardous waste transporter licenses, TSDFs permits and  
34 other permits/licenses issued in accordance with this Act;
- 35
- 36 (j) Establish a cooperative effort among the national government, LGUs,  
37 academic institutions, civil society and the private sector to attain the  
38 objectives of this Act;
- 39
- 40 (k) Develop and implement programs to achieve goals and objectives set  
41 under this Act;
- 42
- 43 (l) Accept, receive and administer grants or other funds or gifts from public  
44 and private agencies, for the purpose of carrying out the provisions of this  
45 Act. Funds received by the Department pursuant to this section shall  
46 accrue to the Hazardous and Radioactive Wastes Management Fund;
- 47
- 48 (m) Secure necessary scientific, technical, including laboratory facilities, by  
49 contract or otherwise;
- 50
- 51 (n) Encourage, coordinate, participate in or conduct studies, investigations,  
52 research and technical demonstrations relating to hazardous and  
53 radioactive wastes management as it may deem advisable and necessary  
54 for the discharge of its duties pursuant to this Act;
- 55
- 56 (o) Encourage waste reduction, resource recovery, exchange and energy  
57 conservation in hazardous and radioactive wastes management;

- 1  
2 (p) Oversee any corrective action work undertaken pursuant to rules and  
3 regulations issued in accordance with this Act;  
4  
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  
9 (r) Issue order against any person or entity and impose fines, penalties and  
10 other administrative sanctions to compel compliance with the provisions  
11 hereof, standards, rules and regulations issued pursuant to this Act; and,  
12  
13 (s) Exercise such powers and perform such other functions as may be  
14 necessary to carry out the objectives of this Act.  
15  
16

17 **SEC. 36. Role of the PNRI.** – The PNRI shall be primarily responsible in  
18 performing the following duties and responsibilities:  
19

- 20 (a) Develop and promulgate regulations establishing a program for the  
21 monitoring of the radioactive wastes listed pursuant to this Act;  
22  
23 (b) Develop, promulgate and publish criteria for identifying and listing the  
24 types of radioactive wastes to be monitored and regulated;  
25  
26 (c) Develop and promulgate rules and regulations on the radioactive wastes  
27 management pursuant to Section 23 hereof;  
28  
29 (d) Formulate specific, relevant and appropriate waste acceptance criteria for  
30 transporters and TSDFs of radioactive wastes pursuant to Section 24  
31 hereof;  
32  
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  
37 (f) Exercise such powers and perform such other functions as may be  
38 necessary to carry out the provisions of this Act.  
39  
40

41 **SEC. 37. Role of Local Government Units (LGUs).** – Local government units  
42 shall have the following duties and responsibilities:  
43

- 44 (a) Share the responsibility for the implementation, enforcement and  
45 monitoring of the provisions of this Act within their territorial jurisdictions  
46 such as the registration and compliance monitoring of generators,  
47 transports and TSDFs;  
48  
49 (b) Prepare a compliance scheme in accordance with their special hazardous  
50 wastes management program;  
51  
52 (c) Segregation and collection of special hazardous wastes;  
53  
54 (d) Emergency preparedness and response;  
55  
56 (e) Participate in all efforts concerning hazardous and radioactive wastes  
57 management; and,

1  
2 (f) Enact appropriate ordinances to implement LGU's role in this Act.  
3  
4

5 **SEC. 38.** *The Interagency Technical Advisory Council (IATAC).* – For purposes  
6 of policy integration and harmonization and coordination of functions, there is  
7 hereby created an IATAC attached to the Department which shall be composed  
8 of the following officials or their duly authorized representatives:  
9

- 10 (a) Secretary of Environment and Natural Resources, as chairperson;  
11 (b) Secretary of Health, as co-chairperson;  
12 (c) Secretary of Science and Technology, as co-chairperson;  
13 (d) Secretary of Agriculture;  
14 (e) Secretary of Finance;  
15 (f) Secretary of Trade and Industry;  
16 (g) Secretary of National Defense;  
17 (h) Secretary of Foreign Affairs;  
18 (i) Secretary of Transportation and Communications;  
19 (j) President of League of Cities;  
20 (k) President of League of Municipalities;  
21 (l) President of League of Provinces;  
22 (m) President of League of Barangays;  
23 (n) Director General of the Philippine Export Zone Authority;  
24 (o) Representative from civil society;  
25 (p) Representative from the industry;  
26 (q) Representative from the TSDf operators; and,  
27 (r) Representative from the academe as members,  
28

29 The IATAC shall have the following functions, among others:  
30

- 31 (a) Develop and promulgate criteria in assessing the proposed BAT/BEP to  
32 be used accordance with Section 9 hereof; and,  
33  
34 (b) Constitute and authorize a multidisciplinary body to conduct annual audit  
35 to determine compliance of the TSDf perpetrators with the terms and  
36 conditions in the permits and licenses issued pursuant to this Act.  
37  
38

39 **SEC. 39.** *The IATAC Technical Working Group.* – The IATAC shall be supported  
40 by a technical working group (TWG) which shall be composed of representatives  
41 of the following:  
42

- 43 (a) Environmental Management Bureau (EMB) of the Department;  
44 (b) Environmental and Occupational Health Office of the DOH;  
45 (c) Philippine Nuclear Research Institute of the DOST;  
46 (d) Industrial Technology Development Institute of the DOST;  
47 (e) Bureau of Health Facilities and Services of the DOH;  
48 (f) Bureau of Soil and Water Management of the Department of Agriculture  
49 (DA);  
50 (g) Fertilizer and Pesticide Authority of the DA;  
51 (h) Bureau of Customs of the Department of Finance;  
52 (i) Bureau of International Trade Relations of the DTI;  
53 (j) Board of Investments of the DTI;  
54 (k) Bureau of Import Services of the DTI;  
55 (l) Department of National Defense;  
56 (m) Land Transportation Office of the DOTC;

- 1 (n) Occupational Health and Safety Center of the Department of Labor and  
2 Employment;  
3 (o) Philippine Coast Guard;  
4 (p) Nongovernmental organizations (NGOs);  
5 (q) Industry; and,  
6 (r) the Academe.  
7

8 The TWG shall provide technical support to the IATAC.  
9

10  
11 **SEC. 40. Linkage Mechanism.** – The Department and its concerned agencies  
12 may coordinate and enter into agreement with other government agencies, civil  
13 society, industrial sector and other concerned sectors in the furtherance of the  
14 policies of this Act; *Provided*, That the Department shall coordinate with the  
15 DILG and the Philippine National Police in the enforcement of the requirements  
16 for transporters issued pursuant to this Act.  
17

18  
19 **SEC. 41: Visitorial Powers.** – The Department, the PNRI and the DOH or their  
20 duly authorized representatives shall have access to, and the right to copy  
21 therefrom, the records required to be maintained pursuant to the provisions of  
22 this Act. The Secretary of the Department and the DOH and the Director of the  
23 PNRI or their authorized representatives shall likewise have the right to enter the  
24 premises of any generator, transporter or TSDF any time to question any  
25 employee or investigate any fact, condition or matter which may be necessary to  
26 determine any violation, or which may aid in the effective enforcement of this Act  
27 and its implementing rules and regulations. This section shall not apply to private  
28 dwelling places unless the visitorial power is otherwise judicially authorized.  
29  
30

## 31 CHAPTER VII

### 32 PERMITS AND FEES

33  
34  
35  
36 **SEC. 42. Permits for Treatment, Storage or Disposal of Hazardous and**  
37 **Radioactive Wastes.** –  
38

39 (a) Issuance of Permit – Any person owning an existing or a new TSDP of  
40 hazardous or radioactive wastes identified or listed pursuant to this Act is  
41 required to secure a permit or license pursuant to this section. The  
42 Department and the PNRI shall prescribe reasonable fees for the issuance  
43 of said permit or license.  
44

45 (b) Duration of Permit – Any permit under this section shall be issued annually  
46 during the first three (3) years of operation as a TSDF. Thereafter, the  
47 Department and the PNRI may issue a permit or license which is valid for  
48 five (5) years to a TSDF who has satisfactorily complied with the rules and  
49 regulations issued pursuant to this Act for three (3) consecutive years;  
50 *Provided*, That an annual audit shall be conducted by a multidisciplinary  
51 body constituted and authorized by the IATAC created pursuant hereof.  
52

53 (c) Permit Modification, Suspension and Revocation – The Department and  
54 the PNRI shall modify, suspend and revoke such permit upon a  
55 determination of noncompliance by a TSDF with the relevant provisions of  
56 this Act or the terms and conditions of the permit.  
57

1 (d) Interim Status – Any person who owns a TSDf in existence prior to this  
2 Act which is required to have a permit under this section shall be treated  
3 as having been issued such permit for a period of twelve (12) months after  
4 the effectivity of this Act; *Provided*, That the required application for a  
5 TSDP permit or license shall have been filed within the said twelve (12)-  
6 month period; *Provided, further*, That this paragraph shall not apply to any  
7 facility which has been previously denied a TSDf permit or license or if  
8 authority to operate the facility has been previously terminated.  
9

10  
11 **SEC. 43. Hazardous and Radioactive Wastes Transporter License. –**  
12

13 (a) Any person transporting any hazardous and radioactive waste is required  
14 to secure a waste transporter license from the Department, subject to the  
15 payment of a reasonable fee;  
16

17 (b) Duration of License – A waste transporter license issued under this  
18 section shall be valid for a period of one (1) year;  
19

20 (c) License Modification, Suspension and Revocation – The Department and  
21 the PNRI shall modify, suspend and revoke such license upon a  
22 determination of noncompliance by a transporter with the relevant  
23 provisions of this Act or the terms and conditions of the permit. A license  
24 is not required for the transport of any hazardous or radioactive waste on  
25 the premises where it is generated or onto a property owned by the  
26 generator thereof located within a one (1) kilometer radius from said  
27 premises or within the same industrial estate; *Provided*, That the  
28 Department is notified in writing prior to the transfer and a week after the  
29 transfer has been completed. Nothing in this section shall be interpreted  
30 to preclude the Department and the PNRI from inspecting unlicensed  
31 hazardous waste transporting equipment and to require that it be  
32 adequate to provide protection for the health of humans and the  
33 environment.  
34  
35

36 **SEC. 44. Hazardous Wastes Disposal Fee. –** All hazardous wastes disposal  
37 facilities shall collect, on behalf of the government, from each hazardous waste  
38 generator or transporter disposing such wastes at the disposal site, a fee that  
39 shall accrue to the hazardous wastes management fund. The fee shall be  
40 established by the Department, taking into consideration the following:  
41

42 (a) To provide strong economic inducement for generators to modify their  
43 production or management, processes;  
44

45 (b) To cover the cost of administering hazardous and radioactive wastes  
46 management;  
47

48 (c) Reflect damages caused by hazardous and radioactive wastes on the  
49 surrounding environment, including the cost of rehabilitation;  
50

51 (d) Category of wastes; and,  
52

53 (e) Classification of wastes.  
54

55 The fee, which shall be established after due public consultation, shall be based  
56 on the quantity of wastes disposed.  
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## CHAPTER VIII

### FINANCING HAZARDOUS WASTES MANAGEMENT

**SEC. 45. *Financial Liability for Environmental Rehabilitation.*** – The Department shall require generators and owners of TSDFs to put up Environmental Guarantee Fund (EGF) as part of the Environmental Management Plan attached to the Environmental Compliance Certificate (ECC), pursuant to Presidential Decree No. 1586 and its implementing rules and regulations. The EGF shall finance the needs of emergency response, clean up or rehabilitation of areas that may be damaged during the generation, transport, treatment, storage or disposal of hazardous and radioactive wastes. Liability for damages shall continue even after the termination of the project and until the lapse of a given period indicated in the ECC, as determined by the Department.

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

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

## CHAPTER IX

### INCENTIVES

**SEC. 47. *Rewards.*** – Rewards, monetary or otherwise, shall be provided to individuals, private organizations and entities, including NGOs that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in hazardous and radioactive wastes management. Said rewards shall be sourced from the Hazardous and Radioactive Wastes Management Fund herein created.

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

- (a) Tax and Duty Exemption on Imported Capital Equipment and Vehicles – Within five (5) years upon the effectivity of this Act, registered enterprises, LGUs and NGOs shall enjoy tax and duty-free importation of machinery, equipment, technology and spare parts used for the processing, storage



1 and treatment of hazardous and radioactive wastes, including cleaner  
2 production and waste minimization technologies; *Provided*, That the  
3 importation of such machinery, equipment, technology and spare parts  
4 shall comply with the following conditions:

- 5  
6 (1) They are not manufactured domestically in sufficient quantity, of  
7 comparable quality and at reasonable prices;  
8  
9 (2) They are reasonably needed and will be used actually, directly and  
10 exclusively, for the abovementioned activities; and,  
11  
12 (3) There is an approval from the Board of Investment (BOI) of the DTI  
13 for the importation of such machinery, equipment, technology and  
14 spare parts; *Provided, further*, That the sale, transfer or disposition  
15 of such machinery, equipment, technology and spare parts, without  
16 prior approval of the BOI within five (5) years from the date of  
17 acquisition shall be prohibited; otherwise, the registered enterprise,  
18 LGU or NGO concerned and the buyer, transferee or assignee shall  
19 be solitarily liable to pay twice the amount of tax and duty  
20 exemption given it.  
21
- 22 (b) Tax Exemption on the Sale of Domestic Capital Equipment – Within five  
23 (5) years from the effectivity of this Act, the sale of domestic capital  
24 equipment, including its spare parts to registered enterprises, LGUs and  
25 NGOs to be used for the processing, storage and treatment of hazardous  
26 and radioactive wastes, shall be exempted from any applicable taxes  
27 imposed under the National Internal Revenue Code of 1997; as amended;  
28 *Provided*, That said incentive shall be subject to the same conditions and  
29 prohibition cited in the preceding paragraph;  
30
- 31 (c) Tax Exemption of Donations, Legacies and Gifts – All donations, gifts and  
32 legacies made by any person or entity in favor of the registered  
33 enterprises, LGU sand NGOs, for the support and maintenance of the  
34 program for effective hazardous and radioactive wastes management,  
35 shall be exempt from donor's tax and such amount of donations shall be  
36 deductible from the gross income of the donor pursuant to Section 34,  
37 paragraph (H) of the National Internal Revenue Code of 1997, as  
38 amended;  
39
- 40 (d) Financial Assistance Program – Government financial institutions such as  
41 the Development Bank of the Philippines (DBP), the Landbank of the  
42 Philippines (LBP), the Government Service Insurance System (GSIS) and  
43 such other government institutions providing financial services shall, in  
44 accordance with and to the extent allowed by the enabling provisions of  
45 their respective charters or applicable laws, accord high priority to extend  
46 financial services to individuals, enterprises or private entities engaged in  
47 hazardous, radioactive, medical and hazardous special wastes  
48 management;  
49
- 50 (e) Extension of Grants to LGUs – Cities or municipalities whose special  
51 hazardous wastes management programs have been duly accredited by  
52 the Department or have adopted innovative wastes management  
53 programs may be entitled to receive grants for the purpose of developing  
54 their technical capacities toward actively participating in the program for  
55 effective and sustainable wastes management.  
56  
57

- 1  
2 (f) Incentives to Host LGUs – LGUs which host common hazardous and  
3 radioactive wastes management facilities shall be entitled to incentives as  
4 provided for under this Act;  
5  
6 (g) Tax Exemption on Hazardous Wastes Generated Within PEZA Areas,  
7 Freeports and Other Special Ecozones – Hazardous waste materials  
8 generated within PEZA areas, freeports and other special ecozones shall  
9 be allowed to be brought to the Philippine customs territory for the sole  
10 intention of recycling and treatment, and shall be exempted from payment  
11 of any tax due on said hazardous wastes; *Provided*, That said recyclable  
12 hazardous waste materials are identified and listed in accordance with  
13 Section 5 of this Act.  
14  
15

## 16 CHAPTER X

### 17 CIVIL LIABILITY AND PENAL PROVISIONS

18  
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20  
21 **SEC. 49. *Generator's Liability.*** – The generator is primarily responsible for the  
22 management of hazardous and radioactive wastes until said waste has been  
23 certified as properly treated or disposed by duly accredited TSDFs; *Provided*,  
24 That wastes that are exported outside of the country and treated and disposed in  
25 accordance with international agreements, the TSDFs in the country of  
26 destination shall issue the certificate of treatment and disposal. All other  
27 environmental service providers involved in the transport, treatment, storage and  
28 disposal of said waste shall be jointly and severally liable with the generator in  
29 the event of any adverse environmental impacts due to the improper  
30 management of the waste.  
31

32  
33 **SEC. 50. *Prohibited Acts.*** – The following acts are prohibited:  
34

- 35 (a) Discarding, throwing or dumping of hazardous or radioactive wastes, as  
36 listed pursuant to this Act in public places, such as roads, sidewalks,  
37 canal, esteros, parks, establishments and municipal solid waste facilities,  
38 or causing or permitting the same;  
39  
40 (b) Undertaking activities involving the collection or transport of hazardous or  
41 radioactive wastes in violation of the standards and other requirements or  
42 permits set forth in this Act;  
43  
44 (c) Causing or permitting the collection of non-segregated or unsorted  
45 hazardous wastes;  
46  
47 (d) Operating TSDFs without permits issued pursuant to this Act;  
48  
49 (e) Transporting hazardous or radioactive wastes without the required permit  
50 or license pursuant to this Act;  
51  
52 (f) The mixing of source-separated recyclable material with other hazardous  
53 wastes in any vehicle, box, container or receptacle used in hazardous or  
54 radioactive wastes collection or disposal;  
55  
56 (g) Disposal of hazardous or radioactive wastes in open and controlled dumps  
57 as enjoined in this Act, or causing and permitting the same;

- 1  
2 (h) Establishment and operation of open and controlled dumps for hazardous  
3 and radioactive wastes;  
4  
5 (i) Transporting and dumping of collected hazardous or radioactive wastes in  
6 areas other than facilities prescribed under this Act;  
7  
8 (j) Open burning of hazardous or radioactive wastes;  
9  
10 (k) Transporting any hazardous or radioactive wastes to a TSDF which is not  
11 authorized to receive such waste pursuant to this Act;  
12  
13 (l) Treating, storing or disposing of any hazardous or radioactive waste  
14 either: (1) without permit or license to do so pursuant hereof; or (2) in  
15 knowing violation of any material condition or requirement of such permit  
16 or license; or (3) in violation of any standard promulgated pursuant to this  
17 Act;  
18  
19 (m) Making any false material statement, representation or certification in any  
20 application, label, permit, record, report, manifest or other document filed,  
21 maintained or required to be maintained under this Act;  
22  
23 (n) Falsifying, tampering with or rendering inaccurate any monitoring device  
24 or result therefrom used, filed, maintained or required to be maintained  
25 under this Act;  
26  
27 (o) Generating, treating, storing, transporting, disposing of or handling any  
28 hazardous or radioactive waste, and who, in connection therewith,  
29 knowingly destroying, altering or concealing any record required to be  
30 maintained pursuant to this Act;  
31  
32 (p) Owning, maintaining or operating any hazardous or radioactive waste  
33 disposal facility in a manner which permits any acts or hazardous waste  
34 management practices in violation of standards or rules and regulations  
35 issued pursuant to this Act;  
36  
37 (q) Failing to notify the Department, the DOH and the PNRI of hazardous or  
38 radioactive wastes activities pursuant to Section 6 hereof;  
39  
40 (r) Importing or causing or permitting the entry, even in transit, into Philippine  
41 territory in violation of the provisions of this Act and its implementing rules  
42 and regulations, and relevant international agreements and protocols;  
43  
44 (s) Constructing, substantially altering or operating, including all post-closure  
45 activities and operations specified in the rules and regulations, a  
46 hazardous or radioactive waste TSDF without first obtaining a permit as  
47 specified in this Act; and,  
48  
49 (t) Site preparation, construction, expansion or operation of TSDFs without  
50 an ECC required pursuant to Presidential Decree No. 1586 and this Act.

51  
52 For purposes of this provision, the term "hazardous wastes" shall include special  
53 hazardous and healthcare wastes.  
54

55  
56 **SEC. 51: Fines, Damages and Penalties.** – Unless otherwise provided herein,  
57 any person who commits any of the prohibited acts provided in the immediately

1 preceding section or violates any of the provisions of this Act or its implementing  
2 rules and regulations shall be fined by the Pollution Adjudication Board (P AB) in  
3 the amount not less than Ten thousand pesos (P10,000.00) but not more than  
4 One hundred thousand pesos (P100,000.00) for every violation; *Provided*, That  
5 for violation of Section 52 involving prohibited acts under paragraphs (a), (g), (h),  
6 (i), (l), (p), (s) and (t) of the immediately preceding section, the fine shall be  
7 imposed for every day of violation.

8  
9 For purposes of the application of the fines, the PAB, within one (1) year upon  
10 the effectivity of this Act, shall establish a fine rating system to adjust the  
11 maximum fine based on the violator's ability to pay, degree of willfulness, degree  
12 of negligence, degree of severity of the offense, history of noncompliance and  
13 degree of recalcitrance.

14  
15 The fines herein prescribed shall be reviewed and revised, whenever necessary,  
16 every three (3) years to compensate for inflation and to maintain the deterrent  
17 function of such fines; *Provided*, That the PAB may order the closure,  
18 suspension of development or construction, or cessation of operations until such  
19 time that proper environmental safeguards are put in place and/or compliance  
20 with this Act or its rules and regulations are undertaken. This paragraph shall be  
21 without prejudice to the issuance of an *ex parte* order for such closure,  
22 suspension of development or construction, or cessation of operations during the  
23 pendency of the case; *Provided, further*, That if the prohibited act undertaken  
24 shall require cleanup and rehabilitation, the offender shall also be required to  
25 restore or compensate for the restoration of the area. The PAB may also award  
26 such damages as it may deem just under the circumstances in favor of the  
27 private complainant in the case.

28  
29 In case of gross violation of this Act, the PAB shall issue a resolution  
30 recommending that the proper government agencies file criminal charges against  
31 the violators. Gross violation shall mean any of the following:

- 32  
33 (a) Deliberate disposal of hazardous or radioactive wastes without the  
34 required permit issued pursuant to this Act;  
35  
36 (b) Three (3) or more violations referred to in paragraphs (a), (d), (g), (k), (l)  
37 and (m) of Section 50 hereof within a period of two (2) years; or  
38  
39 (c) Blatant disregard of the orders of the PAB, such as the nonpayment of  
40 fines, breaking of seals or operation of the source of pollution despite the  
41 existence of an order for closure, discontinuance or cessation of  
42 operation, or unjustified, refusal for the entry or access to any premises of  
43 an authorized Department representative; in which case, offenders shall  
44 be punished a fine of not less than One hundred thousand pesos  
45 (P100,000.00) but not more than Three million pesos (P3,000,000.00)  
46 and/or with imprisonment of not less than three (3) years but not more  
47 than ten (10) years, at the discretion of the court.

48  
49 If the offender is a juridical person, the chief executive officer and the pollution  
50 control officer or its equivalent shall suffer the penalty herein provided; *Provided*,  
51 That the officers and incorporators of the TSDFs who violated the post-closure  
52 requirements issued pursuant to Section 15 hereof shall be banned from setting  
53 up TSDFs and hazardous and radioactive waste transport companies and  
54 engaging in the operation of the same.

55  
56 If the offender is an alien, he or she shall, after service of the sentence  
57 prescribed above, be deported without further administrative proceedings. The

1 fines herein prescribed shall be reviewed and revised, whenever necessary,  
2 every three (3) years to compensate for inflation and to maintain the deterrent  
3 function of such fines.  
4  
5

6 **SEC. 52. Administrative Sanctions.** – Local government officials and officials of  
7 government agencies concerned who fail to comply with and enforce rules and  
8 regulations promulgated relative to this Act shall be charged administratively in  
9 accordance with Republic Act No. 7160 and other existing laws, rules and  
10 regulations.  
11

12  
13 **SEC. 53. Administrative Action.** – Without prejudice to the right of any affected  
14 person to file an administrative action, the Department, the DOH and the PNRI  
15 shall, on its own instance or upon verified complaint by any person, institute  
16 administrative and civil proceedings against any person who violates:  
17

- 18 (a) Standards or limitations provided under this Act; or
- 19 (b) Any order, rule or regulation issued by the Department, the DOH or the  
20 PNRI with respect to such standard or limitation.  
21

22  
23 **SEC. 54. Citizen Suits.** – For purposes of enforcing the provisions of this Act or  
24 its implementing rules and regulations, any citizen may file an appropriate civil,  
25 criminal or administrative action in the proper courts or bodies against the  
26 following:  
27

- 28 (a) Any person who violates or fails to comply with the provisions of this Act or  
29 its implementing rules and regulations; or
- 30 (b) The Department or other implementing agencies with respect to orders,  
31 rules and regulations issued inconsistent with this Act; or
- 32 (c) Any public officer who willfully or grossly neglects the performance of an  
33 act specifically enjoined as a duty by this Act or its implementing rules and  
34 regulations; or abuses his authority in the performance of his duty; or, in  
35 any manner, improperly performs his duties under this Act or its  
36 implementing rules and regulations; *Provided, however,* That no suit can  
37 be filed until after a thirty (30)-day notice has been given to the public  
38 officer and the alleged violator concerned and no appropriate action has  
39 been taken thereon.  
40  
41  
42

43 The court shall exempt such action from the payment of filing fees, except fees  
44 for actions not capable of pecuniary estimations, and shall, likewise, upon *prima*  
45 *facie* showing of the non-enforcement or violation complained of, exempt the  
46 plaintiff from the filing of an injunction bond for the issuance of a preliminary  
47 injunction.  
48

49 Within thirty (30) days, the court shall make a determination if the complaint  
50 herein is malicious and/or baseless and shall accordingly dismiss the action and  
51 award attorney's fees and damages.  
52

53  
54 **SEC. 55. Suits and Strategic Legal Action Against Public Participation (SLAPP)**  
55 **and the Enforcement of this Act.** – Where a suit is brought against a person who  
56 filed an action as provided for in Section 54 of this Act, or against any person,  
57 institution or government agency that implements this Act, it shall be the duty of

1 the investigating prosecutor or the court, as the case may be, to immediately  
2 make a determination not exceeding thirty (30) days whether said legal action  
3 has been filed to harass, vex, exert undue pressure or stifle such legal recourses  
4 of the person complaining of or enforcing the provisions of this Act. Upon  
5 determination thereof, evidence warranting the same, the court shall dismiss the  
6 case and award attorney's fees and double damages. This provision shall also  
7 apply and benefit public officers who are sued for acts committed in their official  
8 capacity, there being no grave abuse of authority, and done in the course of  
9 enforcing this Act.

## 10 11 12 CHAPTER XI

### 13 14 MISCELLANEOUS PROVISIONS

15  
16  
17 **SEC. 56. *Mandatory Public Hearings.*** – Mandatory public hearings for the  
18 Framework shall be undertaken in accordance with the process to be formulated  
19 by the Département.

20  
21  
22 **SEC. 57. *Research on Hazardous and Radioactive Wastes Management.*** – The  
23 Department, after consultations with the cooperating agencies, shall encourage,  
24 cooperate with and render financial and other assistance to appropriate  
25 government and private agencies, institutions and individuals in the conduct and  
26 promotion of researches, experiments and other studies on hazardous and  
27 radioactive wastes management, particularly those relating to:

- 28  
29 (a) adverse health welfare effects of the release into the environment of  
30 hazardous and radioactive wastes, and methods to eliminate said effects  
31 or minimize the health risks;
- 32  
33 (b) the operation and financing of hazardous and radioactive wastes disposal  
34 programs;
- 35  
36 (c) the planning, implementation and operation of resource recovery and  
37 resource conservation systems;
- 38  
39 (d) the production of usable forms of recovered resources, including fuel from  
40 hazardous wastes;
- 41  
42 (e) the development and application of new and improved methods of  
43 collecting, separating and disposing of hazardous and radioactive wastes  
44 and processing and recovering materials and energy from hazardous and  
45 radioactive wastes;
- 46  
47 (f) cleaner production technologies;
- 48  
49 (g) improvements in land disposal practices for hazardous and radioactive  
50 wastes; and,
- 51  
52 (h) development of new uses of recovered resources and identification of  
53 existing or potential markets of recovered resources.

54  
55 In carrying out hazardous and radioactive waste researches and studies, the  
56 Department, the DOH and the PNRI or their authorized representatives may

1 award grants or enter into contracts with government agencies, NGOs and  
2 private persons.

3  
4  
5 **SEC. 58. *Public Education and Information.*** – The Department, the PNRI and  
6 the DOH, in coordination with the Department of Education (DepEd), the  
7 Technical Education and Skills Development Authority (TESDA), the Commission  
8 on Higher Education (CHED), the DILG, the Philippine Information Agency (PIA)  
9 and the LGUs, shall conduct a continuing education and information campaign  
10 on hazardous and radioactive wastes management. Such education and  
11 information program shall:

12  
13 (a) Aim to develop public awareness of the impacts of hazardous and  
14 radioactive wastes and how to prevent or minimize their adverse effects;

15  
16 (b) Concentrate on activities which are feasible and which will have the  
17 greatest impact on hazardous and radioactive wastes management; and,

18  
19 (c) Encourage the general public, accredited NGOs and POs to publicly  
20 endorse and patronize environment-friendly products.

21  
22  
23 **SEC. 59. *Environment Education in the Formal and Non-Formal Sectors.*** – The  
24 national government, through the DepEd and in coordination with concerned  
25 government agencies, NGOs and private institutions, shall strengthen the  
26 integration of environmental concerns in school curricula at all levels, with  
27 particular emphasis on hazardous and radioactive wastes management  
28 principles in order to promote environmental awareness and action among the  
29 citizenry.

30  
31  
32 **SEC. 60. *Business and Industry Role.*** – The Department, the DOH and the  
33 PNRI shall encourage commercial and industrial establishments; through  
34 appropriate incentives other than tax incentives, to initiate, participate and invest  
35 in integrated hazardous and radioactive wastes management projects; to  
36 manufacture environment-friendly products; to introduce, develop and adopt  
37 innovative processes that shall recycle and reuse materials, conserve raw  
38 materials and energy, reduce waste and prevent pollution; and to undertake  
39 community activities to promote and propagate effective hazardous and  
40 radioactive wastes management practices.

## 41 42 43 **CHAPTER XII**

### 44 45 **FINAL PROVISIONS**

46  
47  
48 **SEC. 61. *Appropriations.*** – The Secretaries of the DENR, the DOH and the  
49 DOST shall include in their programs the implementation of this Act, the funding  
50 of which shall be included in the annual General Appropriations Act.

51  
52 In addition, the departments concerned may accept donations, contributions,  
53 grants, bequests or gifts, in cash or in kind, from various sources, domestic or  
54 foreign, for purposes relevant to hazardous and radioactive wastes management  
55 functions; *Provided, That* in case of donations from foreign governments,  
56 acceptance thereof shall be subject to prior clearance and approval of the

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

3  
4 Receipts from donations shall be accounted for in the books of the recipient  
5 government agency in accordance with pertinent accounting and auditing rules  
6 and regulations.

7  
8  
9 **SEC. 62. *Implementing Rules and Regulations.*** – Within one (1) year after the  
10 effectivity of this Act, the Department, the DOH and the PNRI, in coordination  
11 with the Committees on Environment and Ecology of the Senate and the House  
12 of Representatives, respectively, shall promulgate the implementing rules and  
13 regulations of this Act; *Provided*, That rules and regulations issued by other  
14 government agencies and instrumentalities relative to hazardous and radioactive  
15 wastes management consistent with this Act shall supplement the rules and  
16 regulations issued by the DENR, the PNRI and the DOH pursuant to the  
17 provisions of this Act.

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

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

30  
31  
32 **SEC. 64. *Fines, Damages and Penalties.*** – Pending the establishment of the  
33 Framework under Section 8 hereof and the promulgation of the implementing  
34 rules and regulations of this Act, pertinent existing laws, regulations, programs  
35 and projects on hazardous and radioactive wastes management shall be  
36 enforced; *Provided*, That for specific undertaking, the same may be revised in  
37 the interim in accordance with the intentions of this Act

38  
39  
40 **SEC. 65. *Report to Congress.*** – The Department shall report to Congress not  
41 later than March 30 of every year following the approval of this Act, detailed  
42 account of its accomplishments and progress on hazardous and radioactive  
43 wastes management during the year and make the necessary recommendations  
44 in areas where there is a need for legislative action.

45  
46  
47 **SEC. 66. *Separability Clause.*** – If any provision of this Act or the application of  
48 such provision to any person or circumstance is declared unconstitutional, the  
49 remainder of this Act or the application of such provision to other persons or  
50 circumstances shall not be affected by such declaration.

51  
52  
53 **SEC. 67. *Repealing Clause.*** – Republic Act No. 6969; Executive Order No. 192,  
54 Republic Act No. 9003, Republic Act No. 7160 and Republic Act No. 2067, as  
55 amended, are partly modified. All laws, decrees, issuances, rules and  
56 regulations or parts thereof inconsistent with the provisions of this Act are hereby  
57 repealed or modified accordingly.



1  
2 **SEC. 68.** *Effectivity.* – This Act shall take effect fifteen (15) days after its  
3 publication in at least two (2) newspapers of general circulation.  
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9 *Approved,*