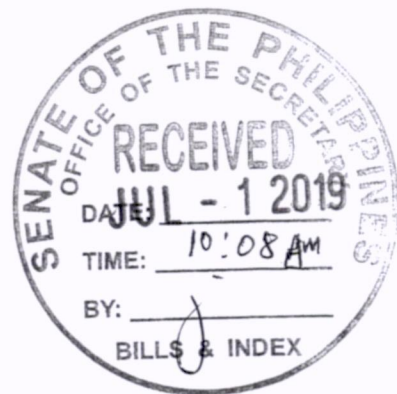


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 18

Introduced by Senator FRANKLIN M. DRILON

AN ACT PROHIBITING AND PENALIZING THE IMPORTATION OF WASTE

EXPLANATORY NOTE

The Philippines has several laws intended to protect the country from being a destination of waste imports. The Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (R.A. No. 6969) monitors and regulates the importation and disposal of hazardous and nuclear wastes in the country, while or the Ecological Solid Waste Management Act of 2000 (R.A. No. 9003) prohibits the importation of toxic wastes misdeclared as recyclables inside the country.

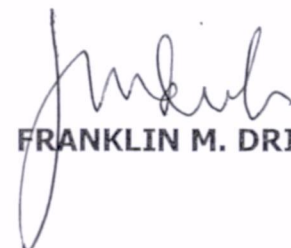
Notwithstanding these laws, waste from various countries continue to be imported into our country to the detriment of our people and country. Recently, the country reeled from the shock from learning that Canadian garbage inside 103 shipping containers found its way to Philippine shore. There were also recent reports that we have become a conducive cross boundary disposal site of unwanted and toxic shipments of waste from waste exporters like Australia, South Korea, Hong Kong and Japan. Greenpeace International reports that much of these trash are mislabeled as 'recyclable' even though the shipments really contain thousands of tonnes of contaminated plastic and other mixed wastes that can no longer be processed. These incidents indicate that we have become a dumping ground for wastes generated by richer nations.

To put a stop to waste build-up in the country's waters and land territories, this proposed measure seeks to impose an immediate and complete ban on all waste imports, including recyclable materials and for any reason. All importer registration and importation clearances issued by government agencies shall be cancelled and no new applications shall be accepted.

To avoid waste shipments being snuck in our country guised as recyclables and to ensure that no waste is brought in, the Department of Environment and Natural Resources (DENR) and Bureau of Customs (BOC) shall implement stricter monitoring of imports and enforce tighter regulations. All imported wastes shall be immediately brought back to the country of origin at the expense of the consignor, importer and other persons who willfully participated in the importation. Any person who misdeclares or imports or brings into or the Philippines any waste, or assist in so doing, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such goods after importation, shall be punished by very hefty sanctions and penalties.

This proposed measure will no doubt stop the waste trade in the country and set a clear message to other countries that the Philippines is not their sanitary landfill.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



FRANKLIN M. DRILON



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S. No. 18

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AN ACT PROHIBITING AND PENALIZING THE IMPORTATION OF WASTE

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

1 *Section 1. Short Title.* – This law shall be known as the “Waste Importation
2 Ban Act of 2019”.

3 *Sec. 2. Declaration of Policy.* – It is hereby declared the policy of the State to
4 prohibit and impose a complete ban of waste importation to reverse the current
5 dismal state of accumulation of waste in the Philippines’ land and waters which
6 endangers the country’s environment and the health of its people.

7 *Sec. 3. Importation Prohibition of All Kinds of Waste or Scrap Including*
8 *Recyclable Materials.* – The importation of all kinds of waste or scrap including
9 recyclable materials is hereby prohibited. Importer registration and importation
10 clearances issued by government agencies under existing laws and regulations shall
11 be cancelled and no new applications shall be accepted.

12 *Sec. 4. Scope.* - This Act shall cover the importation of all waste in the
13 Philippines, including the entry, even in transit as well as the keeping or storage and
14 disposal of into the country for whatever purpose.

15 *Sec. 5. Waste, defined.* – As used in this Act, waste shall mean:

- 16 a. Scrap metals;
17 b. Scrap solid plastic materials;

- 18 c. Electronic assemblies and scrap, including used or second-hand electrical
19 and electronic equipment, and electronic components containing
20 hazardous substances;
- 21 d. Solid plastic waste materials, including homogenous and sorted plastic
22 materials;
- 23 e. Used oil, including waste oil or oil residues;
- 24 f. Fly ash from coal-fired power plants;
- 25 g. Incinerator ash or slag;
- 26 h. Municipal wastes/processed engineered fuel (PEF);
- 27 i. Refuse derived fuel (RDF);
- 28 j. Solid recovered fuel (SRF);
- 29 k. Neutralized phosphogypsum;
- 30 l. Other hazardous, toxic and hazardous wastes as defined under Republic
31 Act No 6969 otherwise known as Toxic Substances and Hazardous and
32 Nuclear Waste Control Act;
- 33 m. Other solid waste as defined under RA 9003 or Ecological Solid Waste
34 Management Act; and
- 35 n. Other similar waste as may be defined by the Department of Environment
36 (DENR).

37 The DENR shall release a complete list of banned materials within thirty (30)
38 days from this Act's effectivity. The failure of the Secretary of DENR to promulgate
39 the said list shall not prevent the implementation of this Act upon effectivity.

40 *Sec. 6. Fines and Penalties.* – Any person who misdeclares or imports or
41 brings into or the Philippines any waste covered by this Act, or assist in so doing, or
42 shall receive, conceal, buy, sell, or in any manner facilitate the transportation,
43 concealment, or sale of such goods after importation, or violates any other provision
44 of this Act or the rules and regulations issued pursuant thereto, shall be penalized by
45 imprisonment of not less than eight (8) years and one (1) day but not more than
46 twelve (12) years, or a fine of not less than one million five hundred thousand pesos
47 (P 1,500,000.00) but not more than fifteen million pesos (P15,000,000.00), or both.

48 If the offender is a foreigner, the offender shall be deported after serving the
49 sentence.

50 If the offender is a public officer or employee, the offender shall be dismissed
51 from service and disqualified from holding public office, from exercising the right to
52 vote and to participate in any public election for ten (10) years.

53 The prohibited imported goods shall be sent back to the country of origin at
54 the expense of the consignor, importer and other persons who willfully participated
55 in the prohibited act.

56 *Sec. 7. Implementation of Strict Importation Monitoring and Regulatory*
57 *System.* - The DENR, together with the Bureau of Customs, shall implement a strict
58 monitoring system of importation to ensure that no waste is brought in the
59 Philippine territory under false declarations or otherwise.

60 *Sec. 8. Separability Clause.* - If any provision of this Act is declared
61 unconstitutional or invalid, the provisions not affected thereby shall continue to be in
62 full force and effect.

63 *Sec. 9. Repealing Clause.* -All laws, decrees, orders, rules and regulations
64 inconsistent with the provisions of this Act are hereby repealed or modified
65 accordingly.

66 *Sec. 10. Effectivity.* - This Act shall take effect upon completion of its
67 publication in the Official Gazette or in a newspaper of general circulation.

Approved,