

DENR ADMINISTRATIVE ORDER
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**Subject: IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT 6969**

Pursuant to provisions of Section 16, Republic Act 6969, otherwise known as "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990", the Department of Environment and Natural Resources hereby adopts and promulgates the following Rules and Regulations:

Title I. General Provisions and Administrative Procedures

Chapter I
General Provisions

Section 1. Title. These Rules and Regulations shall be known as the Implementing Rules and Regulations of Republic Act 6969.

Section 2. Declaration of Policy. It is the policy of the State to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals and hazardous and nuclear wastes.

Section 3. Scope. These Rules and Regulations shall cover the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of all unregulated chemical substances and mixtures in the Philippines including the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

Section 4. Construction. These Rules and Regulations shall be liberally construed to carry out the national policy to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substance and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose and to provide advancement and facilitate research and studies on toxic chemicals and hazardous and nuclear wastes.

Section 5. Administrative and Enforcement. These Rules and Regulations shall be administered by the Secretary or his duly authorized representative or through any other department, bureau, office, agency, state university or college and other instrumentalities of the government for assistance in the form of personnel, facilities and other resources as the need arises in the discharge of its functions.

Section 6. Definitions. The following words and phrases when used in these Rules and Regulations shall, unless the context clearly indicates otherwise, have the following meanings:

1. **“CAS”** means Chemical Abstracts Service, a uniquely identifying number of adopted internationally which permits one to generate toxicological information from a computer base.
2. **“Chemical Substance”** means any organic or inorganic substance of a particular molecular identity excluding radioactive materials and includes – any element or uncombined chemical; and any combination of such substances; or any mixture of two or more chemical substances.
3. **“Chemical mixture”** means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in the past, the result of chemical reaction, if none of the chemical substances and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined. This shall include nonbiodegradable mixtures.
4. **“Department”** means the Department of Environment and Natural Resources.
5. **“Environmental Protection Officer”** means an officer appointed or deputized by the Secretary to execute the provisions of these Rules and Regulations subject to conditions, limitations or restrictions as prescribed by the Secretary.
6. **“Hazardous substances”** are substances which present either:
 - a) short-term acute hazards such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire or explosion;
 - b) long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some case result from acute exposure but with a long latent period, resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors.
7. **“Hazardous wastes”** are substances that are without any safe commercial, industrial, agricultural or economic usage and are shipped, transported or brought from the country of origin for dumping or disposal into or in transit through any part of the territory of the Philippines.

“Hazardous wastes” shall also refer to by-products , side-products, process residues, spent reaction media, contaminated plant or equipment or other substances from manufacturing operations and as consumer discards of manufactured products which present unreasonable risk and/or injury to health and safety and to the environment.
8. **“Importation”** means the entry of a product or substance into the Philippines (through the seaports or airports of entry) after having been properly cleared through or still

remaining under customs control, the product or substance of which is intended for direct consumption, merchandising, warehousing, for further processing.

9. **“Inert waste”** means any waste that, when placed in a landfill is reasonably expected not to undergo any physical, chemical, and/or biological changes to such an extent as to cause pollution or hazard to public health and safety.
10. **“New Chemicals”** means any chemical substance imported into or manufactured in the country after December 31, 1993 and which are not included in the Philippine Inventory of Chemicals and Chemical Substances as published by the Department.
11. **“Nuclear wastes”** are hazardous wastes made radioactive by exposure to the radiation incidental to the production or utilization of nuclear fuels but does not include nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial, or industrial purpose.
12. **“Manufacture”** means the mechanical or chemical transformation of substances into new products whether work is performed by power-driven machines or by hand, whether it is done in a factory or in the worker’s home, and whether the products are sold at wholesale or retail.
13. **“Occupier”** is one who must have a license to accept, produce, generate, store, treat, recycle, reprocess, process, manufacture or dispose of hazardous waste.
14. **“Permit”** means a legal authorization to engage in or conduct any or all of the following activities for:
 - a. **Toxic chemicals** – importation, storage, manufacture, processing, selling, transport and disposal
 - b. **Hazardous wastes** – storage, treatment, transport, export, processing, reprocessing, recycling and disposal
 - c. **Hazardous materials** – importation or exportation
15. **“Person”** or **“persons”** includes any being, natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.
16. **“Pollution”** means any alteration of the physical, chemical, biological properties of any water, air and/or and resource of the Philippines, or any discharge thereto of any liquid, gaseous or solid waste, or any production of unnecessary noise, or any emission of objectionable odor, as will or is likely to create or to render such water, air and/or land resources harmful, detrimental or injurious to public health, safety or welfare, or which will adversely affect their utilization for domestic, industrial, agricultural, recreational or other legitimate purposes.
17. **“Premises”** shall include but not limited to:
 - a) building or part of a building;
 - b) a tent, stall or other structure whether permanent or temporary;
 - c) land;
 - d) vehicle;

- e) boat or ship
- 18. **"Process"** means the preparation of a chemical substance or mixture after its manufacture for commercial distribution:
 - i) In the same form or physical state or in a different form or physical state from that which it was received by the person so preparing such substance or mixture; or
 - ii) As part of an article containing a chemical substance or mixture.
- 19. **"Secretary"** means the Secretary of the Department of Environment and Natural Resources.
- 20. **"Transport"** includes conveyance by air, water and land.
- 21. **"Waste generator"** means a person who generates or produces, through any commercial, industrial or trade activities, hazardous wastes.
- 22. **"Waste transporter"** means a person who is licensed to treat, store, recycle, or dispose of hazardous wastes.
- 23. **"Waste treater"** means a person who is licensed to treat, store, recycle, or dispose of hazardous wastes.
- 24. **"Unreasonable risk"** means expected high frequency of undesirable effects or adverse responses arising from a given exposure to a substance.

Chapter II **Administrative Provision**

Section 7. Powers and Functions of the Department of Environment and Natural Resources. The Department of Environment and Natural Resources shall be tasked with the following functions, powers and responsibilities:

- a) To keep an updated inventory of chemicals that are presently being manufactured or used, indicating among others, their existing and possible uses, quantity, test data, names of firms manufacturing or using them, and such other information as the Secretary may consider relevant to the protection of health and the environment;
- b) To require chemical substances and mixtures that present unreasonable risk or injury to health or to the environment to be tested before they are manufactured or imported for the first time;
- c) To require chemical substances and mixtures which are presently being manufactured or processed to be tested if there is reason to believe that they pose unreasonable risk or injury to health and the environment;

- d) To evaluate the characteristics of chemicals that have been tested to determine their toxicity and the extent of their effects on health and the environment;
- e) To enter into contracts and make grants for research, development and monitoring of chemical substances and mixtures;
- f) To conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
- g) To confiscate or impound chemicals found not falling within the standards set by these Rules and Regulations and the said acts cannot be enjoined except after the chemicals have been impounded;
- h) To monitor and prevent the entry, even in transit, of hazardous and nuclear wastes and their disposal into the country;
- i) To subpoena witnesses and documents and to require other information if necessary to carry out the provisions of this Act;
- j) To call on any department, bureau, office, agency, state university or college, and other instrumentalities of the Government for assistance in the form of personnel, facilities and other resources as the need arises in the discharge of its functions;
- k) To disseminate information and conduct educational awareness campaign on the effects of chemical substances, mixtures and wastes on health and environment; and
- l) To exercise such powers and perform such other functions as may be necessary to carry out its duties and responsibilities under RA 6969.

Section 8. *Delegation of Powers and Functions of the Secretary*

1. The Secretary may appoint and/or deputize officers subject to conditions, limitations or restrictions as may be prescribed by him.
2. The Secretary may delegate his powers to:
 - a. conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
 - b. conduct inspection of any premises in which hazardous wastes are being generated, stored, processed, reprocessed, recycled, treated and/or disposed of and to make recommendations to the proper authorities;
 - c. stop, detain, inspect, examine and remove to some suitable place for inspection and examination any vehicle or boat that is believed to being or likely to be used for the transport of chemical substances and hazardous and nuclear wastes subject to pertinent provisions of these Rules and Regulations;

- d. monitor and prevent the entry, even in transit, of hazardous and nuclear wastes and their disposal into the country;
 - e. subpoena witnesses and documents and to require other information if necessary to carry out the provisions of these Rules and Regulations.
3. The Secretary may, by notice, amend or revoke the:
- a. delegated authorities previously granted under Section 8(2) of these Rules and Regulations; and
 - b. appointed of an Environmental Protection Officer.

Section 9. *Duties and Responsibilities of an Environmental Protection Officer.* An Environmental Protection Officer shall have the following duties and responsibilities:

- a. To make such examination or inquiry as is necessary to determine whether these Rules and Regulations are being complied with.
- b. To enter any premises in which he reasonably believes that chemical substance or hazardous waste are being used, manufactured, stored, processed, reprocessed, generated, treated, transported or disposed of and may –
 - i. without payment take or require the occupier or person in charge of the premises or person in possession of any chemical substance to give the Environmental Protection Officer samples of the chemical substance for examination and testing subject to pertinent provisions of these Rules and Regulations.
 - ii. require the production of any relevant documents and inspect, examine and make copies of or extracts from them or remove them to make a copy of extract; and
 - iii. take such photographs or audio or visual recordings as he considers necessary.
- c. To stop, detain, inspect, examine and remove to some suitable place for inspection and examination any vehicle or boat that he believes is being or likely to be used for the transport of chemical substances and hazardous wastes without the necessary permit from the Department.
- d. To require a person found committing an offense under these Rules and Regulations to state the person's full name and address.
- e. To exercise such other duties and responsibilities as may be authorized by the Secretary.

Section 10. Confiscation, Impoundment and Imposition of Administrative Fines. Upon receipt of a report from a duly authorized inspector or upon a verified complaint from a private person, the Secretary or his duly authorized representative shall order an investigation or inquiry in such a manner as he may determine on the alleged violation of any of the provision of RA 6969 and these Rules and Regulations. If after investigation there appears to be a violation of any of the provisions of RA 6969 or these Rules and Regulations, the Secretary or his duly authorized representative shall issue summons informing respondent/s of nature of charges against him and requiring the said respondent or respondents to appear before him or his duly designated representative for a conference for the purpose of determining whether an Order for confiscation or impoundment or fine should be issued.

Section 11. Ex-Parte Order of Confiscation or Impoundment. Whenever the Secretary or his duly authorized representative finds a prima facie evidence that the violation presents unreasonable risk and/or injury to health or the environment, the Secretary or his duly authorized representative may issue an Ex-Parte Order of confiscation or impoundment, provided that the respondent files his Motion for Reconsideration within ten (10) days from date of confiscation or impoundment which Motion for Reconsideration shall be resolved within fifteen (15) days from receipt of the same.

Chapter III **Inter-Agency Technical Advisory Council**

Section 12. Composition of the Inter-Agency Technical Advisory Council. The interagency Technical Advisory Council shall be composed of the following officials or their duly authorized representatives:

Secretary of Environment and Natural Resources	Chairman
Secretary of Health	Member
Secretary of Trade and Industry	Member
Secretary of Science and Technology	Member
Secretary of National Defense	Member
Secretary of Foreign Affairs	Member
Secretary of Labor and Employment	Member
Secretary of Finance	Member
Secretary of Agriculture	Member
Secretary of Philippine Nuclear Research Institute	Member
Representative from non-governmental organizations On health and safety	Member

The representative from the non-governmental organization shall be appointed by the President for a term of three (3) years.

Section 13. *Functions of the Council.* The Council shall have the following functions:

- a. To assist the Department in the formulation of these rules and regulations for the effective implementation of RA 6969;
- b. To assist the Department in the preparation and updating of the inventory of chemical substances and mixtures that fall within the coverage of RA 6969;
- c. To conduct preliminary evaluation of the characteristics of chemical substances and mixtures to determine their toxicity and effects on health and the environment and make the necessary recommendations to the Department; and
- d. To perform such other functions as the Secretary may, from time to time, require.

Title II. Toxic Chemical Substances

Chapter IV Inventory of Chemical Substances

Section 14. *Chemical Substances Inventory*

1. The Secretary or his duly authorized representative shall cause the keeping, updating, compilation and maintenance of an inventory of chemical substances which are stored, imported, exported, used, processed, manufactured or transported.
2. The inventory shall contain such information that the Secretary or his duly authorized representative considers to be relevant to the protection of health and the environment.
3. The Secretary or his duly authorized representative shall cause the release of an updated listing of the inventory comprising the chemical substance's name and its CAS number

Section 15. *Pre-manufacturing And Pre-Importation Data Requirements*

1. The desired information for a nomination of a chemical substance under Section 16 and the required information for a notification of a chemical substance under Section 17 shall comprise –
 - a. its proper chemical name;
 - b. its trade name or names;
 - c. its chemical and molecular structure;
 - d. its CAS number;

- e. its RTECS number (if available)
 - f. its United Nations number (if applicable)
 - g. its United Nations class and subsidiary risk category (if applicable);
 - h. the following physical characteristics (if applicable) –
 - i. boiling point;
 - ii. melting point;
 - iii. specific gravity;
 - iv. vapor pressure;
 - v. appearance;
 - vi. odor;
 - vii. purity; and
 - viii. water/octanol partition coefficient;
 - i. the following chemical properties (if applicable)
 - i. solubility in water; and
 - ii. solubility in an organic solvent;
 - j. the following toxicological data (if applicable) –
 - i. measured lethal dose (median) in two species;
 - ii. measured lethal concentration (median) in two species;
 - iii. results of an irritation test on the skin and eyes of species;
 - iv. results of a short-term sub-lethal toxicity test on one species
 - k. any recommended time weighted exposure average (eight hour working day);
 - l. its flash point measured under close cup conditions;
 - m. its upper and lower explosive limits (if applicable);
 - n. its known stability and incompatibilities;
 - o. its carcinogenic, teratogenic and mutagenic properties;
 - p. the name and address of the nominating person; and
 - q. the anticipated volume in cubic meters or weight in tones, per annum of the chemical substance being used, stored, manufactured, processed, offered for sale or sold, transported, imported and exported by the nominating person.
2. The documents containing the above information shall be considered as public document.

Section 16. Nomination of Existing Chemicals

1. Until 31 December 1993, a person shall submit to the Department for inclusion in the Philippine Inventory of Chemicals and Chemical Substances, a list of chemical substances which are currently used, sold, distributed, imported, processed, manufactured, stored, exported or transported in the Philippines in a form as may be provided by the Department.
2. The person who nominates a chemical substance shall provide as much information as outlined in Section 15 of these Rules and Regulations and that such nomination shall contain the following minimum data:
 - a. chemical names
 - b. trade name or names

- c. chemical structure
 - d. CAS number
 - e. anticipated volume in cubic meters, or weight in tones per annum of chemicals being nominated
 - f. name and address of nominating person.
3. Chemical substances in the chemical inventory shall be regarded by the Department as existing chemical substances and, therefore, exempted from the provisions of Section 17.
 4. The Department shall not accept any further nominations of chemical substances under this section after 31 December 1993.

Section 17. Notification of New Chemicals

1. After 31 December 1993, a chemical substance which is not included in the chemical inventory shall be considered as new chemical substance.

Unless exempted, any person who uses, stores, imports, manufactures, transports or processes a chemical substance after 31 December 1993 which is not listed in the chemical inventory shall be liable for violation of Section 16 of these Rules and Regulations and shall be dealt with subject to the provisions of Section 15 of RA 6969.
2. No person shall use, store, transport, import, sell, distribute, manufacture, or process a new chemical substance unless permitted by the Department. Permit shall be granted under the following conditions:
 - a. The Department must be notified of the intention to do so at least one hundred and eighty (180) days before commencing such activity; and
 - b. The Department shall be provided with such information as outlined in Section 15;
3. The notification must be made in accordance with a form and in a manner prescribed by the Department and accompanied with the payment of the prescribed fee.
4. The notification which does not comply with the requirement of Section 17(3) will not be acted and/or accepted.
5. The Department shall have the discretion not to include the new chemical substance in the chemical inventory if the information provided to the Department by the person does not fully comply with the requirements of Section 15 or the Department suspects that the data are of dubious quality.
6. Any person who falsifies information on a chemical substance while nominating an existing or new chemical substance shall be criminally liable.

Section 18. Assessment of Chemicals

1. Upon notification of a new chemical substance under Section 17 of these Rules and Regulations, the Department shall within ninety (90) days determine whether –
 - a. to add the chemical substance to the chemical inventory;
 - b. to seek further information to any person for the purpose of assessing public health and environmental risk posed by the use, storage, manufacture, import, process or transport of the chemical substance or;
 - c. to issue Chemical Control Order in accordance to Section 20 of these Rules and Regulations.
2. The Department shall notify the applicant in writing of its decision.

Section 19. *Priority Chemical List*

1. The Department shall compile and may amend from time to time a list to be known as the Priority Chemicals List.
2. The Department may determine which chemical substance from the chemical inventory should be included, deleted, or excluded from the Priority Chemicals List.
3. The Department shall publish in the Official Gazette or newspaper of general circulation the Priority Chemicals List and any amendments and deletions to the List.
4. The Department may require information from any person for the purpose of assessing the public and environmental risk posed by the use, storage, manufacture, import, process or transport of the priority chemicals.

Section 20. *Chemical Control Orders*

1. If the Department has determined that the use, storage, transport, process, manufacture, import or export of any new substance or a priority chemical poses an unreasonable risk or hazard to public health or the environment, the Department, may, by order published in the Official Gazette or any newspaper or general circulation:
 - a. prohibit the use, manufacture, import, export, transport, process, storage, possession or sale of the chemical substance;
 - b. limit the use, manufacture, import, export, transport, process, storage, possession or sale of the chemical substances; or
 - c. place such controls or conditions on the use, manufacture, import, export, transport, process, storage, possession or sale of the chemical substance to abate or minimize risks or hazards posed by the chemical substances on public health and environment.

2. An order issued by the Department under Section 20(1) shall be known as Chemical Control Order.

Chapter V **Testing Requirements**

Section 21. Chemicals Subject to Testing

1. Testing shall be required in all cases where:
 - a. There is reason to believe that the chemical substances or mixture may present an unreasonable risk to health or environment;
 - b. There is insufficient data and experience for determining or predicting the health and environmental effects of the chemical substance or mixture; and
 - c. The testing of the chemical substance or mixture is necessary to develop such data.
2. The manufacturers, processors or importers of such chemicals subjected to testing shall shoulder the costs of testing the chemical substance or mixture.

Chapter VI **Exemptions**

Section 22. Exemptions. The following substances and mixtures shall be exempted from the requirements of Section 17, 18 and 21 of these Rules and Regulations:

1. Those chemicals already included in the Philippine Inventory of Chemicals and Chemical Substances;
2. Those to be produced or used in small quantities solely for experimental or research and development purposes;
3. Those that are reaction intermediates which do not leave the closed production system or undergo intermediate storage during the reaction process;
4. Those chemical substances that are regulated by laws other than RA 6969.

Section 23. Confiscation

1. The Secretary or his duly authorized representative may cause the impoundment or confiscation of any chemical substance and its conveyance and container if there is reasonable grounds to believe that:

- a. the sale, storage, possession, use, manufacture, transport, import, or export for a chemical substance does not comply with the Chemical Control Order; or
 - b. the sale, storage, possession, use, manufacture, transport, import or export of chemical substance poses an immediate threat or hazard to public health and safety or the environment.
2. Any costs incurred by the Department under Section 23(1) shall be reimbursed by the occupier of the premises from which the Environmental Protection Officer impounded or confiscated the chemical substance.

Title III. Hazardous and Nuclear Wastes

Chapter VII Hazardous Waste

Section 24. Policy

1. It shall be the policy of the Department to prohibit the entry even in transit of hazardous wastes and their disposal into the Philippine territorial limits for whatever purpose.
2. The Department encourages proper management of hazardous wastes generated within the country by promoting, in order of preference:
 - a. minimization of the generation of hazardous waste;
 - b. recycling and reuse of hazardous waste
 - c. treatment of hazardous waste to render it harmless; and
 - d. landfill of inert hazardous waste residues.
3. Hazardous waste shall be managed in such a manner as not to cause or potentially cause –
 - a. pollution;
 - b. state of danger to public health, welfare and safety;
 - c. harm to animals, bird, wildlife, fish or other aquatic life;
 - d. harm to plants and vegetation; or
 - e. limitation in the beneficial use of a segment of the environment.
4. The waste generator shall be responsible for the proper management and disposal of the hazardous waste.

5. The waste generator shall bear the costs for the proper storage, treatment and disposal of their hazardous waste.

Section 25. *Classification of Hazardous Waste*

1. The classes and subcategories of wastes listed in Table 1 shall be prescribed as hazardous waste for the purposes of these Rules and Regulations.
2. The types of wastes listed in Table 2 shall be exempted from the requirements of these Rules and Regulations.
3. The listings provided for Tables 1 and 2 are not inclusive and shall be subject to periodic review.

Table 1. Prescribed Hazardous Wastes

Class	Subcategory	Waste Number
Plating Wastes	Discarded plating solutions and salts with a cyanide concentration of less than 200 ppm.	A101
	Discarded heat treatment solutions and salts with a cyanide concentration of less than 200 ppm.	A102
	Plating solutions and salts containing cyanides at a concentration exceeding 200 ppm.	A103
	Heat treatment solutions and salts containing cyanides at a concentration exceeding 200 ppm.	A104
	Complexed cyanide solutions and salts	A105
	Other cyanide wastes arising from the plating and heat treatment industries	A199
Acid Waste	Sulfuric Acid	B201
	Hydrochloric Acid	B202
	Nitric Acid	B203
	Phosphoric Acid	B204
	Hydrofluoric Acid	B205
	Mixture of Sulfuric and Hydrochloric Acid	B206
	Other inorganic acids	B207
	Organic acids	B208
	Other mixed acids	B299
Alkali Wastes	Caustic soda	C301
	Potash	C302
	Alkaline cleaners	C303
	Ammonium Hydroxide	C304
	Lime slurries	C305
	Lime-neutralized metal sludges	C306
	Other alkaline materials	C399
Inorganic Chemical Wastes	Nontoxic salts	D401
	Arsenic and its compound	D402
	Boron compounds	D403

	Cadium and its compounds Chromium compounds Lead compounds Mercury and mercuric compounds Other salts and complexes	D404 D405 D406 D407 D499
Reactive Chemical Wastes	Oxidizing agents Reducing agents Explosive and unstable chemicals Highly reactive chemicals	D501 D502 D503 D599
Paints/	Aqueous-based	E601
Resins/	Solvent-based	E202
Latices/inks Dyes/Adhesives/ Organic Sludges	Other mixed	E699
Organic Solvents	Flash point >61°C Flash point <61 °C Chlorinated solvents and Residues	F701 F702 F703
Putrescible/ Organic Wastes	Animal/abattoir wastes Grease trap wastes from industrial or Commercial premises Others	G801 G802 G899
Textile	Tannery wastes Other textile wastes	H901 H999
Oil	Waste oils Interceptor sludges Vegetable oils Waste tallow Oil/water mixtures	I101 I102 I103 I104 I105
Containers	Portable containers previously containing toxic chemical substances	J201

Immobilized Wastes	Solidified and polymerized wastes Chemically fixed wastes Encapsulated Wastes	K301 K302 K303
Organic Chemicals	Aliphatics Aromatics and phenolics Highly odorous Surfactants and detergents Halogenated solvents Polychlorinated biphenyls and related materials Other organic chemicals	L401 L402 L403 L404 L405 L406 L499
Miscellaneous Wastes	Pathogenic or infectious wastes Asbestos wastes Pharmaceuticals wastes and drugs Pesticides	M501 M502 M503 M504

Table 2. Exempted Wastes

Description

Garbage from domestic premises and households.

Industrial and commercial wastewaters which are disposed of on-site through the sewage system.

Industrial and commercial solid wastes which do not contain prescribed hazardous wastes as identified in Table 1.

Materials from building demolition except asbestos.

Septic tank effluents and associated sullage wastewaters.

Untreated spoils from mining, quarrying and excavation works but not materials in the nature of tailings, commercially treated materials and mine facility consumables.

Section 26. Waste Generators

1. All waste generators shall:
 - a. notify the Department of the type and quantity of wastes generated in accordance with the form and in a manner approved by the Department and accompanied by a payment of the prescribed fee; and

- b. provide the Department, on a quarterly basis, with information to include the type and quantity of hazardous waste generated, produced or transported outside, and such other information as may be required.
2. A waste generator shall continue to own and be responsible for the hazardous waste generated or produced in the premises until the hazardous waste has been certified by the waste treater as had been treated, recycled, reprocessed or disposed of.
3. A waste generator shall prepare and submit to the Department comprehensive emergency contingency plans to mitigate and combat spills and accidents involving chemical substances and/or hazardous waste. These plans shall conform with the content of the guidelines issued by the Department.
4. A waste generator shall be responsible for training its personnel and staff on-
 - a. the implementation of the plan required under Section 26(3); and
 - b. the hazard posed by the improper handling, storage, transport, and use of chemical substances and their containers.

Section 27. Waste Transporter

1. No transport of hazardous waste shall be allowed unless prior permit is secured from the Department.
2. Any application for the issuance or amendment of a permit to transport hazardous waste shall be made in accordance with the form and in a manner approved by the Department and accompanied by a payment of the prescribed fee.
3. The Department shall maintain a register of waste transporters.
4. A waste generator shall only use waste transporters duly authorized by the Department to transport hazardous wastes.

Section 28. Waste Transport Record

1. A waste transport record shall be in a form prescribed by the Department and shall contain the following particulars –
 - a. the name and address of the waste generator;
 - b. the name of the waste transporter used to transport a load of hazardous wastes;
 - c. the registration number of the waste transport vehicle;
 - d. the waste treatment license of the waste transporter;
 - e. the description of the hazardous waste transporter including its class and subcategories as stated in Table 1;

- f. the quantity of the hazardous waste transported;
 - g. the type of container used during the transport;
 - h. the name and address of transit points and the final destination of the hazardous waste; and
 - i. the intended method of hazardous waste treatment, storage, export, recycling, processing, reprocessing or disposal at the destination.
2. Prior to the transport of hazardous wastes, the waste generator shall complete, in duplicate, portions that refer to the waste generator in the prescribed form and shall submit the same to the Department accompanied by payment of the prescribed fee.
3. The waste generator shall retain and store a copy of the waste transport record for a period of twenty-four (24) months from the date of receipt of the Department.
4. Prior to the transport of the hazardous waste, the waste transporter shall complete, in duplicate, portions referring to the waste transporter in the prescribed form.
5. The waste transporter shall place a copy of the waste transport record in the driver's cabin of the waste transport vehicle.
6. Upon arrival at the waste treatment, storage, recycling, reprocessing, processing or disposal premises, the waste transporter shall give a copy of the waste transport record to the waste treater.
7. Upon receiving a waste transport record, the waste treater shall:
 - a. verify the accuracy of the waste description of the hazardous waste;
 - b. complete portions of the waste treater on the waste transport record; and
 - c. retain and store the complete waste transport record for a period of twenty-four months after receipt of the hazardous waste.
8. If the hazardous waste data is inaccurate the waste treater shall immediately inform the waste generator of such inaccuracy within a reasonable period of time. The waste treater shall have the right to deny acceptance of such hazardous waste if such acceptance may cause any danger of hazard in the operation of its premises;
9. If the hazardous waste is accepted by the waste treater for treatment, storage, export, recycling, reprocessing, processing or disposal, the waste treater shall certify in writing, the acceptance of the hazardous waste to the waste generator.
10. The waste treater shall send to the Department within five (5) days, the certification required under Section 28(9) copy furnished the waste generator.
11. Any waste transporter while transporting hazardous waste is involved in an accident which results in the spillage or release of the hazardous waste to the environment shall immediately contain the spillage and notify the Department.

Section 29. Hazardous Waste Storage and Labeling

1. Vessels, containers and tanks for the storage of hazardous waste shall be clearly labeled and this labeling shall comprise the following particulars –
 - a. the class of the hazardous waste as specified in Table 1;
 - b. the sub-category of the hazardous waste as specified in Table 1;
 - c. the waste number as specified in Table 1;
 - d. the name and address of the waste generator; and
 - e. the maximum capacity of volume

2. The labeling of the vessels, containers and tanks specified in Section 29(1) shall be conspicuously marked in paint, decals or other permanent form of markings.

Section 30. Waste Treatment and Disposal Premises

1. No waste treater shall accept, store, treat, recycle, reprocess or dispose of hazardous wastes unless done in the premises as prescribed in Table 3 and permitted by the Department.

Table 3. Prescribed Wastes Treatment Premises

Category	Description
A	Premises that conduct on-site disposal of hazardous wastes generated or produced at the premises through industrial or commercial processes and activities other than disposal via sewer.
B	Commercial or industrial hazardous waste incinerators.
C	Landfills, dumps or tips that accept hazardous waste for disposal
D	Premises that recycle or reprocess hazardous waste which were not generated or produced at that premise.
E	Premises that immobilize, encapsulate, polymerize or treat hazardous wastes which were not generated or produced at that premise.
F	Premises that store hazardous wastes, which were not generated or produced at that premise for periods exceeding thirty (30) days.

2. An application for issuance or amendment of a permit under this section shall be made in accordance with a form and in a manner approved by the Department accompanied with the payment of the prescribed fee and accompanied by such plans, specifications and other information and a summary thereof as may be required by the Department.
3. The Department shall maintain a register of waste treaters.

Section 31. *Import and Export of Hazardous Substances*

1. Any person who wishes to import into the Philippines or export hazardous substances must seek and obtain prior written approval from the Department.
2. An application made under Section 31(1) shall be made in the form and manner approved by the Department and accompanied by payment of the prescribed fee.
3. The Department shall cause the seizure of the imported hazardous substances which does not comply with the approved permit, return the hazardous substance to their point of origin and initiate proceedings to recover cost incurred.

Chapter VIII Nuclear Waste

Section 32. *Policy*

1. It shall be the policy of the government to prohibit the entry, even in transit, of nuclear waste and their storage or disposal into the Philippine territorial limits for whatever purpose.
2. The Philippine Nuclear Research Institute (PNRI) shall be the government agency responsible for the regulation and licensing of nuclear facilities and radioactive materials pursuant to the provisions of R.A. 2067, the Science Act 56 of 1958, and R.A. 5207, the Atomic Energy Regulatory and Liability Act of 1968, both as amended. Radioactive material as defined in the laws include radioactive products or wastes.

Section 33. *Specific Exemption*

1. The following are exempt from the requirements of these regulations:
 - a. Any holder of a valid PNRI license authorized to operate a nuclear power plant or atomic energy facility, who, in the course of operating his licensed facility, transports spent nuclear fuel for reprocessing in a foreign country and re-

acquires the by-products of reprocessing, including its nuclear wastes for storage in his facility.

- b. States which are signatories to the Basel Convention and countries with bilateral agreements with the Philippines that would allow the passage or transit shipment of nuclear waste over Philippine territorial limit. Prior informed arrangements and notification schedules shall have been made through proper Philippine authorities including the DENR and the PNRI.
2. The DENR and the PNRI shall exercise their rights to monitor and inspect such shipments for the protection of the public and the national interest.

Section 34. *Abandoned or Unclaimed Nuclear Waste*

Nuclear wastes which are unclaimed or abandoned, and whose legal ownership cannot be ascertained, shall be subject to the regulations of the PNRI on the management and disposal of nuclear wastes.

Section 35. *Scrap Metal That May Contain Radioactive Materials*

1. Any importer of scrap metal intended for domestic reprocessing shall certify to the DENR that the scrap metal he is importing does not contain radioactive material in any form, shape or containment.
2. Scrap metal that may contain radioisotopes of the elements Cesium, Cobalt Americium, Strontium, or as may be determined by the PNRI shall not be processed for the fabrication of metal bars or components.

Section 36. *Reporting and Notification*

Any person shall immediately notify the DENR or the PNRI of any existence of unauthorized radioactive material or nuclear waste anywhere in the Philippines. The report should be such as to cause the immediate location of the radioactive material to institute the necessary protective and recovery measures.

Title IV. Common Provisions

Chapter IX Permitting Regulations

Section 37. *Prescribed Fees for Toxic Chemical Substances*

1. The Department shall prescribe fees for the notification and assessment of new chemicals under Section 17 and Section 18.

2. The Department shall publish the scale of fees and amendments to the scale of fees in the Official Gazette or any newspaper of general circulation which shall take effect fifteen (15) days after its publication.

Section 38. Prescribed Fees for Hazardous and Nuclear Wastes

1. The Department shall prescribe reasonable fees for –
 - a. registration of a waste generator;
 - b. permitting of a waste transporter;
 - c. permitting of a waste treater;
 - d. authority to import or export hazardous material; and
 - e. waste transport record
2. The Department shall publish the scale of fees and amendments to the scale of fees in the Official Gazette or any newspaper of general circulation which shall take effect fifteen (15) days after its publication.

Chapter X
Public Access to Records, Reports and Notification
and Confidentiality of Information

Section 39. Public Access to Assessment Reports

1. The general public shall have access to the chemical inventory and to the priority chemical list.
2. The general public shall have access to the documents prepared by the Department regarding chemical control orders excepting confidential portions contained in these documents.

Section 40. Confidentiality of Information

1. Any person who is requested to provide information to the Department under Section 16, 17, 18 and 21 of these Rules and Regulations may submit together with the information, a request that such information be treated as confidential.
2. The Department of Environment and Natural Resources may consider a record, report of information or particular person thereof confidential and may not be made public when such would divulge trade secrets, or sales figures or methods production or processes unique to such manufacturer, processor or distributor or would otherwise tend to affect adversely the competitive position of such manufacturer, processor or distributor, information other than its chemical name and CAS Number (if applicable) be treated as confidential.
3. No disclosure of any information shall be done subject to Sections 40(1) and 40(2) except –

- a. where there is written consent provided the person who requested confidentiality under Section 40(1);
 - b. under an agreement, convention or treaty between the government of the Philippines and other foreign nations provided that the foreign nation undertakes to keep the information confidential;
 - c. under an agreement between the Department and other statutory bodies and local authorities provided that the information is required to fulfill their obligations and provided that they agree to keep the information confidential;
 - d. under formal instruction of a competent court of law;
 - e. to a physician or prescribed medical professional who request the information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a person in an emergency and who agrees, in writing to keep the information confidential; or
 - f. where the department certifies that the disclosure of the information is in the interest of public health and safety or protection of the environment.
4. Where practical, the person who takes the request for confidentiality under Section 40(1) shall be notified in writing prior or as soon as possible to the intention of disclosure of information under Section 40(3).

Title V. Prohibited Acts and Penalties

Chapter XI Prohibited Acts

Section 41. Administrative Violations. The following acts and omissions shall be considered as administrative violations:

1. All acts and omissions mentioned under Section 13(a to c) of Republic Act 6969.
2. Failure or refusal to subject for testing chemical substances and mixtures that present unreasonable risk or injury to health or to the environment before said chemical substances and mixtures are manufactured or imported for the first time;
3. Failure or refusal to subject for testing chemical substances and mixtures which are presently being manufactured or processed if there is a reason to believe that said chemical substances and mixtures pose unreasonable risk or injury to health and the environment;
4. Refusing, obstructing or hampering the entry of authorized representatives of the Secretary into any establishment in which chemicals are processed, manufactured,

stored or held before or after their commercial distribution during reasonable hours for the purpose of conducting an inspection.

5. Failure or refusal to notify the Department with the type and quantity of hazardous wastes generated and to provide quarterly report of waste generation as provided for under Section 26 of these Rules and Regulations.
6. Failure or refusal to secure permit or authorization from the Department prior to transport, storage, or disposal of hazardous wastes as provided for in Section 27, 28 and 30 of these Rules and Regulations.
7. Failure or refusal to secure approval from the Department prior to conduct of any importation or exportation of hazardous substances as provided for in Section 31 of these Rules and Regulations.
8. Failure or refusal to provide proper labeling as provided for under Section 29 of these Rules and Regulations regarding hazardous waste storage and labeling.
9. Failure or refusal to comply with subpoena or subpoena duces tecum issued by the Secretary or his duly authorized representative.

Section 42. Criminal Offenses

1. Knowingly use a chemical substance or mixture which is imported, manufactured, processed or distributed in violation of these Rules and Regulations;
2. Failure or refusal to submit reports, notices or other information, access to records as required by Republic Act 6969 as permit inspection of establishment where chemicals are manufactured, processed, stored or otherwise held;
3. Failure or refusal to comply with the pre-manufacture and pre-importation requirements;
4. Cause, aid or facilitate, directly or indirectly in the storage, importation or bringing into Philippine territory including its maritime economic zones, even in transit, either by means of land, air or sea transportation or otherwise keeping in storage any amount of hazardous and nuclear wastes in any part of the Philippines.

Chapter XII **Penalties**

Section 43. Administrative Violations and Fines. In all cases of violations under Section 41 of these Rules and Regulations, the Secretary is hereby authorized to imposed a fine of not less that Ten Thousand Pesos (PhP10,000.00) but not more than Fifty Thousand Pesos (PhP50,000.00) upon any person or entity found guilty thereof.

Nothing in this provision shall however under Section 14 of RA 6969 ban the institution of the proper criminal action against any person or entity found guilty herein.

Section 44. Criminal Offenses and Penalties

1.
 - i. The penalty of imprisonment of six (6) months and one day to six (6) years and one day and a fine ranging from Six Hundred Pesos (PhP600.00) to Four Thousand Pesos (PhP4,000.00) shall be imposed upon any person who shall violate Section 42(1) of these Rules and Regulations. If the offender is a foreigner, he or she shall be deported and banned from any subsequent entry into the Philippines after serving his or her sentence.
 - ii. In case any violation of these Rules and Regulations is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who shall consent to or knowingly tolerate such violation shall be directly liable and responsible for the act of the employees and shall be criminally liable as a co-principal;
 - iii. In case the offender is a government official or employee, he or she shall in addition to the above penalties be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position;
2.
 - i. The penalty of imprisonment of twelve (12) years and one day to twenty (20) years shall be imposed upon any person who shall violate Section 13(d) of R.A. 6969. If the offender is a foreigner, he or she shall be deported and banned from any subsequent entry into the Philippines after serving his or her sentence.
 - ii. In the case of corporations or other associations, the above penalty shall be imposed upon the managing partner, president or chief executive in addition to an exemplary damage of at least Five Hundred Thousand Pesos (PhP500,000.00). If it is a foreign firm the director and all officers of such foreign firm shall be banned from entry into the Philippines in addition to the cancellation of its license to do business in the Philippines.
 - iii. In the case the offender is a government official or employee, he or she shall in addition to the above penalties be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive positions.
3. Every penalty imposed for the unlawful importation, entry, transport, manufacture, processing, sale or distribution of chemical substances or mixtures into or within the Philippines shall carry with it the confiscation and forfeiture in favor of the Government of the proceeds of the unlawful act and instruments, tools or other implements including vehicles, sea vessels and aircraft used in or with which the offense was committed, chemical substances so confiscated and forfeited by the Government at its option shall be turned over to the Department of Environment and Natural Resources for safekeeping and proper disposal.
4. The person or firm responsible or connected with the bringing into the country of hazardous and nuclear wastes shall be under obligation to transport or send back said

prohibited wastes. Any and all means of transportation, including all facilities and appurtenances that may have been used in transporting to or in the storage in the Philippines of any significant amount of hazardous or nuclear wastes shall at the option of the government be forfeited in its favor.

Title VI. Final Provisions

Chapter XIII

Section 45. *Separability Clause.* If any section or provision of these Rules and Regulations is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof shall continue to be in force as if the sections or provisions so annulled or voided had never been incorporated herein.

Section 46. *Repealing Clause.* All Rules and Regulations or parts of said rules and regulations of pertinent laws inconsistent with the Rules and Regulations are hereby revised, amended, modified and/or superseded as the case may be by these Rules and Regulations.

Section 47. *Amendments.* These Rules and Regulations may be amended and/or modified from time to time by the Department of Environment and Natural Resources.

Section 48. *Effectivity.* These Rules and Regulations shall take effect thirty (30) days after completion of publication in the Official Gazette or in a newspaper of general circulation.

(Sgd.) **FULGENCIO S. FACTORAN, JR.**
Secretary
Department of Environment and
Natural Resources