

[REPUBLIC ACT NO. 6969, October 26, 1990]

AN ACT TO CONTROL TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTES, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.*-This Act shall be known as the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990."

SEC. 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 the Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals.

SEC. 3. *Scope.*-This Act 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, is well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

SEC. 4. *Objectives.*-The objectives of this Act are:

- a. To keep an inventory of chemicals that are presently being imported, manufactured, or used, indicating, among others, their existing and possible uses, test data, names of firms manufacturing or using them, and such other information as may be considered relevant to the protection of health and the environment;
- b. To monitor and regulate the importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk or injury to health or to the environment in accordance with national policies and international commitments;
- c. To inform and educate the populace regarding the hazards and risks attendant to the manufacture, handling, storage, transportation, processing, distribution, use and disposal of toxic chemicals and other substances and mixtures; and
- d. To prevent 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.

SEC. 5. *Definition.*-As used in this Act:

- a. Chemical substance means any organic or inorganic substance of a particular molecular identity, including:
 - i. Any combination of such substances occurring in whole or in part as a result of chemical reaction or occurring in nature; and
 - ii. Any element or uncombined chemical.
- b. 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 part, the result of a chemical reaction, if none of the chemical substances comprising the combination is a new chemical substance 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 non-biodegradable mixtures.
- c. 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.
- d. 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, or for further processing.
- e. 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.
- f. Unreasonable risk means expected frequency of undesirable effects or adverse responses arising from a given exposure to a substance.
- g. Hazardous substances are substances which present either:
 - 1. 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; or
 - 2. long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some cases 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.

- h. Hazardous wastes are hereby defined as 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, sideproducts, process residues, spent reaction media, contaminated plant or equipment or other substances from manufacturing operations, and as consumer discards of manufactured products.

- i. 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 state of fabrication so as to be usable for any scientific, medical, agricultural, commercial, or industrial purpose.

SEC. 6. *Functions, Powers and Responsibilities of the Department of Environment and Natural Resources.* -The Department of Environment and Natural Resources shall be the implementing agency 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 a reason to believe that they pose unreasonable risk or injury to health or 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 standard set by the 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 if 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 this Act.

SEC. 7. *Inter-Agency Technical Advisory Council.*-There is hereby created an Inter-Agency Technical Advisory Council attached to the Department of Environment and Natural Resources which shall be composed of the following officials or their duly authorized representatives:

Secretary of Environment and Natural Resources	Chairman
Secretary of Health	Member
Director of the Philippine Nuclear Research Institute	Member
Secretary of Trade and Industry	Member
Secretary of Science and Technology	Member
Secretary of Foreign Affairs	Member
Secretary of Labor and Employment	Member
Secretary of Finance	Member
Secretary of Agriculture	Member
Representative from a non-governmental organization on health and safety	Member

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

The Council shall have the following functions;

- a. To assist the Department of Environment and Natural Resources in the formulation of the pertinent rules and regulations for the effective implementation of this Act;
- b. To assist the Department of Environment and Natural Resources in the preparation and updating of the inventory of chemical substances and mixtures that fall within the coverage of this Act;
- 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 of Environment and Natural Resources; and
- d. To perform such other functions as the Secretary of Environment and Natural Resources may, from time to time, require.

SEC. 8. *Pre-Manufacture and Pre-Importation Requirements.*-Before any new chemical substance or mixture can be manufactured, processed or imported for the first time as determined by the Department of Environment and Natural Resources, the manufacturer, processor or importer shall submit the following information: the name of the chemical substance or mixture; its chemical identity and molecular structure; proposed categories of use; an estimate of the amount to be manufactured, processed or imported; processing and disposal thereof; and any test data related to health and environmental effects which the manufacturer, processor or importer has.