

[DENR RULES AND REGULATIONS OF REPUBLIC ACT 6969, July 06, 1992]

TOXIC SUBSTANCES AND HAZARDOUS AND NUCLEAR WASTES CONTROL ACT OF 1990

Pursuant to the 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 No. 6969.

SECTION 2. Declaration Policy. - It is the policy of the waste 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 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 a chemical reaction, if none or 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 or 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-product 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 substances 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 at 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 land 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 is 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 produce through any commercial, industrial or trade activities, hazardous wastes.

22. **Waste transporter** means a person who is licensed to transport 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 the 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* witness 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 subjects 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, 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 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. appointment 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 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 documents and inspect, examine and make copies of or extracts from them or remove them to make a copy or 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 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 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 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 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 respondent may file 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
Director of Philippine Nuclear Research Institute	-	Member
Representative from non-governmental organization 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 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 a 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 provided by the Department.

2. The person who nominates a chemical substance shall provide much information as outlined in Section 15 of these Rules and Regulations and that such nomination shall contain the following minimum data:

- (a) chemical name
- (b) trade name or names
- (c) chemical structure
- (d) CAS number
- (e) anticipated volume in cubic meters, or weight in tones 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.