Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 5901

Introduced by:
Gabriela Women's Party Reps. **EMMI A. DE JESUS** and **ARLENE D. BROSAS,**
Bayan Muna Rep.**CARLOS ISAGANI T. ZARATE**, ACT Teachers' Partylist
Reps. ANTONIO L. TINIO and **FRANCE L. CASTRO**, Anakpawis Partylist**Rep. ARIEL CASILAO,**
and Kabataan Partylist **Rep. SARAH JANE I. ELAGO**

EXPLANATORY NOTE

For the past few years, the Philippines has seen a substantial increase in Electrical and Electronic Equipment (EEE) usage. This trend is a result of the combined effects of changing consumption habits, rapidly evolving technology, and reduced life cycles of gadgets, among others. From 1995-2010, an estimated number of 39.3 million EEEs went obsolete, 20.2 million were reused, 8.4 million were recycled, 24.3 million were landfilled, and 20 million were stored in houses.[1]

Importation of e-waste also adds to the overall problem of e-waste management. Various studies have shown that a considerable amount of e-waste generated in developed countries are either discarded as regular household items (which mostly lead to landfills) or imported to developing countries where they are either reused or processed in recycling plants which practice primitive recycling procedures.

Imported e-waste contributes largely to the total e-waste generation of the country. From 2001 to 2005, imported used EEE amounted to 5,195,730 units, using data on only 5 kinds of EEE (televisions, refrigerators, air conditioners, washing machines, and personal computers)[2]. The importation data recorded by the Bureau of Importation Services in 2004 showed that the number of used PCs imported to the country equal to almost half of the new PCs imported (43,093 units and 88,438 units respectively). [3]

The term electronic waste, shortened as e-waste, and the synonymous Waste Electrical and Electronic Equipment (WEEE) used in international literature, is used to describe old, end-of-life, or discarded appliances that use electricity. This includes anything from large household appliances such as washing machines to small handheld gadgets such as cell phones.[4]The average e-waste contains materials which can be dangerous if

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[1] . Alam, The Assessment of the of E-Waste Management Generated from Cellular Phones, Laptops, and Personal Computers in the Philippines, Manila Journal of Science 9, pp. 27-42 (2016)
[2]G. Sañez, E-Waste Management in the Philippines, Environmental Management Bureau, Department of Environment and Natural Resources.
[3]*Ibid.*
4 The EU Directive 2002/96/EC identified 10 categories of WEEE namely: large household appliances; small household appliances; IT and telecommunications equipment; consumer equipment; lighting equipment; electrical and electronic tools; toys, leisure and sports equipment, medical devices, monitoring and control instruments and; automatic dispensers.

handled incorrectly. EEE highly varies on their component parts. This makes e-waste recycling a complicated and specialized task. Although the chemical composition of e-wastes mostly consists of several metal alloys such as copper, aluminum, and iron which are not necessarily harmful, there are trace amounts of hazardous chemicals such as lead, cadmium, and chromium which are hazardous especially in large quantities. Some chemical components, such as heavy metals, are used in the production of the equipment, while some are generated through various inappropriate recycling practices. For example, burning of air-conditioners result to the release of contained CFCs (Chlorofluorocarbons), a leading cause of the ozone layer depletion. Outdated recycling procedures lead to the release of toxic by-products to the environment which rapidly build up because of the increasing production of EEE which eventually become e-waste. E-waste therefore requires special recycling techniques to ensure that its harmful components are properly disposed of to avoid adverse impacts on human health and the environment.

The Philippines lacks a formal and comprehensive e-waste management system. While there are a few DENR-accredited e-waste recycling companies in the country, these mostly process e-waste coming from industrial markets. E-waste recycling is largely at the hands of scavengers, waste pickers, and junk shop operators. E-wastes coming from households are disposed together with other household wastes and are brought to garbage dumps where they are segregated – e-wastes are carted off to be sold to junk shops which are in turn sold to larger dealers. Sanitary and safety precautions in handling e-wastes are often disregarded. E-wastes such as televisions, computer monitors, light bulbs, cables etc. are sometimes crushed, broken, or burned to make more space or to extract the metals or minerals inside that may be recycled or sold. Injuries that may result from such practices are often not treated properly due to the lack of awareness of the dangers of the chemicals contained in these wastes. Burning of cables also contribute to air pollution and pose additional health hazards to nearby communities.[5]

In the Philippines, e-waste is classified as a special type of waste under the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (RA 6969). The Department on Environment and Natural Resources – Environmental Management Bureau (DENR-EMB) has issued a draft document of the Guidelines on the Environmentally Sound Management (ESM) of Waste Electrical and Electronic Equipment (WEEE) as an extension of RA 6969 which is yet to be approved.

Since the draft guidelines on the ESM of WEEE have yet to be approved, there is presently no law governing the overall management of e-waste from production to disposal. In the previous Congresses, there were two bills that tackled the issue of e-waste.

The first is Senate Bill no. 911(E-waste and Cellular Phones Recycling Act) authored by Sen. Sonny Trillanes which aims to provide a system for the collection, transportation, and recycling of electronic waste, particularly cell phones and other video display devices. The bill is a laudable initiative in improving e-waste management in the country, yet its scope remains limited in the face of the growing e-waste production. Up to this day, the bill is still pending on the Senate Committee on Environmental and Natural Resources.

The other pending bill is House Bill no. 5578 (Ban Toxic Wastes), proposed by Gabriela Women's Party and Bayan MunaPartylist. It seeks to amend RA 6969 in order to strengthen the existing waste management system in the country and align it with international policies such as the Basel Convention. The main feature of the bill related to e-waste is the application of the Extended Producer Responsibility (EPR) for producers not based in the country and the prohibition of e-waste importation.

5Gutierrez, R., & Agarrado, G. (2011). The Vanishing E-Waste of the Philippines. Eco Waste Coalition.

Despite pending legislations and small programs aimed at managing the worsening e-waste problem of the country, extensive initiatives on environmentally sound e-waste management are still lacking and thus perpetuate the lack of awareness and ignorance of the dangers posed by unsafe e-waste management practices.

Given all the premises, its authors strongly urge this House to pass it promptly.

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AN ACTPROMOTING THE ENVIRONMENTALLY SOUND MANAGEMENT OF E-WASTEIN THE PHILIPPINES, AND FOR OTHER PURPOSES

CHAPTER I
DECLARATION OF POLICIES

Section 1. Short title. This Act may be cited as the **E-WASTE MANAGEMENT ACT**.

Section 2. Declaration of Policies. It is enshrined in the Philippine Constitution that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The State therefore adheres to the policy of protecting the environment from further destruction as a vital component to the promotion of the well-being of the Filipino people. An environmentally sound management of waste is necessary in pursuance of this policy. The management of e-waste, a special type of waste, shall likewise be guided by this policy.

The State shall take an active role in ensuring that e-waste management is accomplished in an environmentally sound manner that adheres to the following principles and agreements in which the country is a signatory and has committed compliance:

a. the Basel Convention, which controls the transboundary movement and disposal of hazardous wastes;
b. the principle of "extended producer's responsibility", which places the bulk of the responsibility in e-waste management on producers and/or distributors;

c. the Basel Ban Amendment, which prohibits the transboundary movement of hazardous waste from developed to developing countries.

CHAPTER II
SCOPE AND GENERAL PRINCIPLES

Section 3. Scope. This Act shall cover the management, disposal, recycling, and transboundary movement of e-waste units and all components which are part of the product at the time of recycling, including materials considered as hazardous to the environment or to human health.

Section 4. General Principles. The proper management of e-waste has become a necessity in the modern world due to rapidly developing technology and increasing levels of production and consumption. The special characteristic of e-waste as a composite of distinct materials, which can simultaneously be valuable and/or harmful, complicates the appropriate methods for its disposal and recyclability.

CHAPTER III
DEFINITION OF TERMS

Section 5. Definition of Terms. For the purposes of this Act, the following terms shall mean:

a. "Collector" refers to any person, natural or juridical, who gathers e-waste from institutions and arranges for its delivery to a recycler, and includes informal collectors who collect e-waste units from households;
b. "Consumer" refers to any person, natural or juridical, who use EEE for whatever purpose, especially those institutions which are heavily dependent on EEE, such as computer shops, hotels, and others;
c. "Collection Center" per LGU/provincial level/Provincial Environment and Natural Resources Office (PENRO); chartered cities shall have its own collection centers
d. "Distributor" refers to any person, natural or juridical, who imports EEE from foreign producers and sells it to local companies or persons;
e. "E-waste" refers to old, end-of-life, or discarded appliances that use electricity which have been disposed of by their original users;
f. "Electrical and electronic equipment" or "EEE" refers to equipment that is dependent on electronic or electromagnetic currents in order to function properly, including equipment designed for the generation, transfer, storage, or measurement of such currents;
g. "Extended Producer's Responsibility" or "EPR" refers to the principle where producers and/or distributors are expected to formulate a plan for the treatment or disposal of post-consumer products;
h. "Producer" refers to any person, natural or juridical, who manufactures EEE, and which operates locally, including those who sell to local and foreign companies or persons; (or those who offer to sell imported EEE)

i. "Recycler" refers to any person, natural or juridical, who subjects e-waste to processes to extract raw materials for beneficial use, and for other purposes, and includes recycling plants, junk shops, and other small scale recyclers.

CHAPTER IV
RESPONSIBILITIES

Section 6. Responsibilities of the producers and distributors. Producers and distributors shall have the following responsibilities:

a. Monitor or track their products including the volume of their sales, imports, storage and amount of the products they recycle;
b. Develop a comprehensive e-waste management system which includes the plans for the collection, recycling, and/or treatment of their end-of-life products subject to the approval of the Environmental Management Board;
c. Maintain records of e-waste handled and make such records available to the public;
d. Engage in a service contract with a recycling company that will be in charge in recycling the used and discarded products they have manufactured or sold.
e. Label their EEE products with information about the following –
   i. information on the toxic and hazardous substances contained in their products;
   ii. information on the proper handling and disposal of the EEE; and
   iii. means and mechanisms available for their consumers to return e-waste for recycling.

Section 7. Responsibilities of the National Government. The national government shall have the following responsibilities:

a. Increase the existing taxes or levies on the production, sale and/or distribution of EEE. The taxes collected from EEE production, sale and/or distribution shall be used to finance the e-waste management program;
b. Monitor the compliance of the companies to their responsibilities under the e-waste management program;
c. Direct the local government units (LGUs) to establish facilities for e-waste collection, treatment and disposal;
d. Ban the import of end-of-life EEEs including those covered by the provisions of the treaties/international agreements that may come in conflict with this bill once it is implemented; and
e. Provide conditions and incentives that will encourage EEE consumers to recycle e-waste especially bulk consumers or those who require the use of EEEs in their small-scale business operations such as laundry shops, computer shops, etc.

Section 8. Responsibilities of Local Government. The local government shall have the following responsibilities:

a. The local government units shall be responsible for the management of e-waste in their respective areas;
b. Launch awareness campaigns to educate consumers on the dangers of improper e-waste handling and management;
c. Establish e-waste collection centers; and
d. Implement capacity-building programs for small-scale collectors and recyclers that will help their business operations efficient and safer.

Section 9. Responsibilities of Recyclers. Recyclers shall have the following responsibilities:

a. Register in the Department of Environment and Natural Resources and comply to the standards the latter shall set; and
b. Establish environmentally sound recycling facilities.

Section 10. Responsibilities of Consumers. Consumers shall have the following responsibilities:

a. Ensure that their e-waste is channelled to the designated collection center in their area or to a registered recycler.

CHAPTER V
RECYCLER'S REGISTRATION PROGRAM

Section 11. Prohibition of importation of products that have reached 'end-of-life'. The importation of electrical and electronic products that have reached the 'end-of-life' is prohibited. The importers of such products shall issue a certification that their goods have not yet reached the 'end-of-life' and such certification shall form part of their importation documents to be submitted to the Bureau of Customs and the Department of Trade and Industry.

CHAPTER VI
VIOLATIONS

Section 12. Prohibited Acts. The following acts and omissions shall be considered unlawful:
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.

In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who shall consent to or shall 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.

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 this Act. If the offender is a foreigner, he or she shall be deported and barred from any subsequent entry into the Philippines after serving his or her sentence.

CHAPTER VII

PENALTIES AND FINES

Section 13. Administrative Fines. In all cases of violations of this Act, including violations of implementing rules and regulations which have been duly promulgated and published in accordance with Section 12 of this Act, the Secretary of the Department of Environment and Natural Resources is hereby authorized to impose a fine of not less than Fifteen Thousand Pesos (P15,000) but not more than Seventy-five Thousand Pesos (P75,000) upon any person found guilty thereof. If the violator is a company with a capital of above Five Hundred Thousand Pesos (P500,000), the fine shall not be less than Seventy-five Thousand (P75,000) but not more than Three Hundred Thousand Pesos (P300,000). The administrative fines imposed and collected by the Department of Environment and Natural Resources shall accrue to a special fund to be administered by the Department exclusively for projects and research activities related to improving the control and management of toxic substances and hazardous wastes.

Section 14.Appropriation. Such amount as may be necessary to implement the provisions of this Act is hereby annually appropriated and included in the budget of the Department of Environment and Natural Resources.

Section 15.Separability Clause. If any provision of this Act is declared void or unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

Section 16.Repealing Clause. All laws, presidential decrees, executive orders and issuances, and rules and regulations which are inconsistent with this Act are hereby repealed or modified accordingly.

Section 17. Effectivity. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in any newspaper of general circulation.