







RA 9003



The Ecological Management (R.A. 9003)

Solid Waste

Act of 2000

IMPLICATIONS TO LOCAL GOVERNMENT UNITS, WOMEN and SMALL BUSINESS ESTABLISHMENTS



Environmental Management Bureau Department of Environment and Natural Resources www.emb.gov.ph







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RA 9003





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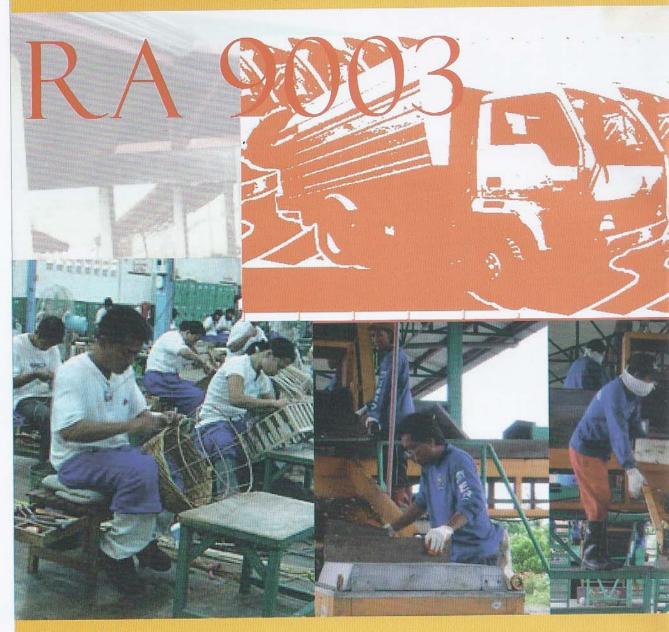
## Role of the State

Republic Act 9003 declares that the State has the responsibility to adopt a systematic, comprehensive and ecological solid waste management (SWM) program. To summarize this policy, the State has the a following tasks:



- 1.) Protection of public health and environment;
- 2.) Utilization, conservation and recovery of valuable resources;
- 3.) Waste avoidance and volume reduction at source;
- 4.) Adoption of environmental management practices;
- Conduct of national research & development on improved solid waste management and resource conservation techniques;
- Encouragement of private and public sector participation in solid waste management;
- 7.) Enforcement and responsibility for solid waste management with LGUs, NGOs and the private sector: and
- Integration of ecological waste management into the academic curricula to promote environmental protection awareness.





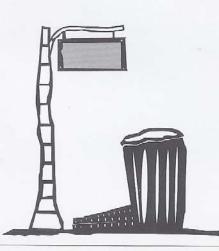
### Role of Business& Industry

Under RA 9003, commercial and industrial establishments shall be encouraged, through appropriate incentives other than tax incentives:

- to initiate, participate and invest in integrated ecological SWM projects;
- to manufacture environment-friendly products;
- to introduce, develop and adopt innovative processes; and
- to undertake community activities to promote and propagate effective SWM practice

# Institutional Mechanism for Implementing Solid Waste Management (SWM)





Implementing Ecological Solid Waste Management in the country shall have the following chain of institutional mechanism:

National SWM Commission



Provincial SWM Board



City/Municipal SWM Board



Barangay SWM Committee

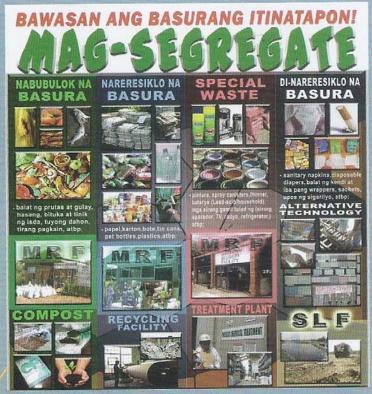
#### The National Solid Waste Management Commission,

herein referred to as the **Commission**, shall oversee the implementation of solid waste management plans and among others, shall coordinate the operation of local solid waste management boards in the provincial and city/municipal levels and to provide technical and marketing assistance to the LGUs for materials that are diverted from disposal facilities through re-use, recycling, and composting, and other environment-friendly methods.

The Commission is attached under the Office of the President and shall be composed of fourteen (14) members from the government sector and three members from the private sector. The government sector shall be represented by the heads of the following agencies in their ex-officio capacity: (1) Department of Environment and Natural Resources (DENR); (2) Department of Interior and Local Government (DILG); (3) Department of Science and Technology (DOST); (4) Department of Public Works and Highways (DPWH); (5) Department of Health (DOH); (6) Department of Trade and Industry (DTI); (7) Department of Agriculture (DA); (8) Metro Manila Development Authority (MMDA); (9) League of Provinces; (10) League of Cities; (11) League of Municipalities; (12) Liga ng mga Barangay; (13) Technical Education and Skills Development Authority (TESDA); and (14) Philippine Information Agency.

The private sector shall be represented by the following: (1) A representative from non-government organizations (NGOs) whose principal purpose is to promote recycling and the protection of air and water quality; (2) A representative from the recycling industry; and (3) A representative from the manufacturing or packaging industry.







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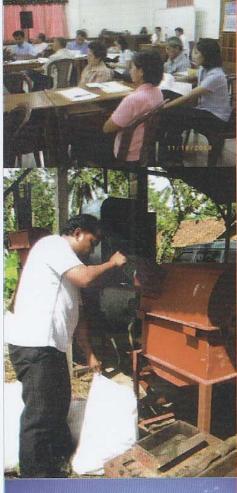
#### The Solid Waste Management Board,

to be established in every province, city or municipality, is chaired either by the governor, city/municipal mayor. The province, city or municipality, through its **local solid waste management board**, shall prepare its respective 10-year solid waste management plans for the re-use, recycling and composting of wastes generated in their respective jurisdictions.

Segregation and collection of solid waste shall be conducted at the *barangay* level, specifically for biodegradable, compostable and reusable wastes. Collection of non-recycable materials and special wastes, however, shall be the responsibility of the municipality or city.

Pursuant to the Local Government Code, all provinces, cities, municipalities and barangays, through appropriate ordinances, are mandated to consolidate, or coordinate their efforts, services, and resources for purposely or jointly addressing common solid waste management problems and/or establishing common waste disposal facilities.







# National

The National Ecology Center (NEC), which is under the Commission, is headed by the Director of the DENR's Environmental Management Bureau (EMB), in his ex-officio capacity.

Regional Ecology Centers (RECs) will also be established headed by EMB Regional Directors, in their ex-officio capacity. The NEC shall maintain a multi-sectoral, multi-disciplinary pool of experts including those from academe, inventors, practicing professionals, business and industry, youth, women and other concerned sectors, who shall be screened according to qualifications set by the Commission.

The Ecology Centers shall provide technical expertise, information, training and networking services for the implementation of the provisions of the Act. Specifically, their tasks are to:

(A) Facilitate training and education in integrated ecological solid waste management through the following:

1. Formulation of training programs for LGUs and private sector on the proper management of sold wastes;

2. Development of training programs on the technical operations of solid waste management facilities;

3. Formulation of training programs for deputized enforcers and implementers

 Development of an accreditation and certification system for the conduct and holding of training programs on solid waste management; and

5. In collaboration with the Department of Education (DepEd), develop an education program that will promote an effective solid waste management system.

# Ecology Center

(B) Establish and manage a comprehensive solid waste management information database and dissemination system in collaboration with the Department of Trade and Industry (DTI) on the following areas:

1. Solid waste generation and management techniques as well as the management, technical and operational approaches to resource recovery;

2. Provision on list of materials being recycled or brought by them and their respective prices;

3. On cleaner production/cleaner technologies that promote efficient solid waste management.

- (C) Promote the development of a recycling market through the establishment of national recycling network that will enhance the opportunity for recycling;
- (D) Act as the hub for networking of LGUs, NGOs and industry on voluntary compliance of the pertinent provisions of the Ecological Solid Waste Management Act;
- (E) Provide or facilitate expert assistance in pilot modeling of solid waste management facilities including technologies and techniques for effective solid waste management;
- (F) Develop, test and disseminate model waste minimization and reduction auditing procedures for evaluation options; and
- (G) Act as the clearinghouse for cleaner production/cleaner technologies on solid waste management.

The Ecology Centers shall give primary considerations of making all the information generated, collected, recorded and stored accessible to the general public. Said information shall include data for solid waste management plans, the National Framework, the National Status Report and all other relevant information necessary to ecological solid waste management.

NEC



### Solid Waste Management Hierarchy of Responsibilities, Partnerships, and Preferred Options

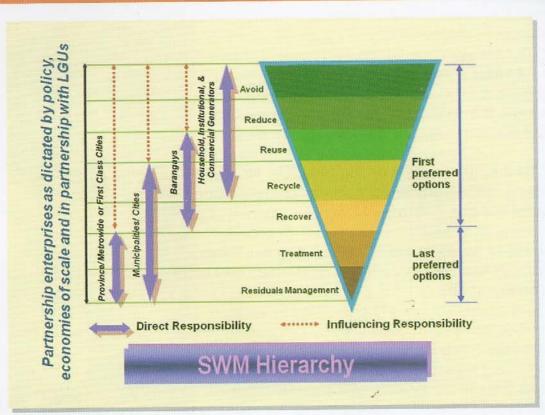


Fig. 1. Solid Waste Management Hierarchy of Responsibilities, Partnerships and Preferred Options

The above illustration shows that households, commercial establishments, and barangays, have direct responsibility over solid waste management from direct sources. The most preferred options for SWM, which are avoidance, reduction, re-use, and recycling of wastes are direct responsibilities of households, business establishments, and barangays. However, the provinces and first class cities have larger spheres of influence in implementing solid waste management. The options for SWM which are entrusted to them are the last set of preferred SWM options, namely recovery, treatment and residual management.

Below is an illustration of the SWM System prescribed under

## RA 9003:

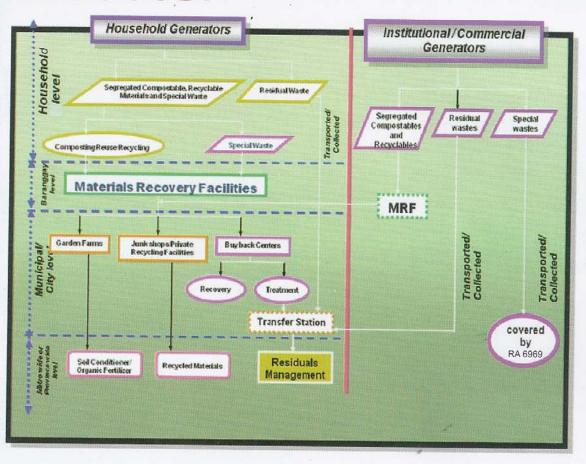


Fig. 2. SWM System Prescribed under RA 9003



# Mandatory Requirement for Households, Business Establishments

and LGUs under

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Section 21of RA 9003 states that segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources. Wastes shall be segregated using the following guidelines: for premises containing six (6) or more residential units, the local government unit shall promulgate regulations requiring the owner or person in charge of such premises to:

A. Provide the residents a designated area and containers in which to accumulate source separated recyclable materials to be collected by the municipality or private center; and

B. Notify the occupants of such building of the requirements of this Act and the regulations promulgated pursuant thereto.



## 2. Segregated Collection

Section 22 of RA 9003 provides that the following shall be the minimum standards and requirements for segregation and storage of solid waste pending collection:

A. There shall be separate container for each type of waste from all sources, provided that in the case of bulky waste, it will suffice that the same be collected and placed in a separate and designated area; and

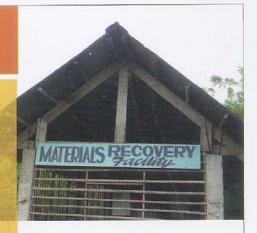
B. The solid waste container depending on its use shall be properly marked or identified for on-site collection as "compostable", "non-recyclable", "recyclable" or "special waste", or any other classification as may be determined by the Commission.



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## 3. Establishment of Material Recovery Facilities

Section 32 of RA 9003 stipulates that there shall be established Materials Recovery Facilities (MRF) in every barangay or cluster of barangays. The facility shall be established in a barangay-owned or leased land or any suitable open space to be determined by the barangay through its Sanggiunian. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.





## 4. Recycling

Section 26-30 of RA 9003 specify details on the recycling program. The DTI, in cooperation with the DENR, the DILG and other concerned agencies and sectors, shall publish a study of existing markets for processing and purchasing recyclable materials and potential steps necessary to expand these markets. Such study includes, but not limited to, an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal, developed in conjunction with the appropriate agencies, to stimulate the demand for the production of products containing post-consumer and recovered materials.

In addition, the DTI shall formulate and implement a coding system for packaging materials and products to facilitate waste and recycling and re-use.

Furthermore, the National Ecology Center shall assist LGUs in establishing and implementing deposit or reclamation programs in coordination with the manufacturers, recyclers and generators to provide separate collection system or convenient drop-off locations for recyclable materials and particularly for separated toxic components of the waste stream like dry cell batteries and tires. This is to ensure that they are not incinerated or disposed of in a landfill. Toxic materials present in the waste stream should be separated at source, collected separately and further screened and sent to appropriate hazardous waste treatment and disposal plants, consistent with the provisions of R.A. No. 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act.

# 5. Establishment of Multi-Purpose Environment Cooperatives or Association in Every Local Government Unit

Sec. 13 of RA 9003 states that the multi-purpose cooperatives and associations that shall undertake activities to promote the implementation and/or directly undertake projects in compliance with the provisions of this Act shall be encouraged and promoted in every LGU.



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# 6. Establishment of Mandatory Solid Waste Diversion

Sec. 20 of RA 9003 mandates that each LGU plan shall include an implementation schedule. This shows that the LGU shall divert at least 25% of all solid wastes from waste disposal facilities through re-use, recycling and composting and other resource recovery activities and that the waste diversion goals shall be increased every 3 years thereafter. It is understood, however, that nothing prohibits a local government unit from implementing re-use, recycling, and composting activities designed to exceed the goal.

## 7. Creation of Solid Waste Management Fund

Sec. 46 of RA 9003 states that a special account in the National Treasury is to be created for a Solid Waste Management Fund to be administered by the Commission. Such fund shall be sourced from the following:



- (A) Fines and penalties imposed, proceeds of permits and licenses issued by the DENR under this Act, donations, endowments, grants and contributions from domestic and foreign sources; and
- (B) Amounts specifically appropriated for the Fund under the General Appropriation Act.

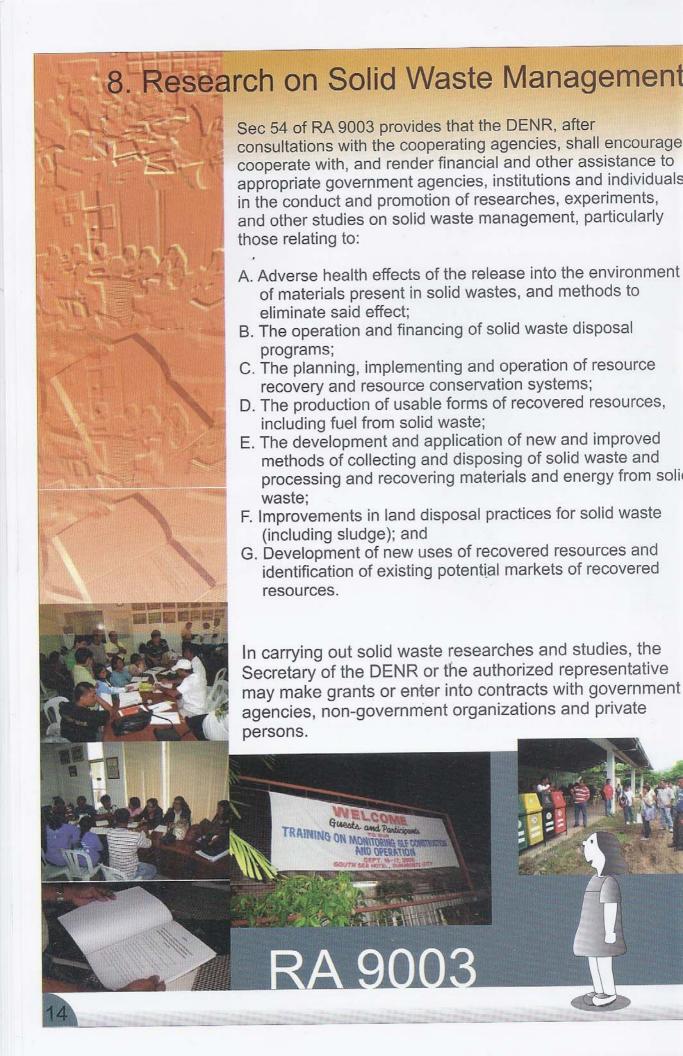
The Fund shall be used to finance the following:

- Products, facilities, technologies and processes to enhance proper solid waste management;
- 2.) Awards and incentives;
- Research programs;
- 4.) Information, education, communication and monitoring activities;
- 5.) Technical assistance; and
- 6.) Capability building activities



LGUs are entitled to avail of the Fund on the basis of their approved solid waste management plan. Specific criteria for the availment of the Fund shall be prepared by the Commission.

The fines collected under Sec. 49 of RA 9003 shall be allocated to the LGU where the fined prohibited acts are committed in order to finance the solid waste management of said LGU. Such allocation shall be based on sharing scheme between the Fund and the LGU concerned. In no case, however, shall the Fund be used for the creation of positions or payment of salaries and wages.





### Conduct of Public Education and Information



Sec. 55 of RA 9003 stipulates that the Commission shall, in coordination with DepEd, TESDA, CHED, DILG and PIA, conduct a continuing education and information campaign on solid waste management. Such education and information program shall:

- (A) Aim to develop public awareness on the ill effects and the community-based solutions on solid waste problems;
- (B) Concentrate on activities which are feasible and which will have the greatest impact on the solid waste problem of the country, like resource conservation and recovery, recycling, segregation at source, re-use, reduction, and composting of solid waste; and
- (C) Encourage the general public, accredited NGOs and people's organizations to publicly endorse and patronize environmentally acceptable products and packaging materials.



### Environmental Education in the Formal and Non-formal Sectors

Sec. 56 of RA 9003 states that the national government, through the DepEd and in coordination with concerned government agencies, NGOs and private institutions, shall strengthen the integration of environmental concerns in school curricula at all levels, with particular emphasis on the theory and practice of waste management principles like waste minimization, specifically resource conservation and recovery, segregation at source, reduction, recycling, re-use, and composting, in order to promote environmental awareness and action among the citizenry.

# PROHIBITED ACTS



### 1. Section 48 of RA 9003 prohibits the following:

- Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, canals, "esteros" or parks, and establishments (fine: P300 - P1,000)
- Causing or permitting the collection of non-segregated wastes (fine: P1,000 P3,000)
- Establishment or operation of dumps (fine: P50,000 + 5 10% of net annual income)
- Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than centers or facilities prescribed in the Act (fine: P10,000 - P200,000)
- Manufacture, distribution or use of Non-Environmentally Acceptable packaging materials (fine: P5,000 + 5 - 10% of net annual income)
- Importation of consumer products packaged in NEA materials (fine: P5,000 + 5 10% of net annual income)
- Mixing of source-separated recyclable materials with other solid waste (fine: P5,000 + 5 10% of net annual income)
- Importation of toxic wastes misrepresented as "recyclable" or "with recyclable content" (fine: P10,000 P200,000)

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# Prohibition against the Use of Dumps for Solid Waste

Sec. 37 of RA 9003 states that no open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs which constitute the use of open dumps for solid waste, be allowed. RA 9003 further states that every LGU shall convert its open dumps into / controlled dumps, in accordance with the guidelines set in Sections 39 and 40 on sanitary landfill in accordance to Sec. 41 of this Act.



# PROHIBITED ACTS



2. Non-environmentally acceptable products. The Commission shall, after public notice and hearing, prepare a list of non-environmentally acceptable products as defined in this Act, which shall be prohibited according to a schedule that shall be prepared by the Commission, provided that the non-environmentally acceptable products shall not be prohibited unless the Commission first finds that there are alternatives available to consumers at no more than ten percent (10%) greater cost than the disposable product.

Notwithstanding any other provisions to the contrary, this section shall not apply to:

 Packaging used at hospitals, nursing homes or other medical facilities; and

 Any packaging which is not environmentally acceptable, but for which there is no commercially available alternatives as determined by the Commission.

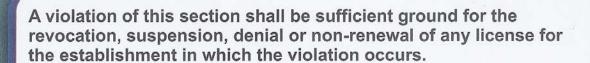
The Commission shall annually review and update the list of prohibited non-environmentally acceptable products.

## PROHIBITED ACTS

3. Prohibition on the Use of Non-Environmentally Acceptable Packaging. Section 30 of RA 9003 prohibits any person who owns, operates or conducts a commercial establishment in the country from selling or conveying at retail or from possessing with the intent to sell or convey at retail, any products that are placed, wrapped or packaged in or on packaging which is not environmentally acceptable packaging.

The Commission shall, however, determine a phase-out period after proper consultation and hearing with the stakeholders or with the sectors concerned. The presence in the commercial establishment of non-environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey the same at retail to costumers.

Any person who is a manufacturer, broker, or warehouse operator engaging in the distribution or transportation of commercial products within the country shall file a report with the concerned local government and annually thereafter, a listing of any product in packaging which is not environmentally acceptable. The Commission shall prescribe the form of such report in its regulation.



#### Citizen Suits

Section 52 of RA 9003 states that any citizen may file an appropriate civil, criminal or administrative action against:

- 1. Any person who violates or fails to comply with the provisions of the Act or its implementing Rules and Regulations;
- 2. The DENR or other implementing agencies with respect to orders, rules and regulations issued; or
- 3. Any public officer who willfully or grossly neglects the performance of an act.

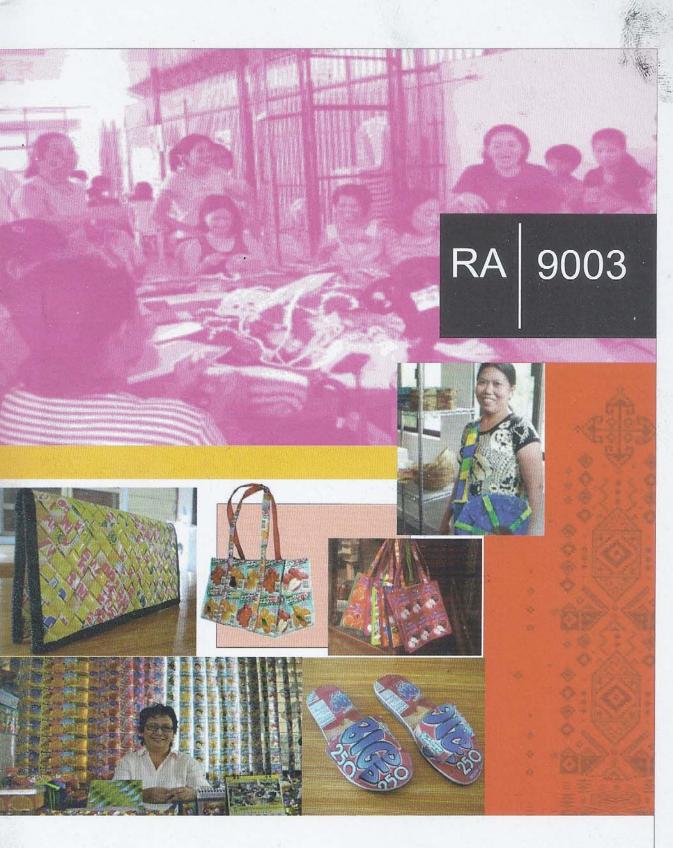
No suit can be filed until after the 30-day notice has been given to the alleged violator.



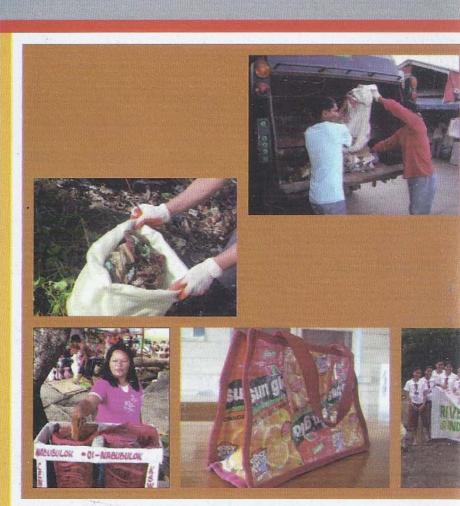
Gender Aspects of the Ecological Solid Waste Management Act
Several provisions of RA 9003 can be interpreted as keenly linked with the
strategic role of women in solid waste management.

- Gender-aware policy. The law aims to protect the health of both men and women from harmful effects of pollution due to solid wastes dumped either in water bodies or in public places such as roads, parks and sidewalks. Women, however are more exposed to harmful environment due to their daily household tasks or gathering of materials for their small businesses, if there are any.
- Consideration of daily tasks. Households, commercial establishments, and even barangays, have direct responsibility over solid waste management from direct sources. Since women have closer proximity to unsafe water considering their daily household chores, and a general exposure to a changing and unsafe environment such as in the collection of firewood for fuel and raw materials in small businesses like handicrafts, they may have to consider seriously their primary responsibility to maintain a safe environment by considering reduction or avoidance of wastes in homes and business operation, re-use and recycling of valuable products from wastes. These are the most preferred options for SWM, as stated in the Ecological Solid Waste Management Act.
- Participation of women in community solid waste management.

  Barangay leaders should consider the active involvement of women residents in the village in the establishment and management of the Materials Recovery Facility and in the SWM Program of the barangay in general, since women are more knowledgeable about the wastes generated from their own households and business establishments in their daily tasks. Women may be involved in community projects that produce environment-friendly products, in introducing effective and innovative SWM practices.
- Encouraging the participation of women in decision-making. The barangay should involve and consult women when making barangay ordinances pertaining to SWM. Encourage them to sit in SWM governing boards.



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ENVIRONMENTAL MANAGEMENT BUREAU

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