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Ecological Solid Waste Management Act: Environmental Protection Through Proper Solid Waste Practices¹

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Introduction

Waste mismanagement has serious environmental effects making the passage of the Republic Act (RA) 9003 or the Ecological Solid Waste Management Act of 2000 a landmark environmental legislation in the Philippines. The law was crafted in response to the looming garbage problems in the country. RA 9003 declares the policy of the state in adopting a systematic, comprehensive and ecological solid waste management program that ensures the protection of public health and the environment and the proper segregation, collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of best environmental practices. Moreover, it illustrates the potentials and benefits of recycling not only in addressing waste management problems but also in alleviating poverty.

RA 9003 was passed by the Philippine Congress on December 20, 2000 and was subsequently approved by the Office of the President on January 26, 2001. It contains seven (7) chapters subdivided into 66 sections setting out policy direction for an effective solid waste management program in the country.

Ecological Solid Waste Management Act of 2000

¹ A short policy paper submitted to the Food and Fertilizer Technology Center (FFTC) for the project titled "Asia-Pacific Information Platform in Agricultural Policy". Short policy papers, as corollary outputs of the project, describe pertinent Philippine laws and regulations on agriculture, aquatic and natural resources.

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RA 9003 describes solid waste management as a discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes. The manner by which these activities are conducted shall be in accord with the best principles of public health, economics, engineering, conservation, aesthetics, other environmental considerations, and public attitudes. The Act provides for a comprehensive ecological solid waste management program by creating the necessary institutional mechanisms and incentives, appropriating funds, declaring certain acts prohibited, and providing penalties.

Institutional Mechanism

The establishment of a National Solid Waste Management Commission (NSWMC) and Solid Waste Management Board (SWMB) in each local government unit (LGU) is mandated by RA 9003 to be represented by public officials, in their ex-officio capacity, and the private sector. The Commission shall serve as the coordinating body and likewise develop and implement the National Solid Waste Management Framework. The SWMB, on the other hand, is directed to formulate a 10-year local Ecological Solid Waste Management Plans instituting an effective and sustainable solid waste management plan with primary emphasis on implementation of all feasible re-use, recycling and composting programs. This is pursuant to relevant provisions under RA 7160 or the Local Government Code.

Comprehensive Solid Waste Management

Waste Characterization and Segregation. The solid waste generated within the area of jurisdiction shall be characterized for initial source reduction and recycling element of the local waste management plan. A separate container is required for each type of waste for on-site collection properly marked as “compostable”, “non-recyclable”, “recyclable” or “special waste”. Waste segregation shall primarily be conducted at the source including household, commercial, industrial and agricultural sources.

Source Reduction. This refers to the methods by which the LGUs can reduce a sufficient amount of solid waste disposed within five (5) years. LGUs are expected to divert at least 25% of all solid waste from waste disposal facilities through re-use, recycling and composting activities. The rate of waste diversion is set to increase every three (3) years.

Collection and Transport of Solid Waste. The geographic subdivisions are taken into account in the coverage of the solid waste collection area in every barangay ensuring 100% collection efficiency within 24 hours from all sources. The plan shall define and identify specific strategies and activities taking into account the availability and provision of properly designed containers in selected collection points while awaiting collection and transfer, segregation of different types of waste, hauling and transfer of solid waste from collection points to final disposal sites, issuance and enforcement of ordinances for effective implementation, and provision of properly trained officers and workers. All personnel directly dealing with collection of solid waste must be equipped with personal protective gears for their protection.

Recycling Program. The Department of Trade and Industry (DTI), in coordination with other concerned agencies, is directed to publish an inventory of existing markets for recyclable materials, product standards for recyclable and recycled materials, and a proposal to stimulate demand for the production of recycled materials and products. Moreover, a coding system for eco-labeling is expected from DTI. Non-environmentally acceptable products shall be allowed within one (1) year after public notice as alternatives available to consumers but at cost not exceeding ten (10) percent of the disposable product. The use of non-environmentally acceptable packaging is strictly prohibited by the Act.

LGUs are mandated to establish Materials Recovery Facility (MRF) in each barangay or cluster of barangays designed to receive, sort, process and store compostable and recyclable materials efficiently. The residual wastes shall then be transferred to a long-term storage or disposal facility or sanitary landfill. All solid waste disposal facilities or sites in the country shall be published by the Department of Natural Environment and Natural Resources (DENR). No open dumps nor any practice or disposal of solid waste that constitutes open dumps for solid waste shall be allowed. The Act further provides for conversion of existing open dumps to controlled dumps within three (3) years.

Composting. The Department of Agriculture (DA) shall publish an inventory of existing markets and demands for composts that is updated annually. These composts intended for commercial distribution should conform to the standards set by the DA for organic fertilizers.

Local Government Solid Waste Management

To encourage and facilitate the development of local plans, NSWMC is mandated to publish guidelines for identification of areas with common waste management problems and appropriate units for clustering solid waste management services. This is to reinforce provisions of the Local Government Code for all provinces, cities, municipalities and barangays to consolidate or coordinate efforts, services and resources to establish common waste treatment and disposal facilities.

Incentive Scheme

An incentive scheme, pursuant to Omnibus Investment Code, is provided by the Act to encourage participation of individuals, private organizations and entities, including non-government organizations, in developing outstanding and innovative projects, technologies, processes and techniques or activities in re-use, recycling and reduction. This includes 10-year tax and duty exemption on imported capital equipment, vehicles, legacies, gifts and donations used for collection of solid waste and tax credit equivalent to 50% of the national internal revenue taxes and custom duties. Non-fiscal incentives are granted to businesses and industries engaged in recycling of waste in the form of simplified procedures for importation of equipment, spare parts, new materials and supplies, and for the export of processed products.

Other forms of incentives include extension of financial services to individuals, enterprises or private entities engaged in solid waste management and grant entitlement to outstanding LGUs. Those LGUs who host common waste management facilities can likewise receive incentives.

Penal Provisions

Chapter 6 provides a comprehensive list of prohibited acts including: (1) littering, throwing, dumping of waste matters in public places; (2) undertaking activities in violation of sanitation operation; (3) open burning of solid waste; (4) causing non-segregated waste; (5) squatting in

open dumps and landfills; (6) open dumping, burying of biodegradable materials in flood-prone areas; (7) unauthorized removal of recyclable material; (8) mixing of source-separated recyclable material with other solid waste; (9) establishment or operation of open-dumps; (10) manufacturing, distributing, using, and importing consumer products that are non-environmentally-friendly materials; (11) importing toxic wastes misrepresented as “recyclable” or “with recyclable content”; (12) transporting and dumping in bulk in areas other than facility centers; (13) site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate and not conforming with the land use plan of LGUs; (14) construction of establishment within 200 meters from dump sites or sanitary landfills; and (15) operation of waste disposal facility on any aquifer, groundwater reservoir or watershed area.

Financing Solid Waste Management

The Act provided a special account in the National Treasury called the Solid Waste Management Fund. This will be sourced from fines and penalties imposed, proceeds of permits and licenses, donations, endowments, grants and contributions and amount allocated under the annual General Appropriations Act. The Fund will be utilized to finance products, facilities, technologies, and processes that would enhance proper solid waste management; awards and incentives; research programs; information, education, communication and monitoring activities; technical assistance; and capability building activities.

Conclusion

Human activities contribute significantly in waste management. Recognizing the effects of improper management, garbage crisis can be prevented by practicing waste characterization and segregation at source, proper collection and transfer, recycling, and composting as mandated by the law.

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