

Country Update and Response to Plastic Amendment

PHILIPPINES

GERI-GERONIMO R. SAÑEZ

Chief, Hazardous Waste Management Section
Environmental Quality Management Division
Environmental Management Bureau



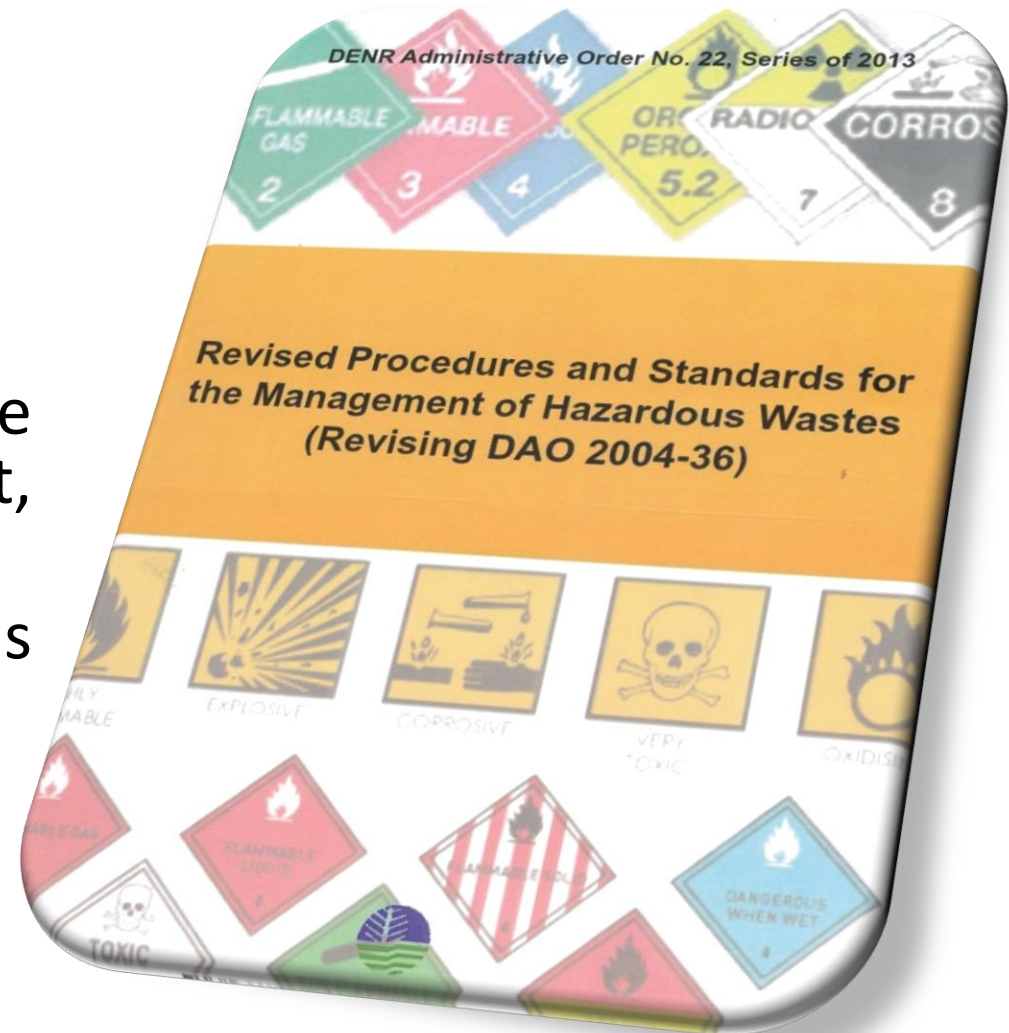
The Environmental Management Bureau (EMB) - Department of Environment and Natural Resources (DENR)

- Formulate, implement and enforce environmental policies, rules and regulations;
- Advise the DENR Secretary on matters relating to environmental management;
- Issue permits/clearances under the different environmental laws and monitor compliance to the said laws ;
- Act as Focal Point or Authority to the various Multilateral Environmental Agreements/Conventions such as Stockholm, Rotterdam, Basel, Minamata Convention, SAICM, among others

DAO 2013-22

- classification of hazardous wastes
- registration of hazardous waste generators, transporters, treatment, storage and disposal (TSD) facilities
- importation of recyclable materials containing hazardous substances
- export of hazardous wastes

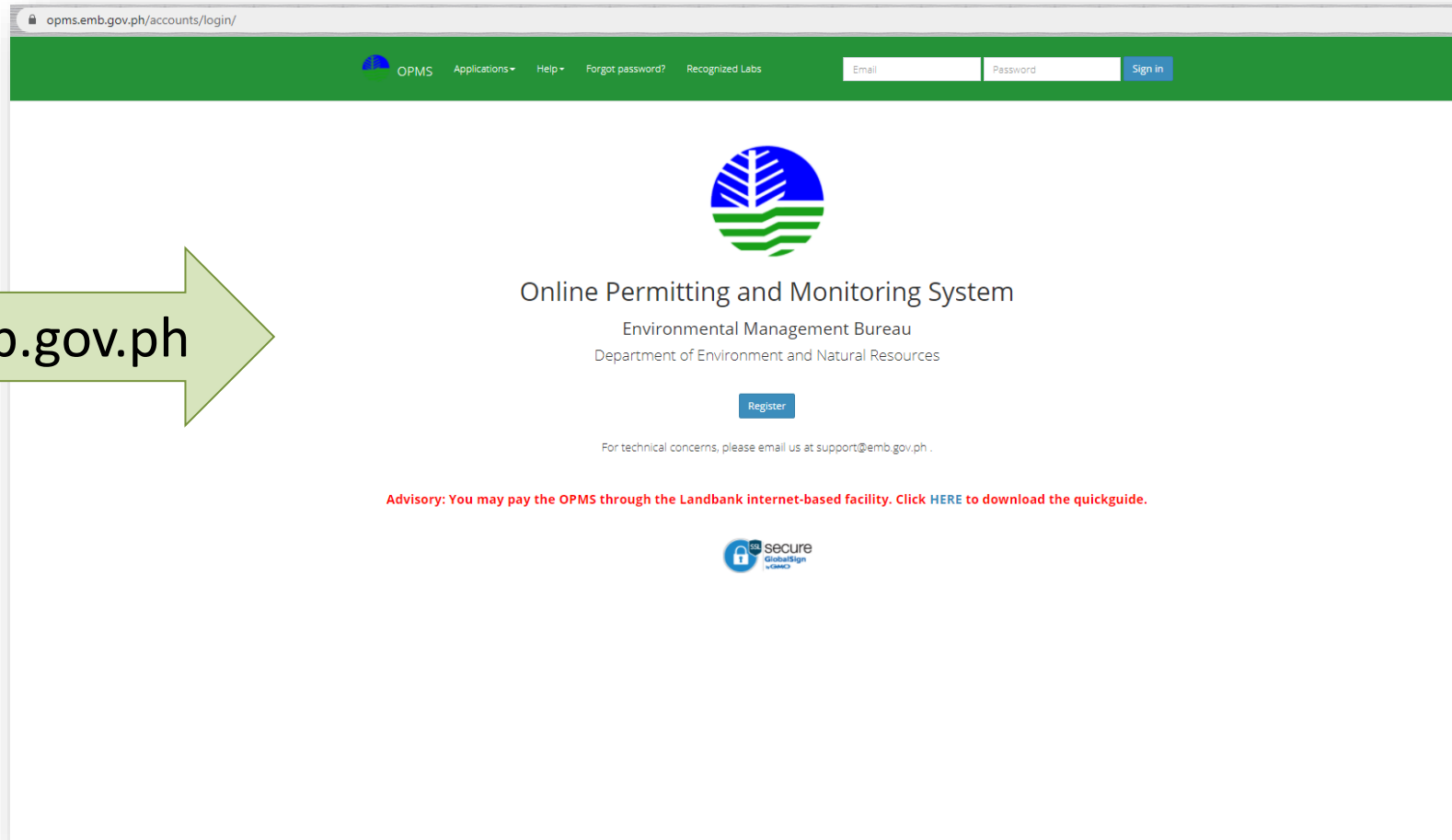
**currently being amended*



LIST OF RECYCLABLE MATERIALS CONTAINING HAZARDOUS SUBSTANCES THAT MAY BE IMPORTED:

- Electronic assemblies and scraps
- Scrap metals (Lead acid batteries & metal bearing sludge)
- Solid plastic materials
- Used oil
- Fly ash

Online Permitting and Monitoring System (OPMS) Importation Clearance Application



opms.emb.gov.ph

Export Clearance (EC)

- Hazardous wastes such as WEEE are allowed to be exported for recovery, treatment and final disposal to countries which are parties to the Basel Convention or to countries with existing bilateral, multilateral and regional agreements.

**Online application for EC is under development.*

Type of Material	Registered Importers	Quantity
Electronic assemblies and scraps	42	358,550 pcs (Secondhand EEE for reselling)
		2,000 MT (printed circuit boards)
Scrap metals	25	325,663 MT
Solid plastic materials	19	37,350 MT
Used oil	2	2,000 MT
Fly ash	4	109,000 MT

Newly Issued Policy:

- **DENR 2021-14: Amendment on Some Provisions of DAO 2010-06: Guidelines on the Use of Alternative Fuels and Raw Materials in Cement Kilns**

Sections 2: “...waste materials not acceptable for co-processing:

...

2) ALL WEE or e-wastes except dismantled and segregated PBDE-containing plastic waste as defined in Section 3.

3) Unsegregated municipal solid wastes except those segregated at source and/or at any intermediate collection, consolidation and/or sorting station...”

Effectivity: 19 September 2021

Proposed Policies:

- **Amendment to DENR Administrative Order (DAO) 2013-22 entitled “Revised Procedures and Standards for the Management of Hazardous Wastes”**

Proposed amendments:

- The importation of wastes or other forms of garbage to be used as alternative fuel are prohibited.
- Recovered papers are excluded from the ban on waste and recyclable materials.
- Only recycling and cement co-processing facilities are allowed to register as Importer of secondary raw (recyclable) materials.
- Importation of “Neutralized Phosphogypsum” (or synthetic gypsum) to be used as retarder in cement production is not regulated under RA 6969.
- Export of recyclable materials containing hazardous substances specifically used lead-acid batteries (ULABs) and used or waste (industrial and vegetable) oil shall not be allowed.

Target: March 2022

Proposed Policies:

- **Guidelines on the Environmentally Sound Management of WEEE**

Proposed amendments:

- Enhance the definition to distinguish waste EEE from used or second-hand EEE
- Allow importation of used or second-hand EEE for repair and refurbishment purposes

Target: March 2022

Response to Plastic Amendment

Current situation in response to the plastic amendment:

- Our current regulation, the importation of Solid Plastic Materials (or scrap plastic) is regulated in the Philippines and requires an Importation Clearance from our office. However, notification/prior-informed consent is not required or waived.
- We still support Norway's proposal to reclassify solid plastics from Annex IX (non-hazardous waste) to Annex II (wastes that require special consideration) of the Basel Convention, which, in effect, would require exporting countries to obtain prior-informed consent (PIC) from transit and importing countries prior to the transboundary movement of scrap plastics can commence.

Challenges in the local implementation of the plastic amendment:

- Difficult to interpret the terminology of the Annexes
- The possibility of misdeclaration is high. Although controls (laws) are in place, there are some difficulties on its enforcement. For example, our difficulty of ensuring that the Solid Plastic Materials already arrived at the port are compliant with the limiting conditions (homogeneous/unmixed and free from contamination of any hazardous substances) stipulated in our domestic law/regulation.

How the challenges are being addressed:

- Submitted documents are carefully evaluated. Recycling facilities are continuously monitored.
- With the implementation of prior-informed consent, importation of misdeclaration wastes or noncompliance to the limiting conditions will be avoided or minimized.

Interpretation/ Definition of terms in Annex II (Y48) and Annex IX (B311)

- **(a) almost free from contamination and other types of wastes**

In the Philippines, importation of Solid Plastic Materials (SPMs) has a condition that the material should be homogenous and not contaminated with any types of hazardous wastes listed in our domestic law/regulation (DENR Administrative Order 2013-22). Further, the term used in the said policy is “Solid Plastic Materials” instead of “plastic wastes”.

Interpretation/ Definition of terms in Annex II (Y48) and Annex IX (B311)

- **(b) almost exclusively consisting of.....**

This means that the importation of Solid Plastic Materials (SPMs) should only contain one (1) type of plastic and should not be mixed with other types of recyclable material or waste.

Interpretation/ Definition of terms in Annex II (Y48) and Annex IX (B311)

- (c) destined for recycling in an environmentally sound manner

This does not include export for final disposal and there should be significant recoverable materials to ascertain its recyclability. Recycling facilities are compliant to environmental laws of respective countries.

All imported Solid Plastic Materials (SPMs) are destined for recycling (i.e. extrusion and pelletizing). A big percentage of plastic products in the country come from recycled plastics. The Environmental Management Bureau (EMB) monitors and inspects the companies or entities that intend to import (SPMs) as their secondary raw material. Importers' facilities are required to be inspected to determine their capability and capacity to process and recycle the SPM and validate their compliances with the existing local environmental laws/regulations.

a) Case of PET



Y48 B3011 case-by-case



Y48 B3011 case-by-case



Y48 B3011 case-by-case

b) Plastic wastes that were generated from the process other than product manufacturing



Y48 B3011 case-by-case



Y48 B3011 case-by-case



Y48 B3011 case-by-case



Y48 B3011 case-by-case

c) Plastics derived from used electrical and electronic equipment or E-waste



Y48 B3011 case-by-case



Y48 B3011 case-by-case



Y48 B3011 case-by-case





Y48 B3011 case-by-case

d) Other cases

 <p>(Pre-consumer plastic that can be used as raw material)</p>	 <p>(Non-visible contents of compressed pre-consumer plastic that can be used as raw material)</p>
<p><input type="checkbox"/> Y48 <input type="checkbox"/> B3011 <input checked="" type="checkbox"/> case-by-case</p>	<p><input type="checkbox"/> Y48 <input type="checkbox"/> B3011 <input checked="" type="checkbox"/> case-by-case</p>
 <p>(<u>offcut</u> or punchout generated from production process, single type plastic and single color)</p>	 <p>PVC cable (shredded)</p>
<p><input type="checkbox"/> Y48 <input checked="" type="checkbox"/> B3011 <input type="checkbox"/> case-by-case</p>	<p><input checked="" type="checkbox"/> Y48 <input checked="" type="checkbox"/> cable code (A1190 or B1115) <input type="checkbox"/> case-by-case</p>

 <p>Clean plastic waste coated by dirty packaging</p>	 <p>Plastic blending different type of polymers, so-called "polymer-alloy", (e.g., PC/ABS) *Can it be considered single type of polymer?</p>
<p><input type="checkbox"/> Y48 <input checked="" type="checkbox"/> B3011 <input type="checkbox"/> case-by-case</p>	<p><input checked="" type="checkbox"/> Y48 <input type="checkbox"/> B3011 <input type="checkbox"/> case-by-case</p>

 <p>Electronic board with plastic covered wire etc.</p>	 <p>Metal scrap mixed by a little amount of plastic</p>
<p><input checked="" type="checkbox"/> Y48 <input type="checkbox"/> B1110 <input type="checkbox"/> case-by-case</p>	<p><input type="checkbox"/> Y48 <input checked="" type="checkbox"/> B1010 <input checked="" type="checkbox"/> case-by-case</p>

Other criteria for distinguishing Y48 from B3011:

- Declaration from the competent authority of the exporting country as to the categorization of the material to be exported and the applicable policy stating the same would help the importing country assess how to properly manage such materials.
- Nature of the sources such as the types of manufacturing activities being done, and materials produced.
- An inspection by the authorities on the contents of the shipment should be done as basis for the certification or any applicable document.

Specific actions/plans to effectively implement the plastic amendment:

- Making information related to plastic amendment available on website.
- Disseminating information through seminars or other means.
- Requesting pre-shipment inspection in country of origin.
- Establishing a domestic communication mechanism (e.g., regular meetings with Customs).
- Creating plans for joint inspection/inspection strengthening month.
- Memorandum of Understanding on Enhanced Border Protection.

Items we would like to further exchange information on through the network:

- Will there be capacity building on the visual inspection of types of plastics?
- What are possible types of plastics being used in electronic technologies that we be cautious about?
- What are current technologies being employed to managed E-waste plastics?
- Are there cases being filed against countries who found to have misdeclaration? What are their resolutions?

Questions? Clarifications?



<https://emb.gov.ph>



recordsco@emb.gov.ph



+63 2 8539-4378 loc. 129

