



TERMS OF REFERENCE

FOR THE PROVISION OF SERVICES RELATED TO THE CONDUCT OF ACTIVITIES TO IMPLEMENT COMPONENT ON LEGISLATION IMPROVEMENT FOR THE PROJECT “DEMONSTRATION OF BEST AVAILABLE TECHNIQUES (BATs) AND BEST ENVIRONMENTAL PRACTICES (BEPs) IN OPEN BURNING ACTIVITIES IN RESPONSE TO THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (POPs)” IN THE PHILIPPINES

GEF ID: 5082 UNIDO SAP ID: 150033

1. GENERAL INFORMATION

These Terms of Reference (ToR) were crafted to set the parameters for and guide the implementation of activities for the Legislation Improvement in the Philippines related to its regulation in Open Burning under the Global Environmental Facility (GEF) funded project “*Demonstration of BAT and BEP in open burning activities in response to the Stockholm Convention on POPs*”.

The project is being implemented by the **United Nations Industrial Development Organization (UNIDO)** in five countries, in collaboration with each of the national executing partners. In the Philippines, the project’s partner is the Department of Environment and Natural Resources – Environmental Management Bureau under its Solid Waste Management Division.

These ToR are based on the project document (CEO endorsement) approved by the GEF and discussions between UNIDO and the government counterpart from the Philippines.

2. BACKGROUND

The open burning sector, according to the PCDD/PCDFs inventory in the Philippines has been recognized as one of the leading sources of U-POPs. To address this priority sector, this project aims to create resource efficient waste management systems to reduce U-POPs emissions through the introduction of BAT/BEP in open burning sources. The project also provides the opportunity for involving national stakeholder as executing partners while the private sector is being tapped and encouraged to participate in the project. There is also a pilot demonstration site that shall address waste management in the City of General Santos, South Cotabato to help them improve and adhere with the law on Solid Waste Management. The activities in this project shall be the key to introduce and implement BAT/BEP, hence, making a shift from burning of waste to recycling or re-use.

The project components with the target outcomes include:

- (i) Legislation Improvement - Outcome 1: Strengthened legislative capacity for introducing BAT/BEP in waste open burning source category;
- (ii) Institutional Strengthening - Outcome2: Enhanced institutional capacity to carry out BAT/BEP implementation;
- (iii) Demonstration Activities on pilot sites - Outcome 3: BAT/BEP implemented in open burning sources;
- (iv) Education and Awareness Raising - Outcome 4: Improved knowledge and understanding on BAT/BEP and on risks connected with U-POPS, GHG emissions and other contaminants released through open burning;
- (v) Monitoring & Evaluation - Outcome5: Established project management structure and the system for monitoring/evaluation of project impacts.

In particular, Outcome 1 focuses on strengthening the legislative capacity for introducing BAT/BEP in waste open burning source with a target output of updating the legal and regulatory frameworks for open burning, to facilitate waste management improvements and BAT/BEP and to enable introduction of financing mechanisms.

In the aspect of law formulation and enactment, the Philippines has gone forward because of the enactment of its law on waste management since 2001 – the Ecological Solid Waste Management Act (ESWM) Act of 2000 or better known as Republic Act 9003 (RA 9003). This law has also undergone a Policy Gap Assessment and a series of Policy Forum Consultations for its possible amendment in year 2012 and 2014 respectively. In these two events, the conflicting gaps, and the grey areas were identified in the Act itself but the prohibition on open burning remained a one liner statement under the Penal Provisions.

Republic Act 9003 clearly states that open burning of solid waste is prohibited under its Chapter VI (Penal Provisions), Section 48 (Prohibited Acts) No. 3 (the open burning of solid waste). It is further stated in Section 49 (Fines and Penalties) *“Any person who violates Sec. 48, pars. (2) And (3), shall, upon conviction be punished with a fine of not less than Three hundred pesos (P300.00) but not more than One thousand pesos (P1,000.00) or imprisonment of not less than one (1) day but to not more than fifteen (15) days, or both”*. But despite being prohibited, open burning remains a serious problem in the country, as it continues to endanger public health and to threaten the environment.

3. DESCRIPTION OF REQUIRED SERVICES

Various activities were already undertaken in the different components of the project since it was launched in the Philippines in October 2015. For this assignment, the following activities from Components 1 and 2 shall be addressed:

- 1.1.2 Formulate and propose legislative changes and updated regulations on waste and landfill management targeting common open burning practices. Specifically address U-POPs and other contaminants, consider enabling establishment of financing mechanisms
- 1.1.3 Develop and introduce financing mechanisms and incentive systems based on the updated legislation in support of BAT/BEP implementation
- 1.1.4 Hold workshops and trainings to raise awareness of the impacts and opportunities of the proposed revised legal framework; discuss and disseminate to all relevant stakeholders (in English and local languages).
- 1.1.6 Develop manuals for using financing mechanisms and incentive systems in waste management (in English and local languages).

2.1.4 Carry out education and training on application of financing mechanisms and incentive systems in support of BAT/BEP implementation. Special consideration on gender by encouraging participation of women

In implementing activity 1.1.2, it is foreseen that only a clarification of the prohibition on open burning would be necessary. In terms of financing mechanism and incentive systems (activity 1.1.3), most of them are already available and just need collation, be developed into a manual and be disseminated to stakeholders.

Results from a series of workshops conducted during the Environmental Management Bureau (EMB) Seminar on Environmental Laws for the Department of Environment and Natural Resources (DENR) and EMB officials in the selected regions from November to December 2017 revealed that the top five open burning activities being done in these different regions include: (1) Backyard Burning/Siga; (2) Farm/Agricultural Waste Burning; (3) Kaingin/Slash and Burn; (4) Pasture/Grazing Land Burning; and (5) Charcoal Making. Reasons cited for carrying out open burning are the following:

- Farmers carry out post-harvest burning to eliminate pests and weed control;
- Cities and municipalities opt to burn, because they have not regularized their waste collection;
- Burning is still considered to be the most convenient and the most economical way to reduce the volume of waste;
- It is a vital part of cultural/traditional ceremonies.

Furthermore the workshops showed that the prohibition on open burning as stated in RA 9003 does not need be changed. A clarification through massive Information Education Campaign (IEC) might be necessary to clarify/define the technical terms and to focus on environmental and health effects as well as to identify exemptions (if there are any) with restrictions such as generation of heat, traditional/religious/recreational purposes and household purposes/cooking/food preparation.

In general, having these initial results, it is necessary to conduct activities to further clarify and eventually disseminate and implement the prohibition on open burning. This also requires a National Solid Waste Management Commission (NSWMC)¹ Resolution to clarify and identify possible exemptions (if there are any) of the prohibition.

Specifically, local stakeholders should be informed and clarified on the prohibition on open burning (acts 1.1.4, 1.1.6 & 2.1.4). They should be made aware of specific preventive actions for open burning activities which reflect the utilization of the BATs and BEPs and their related business opportunities that can arise with their adoption. Stakeholders should also be informed of the existing financing mechanisms and incentive systems available to them.

Thus, it is expected that the activities related to this task would include the following:

a. Drafting and finalization of an NSWMC Resolution related to the Prohibition on Open Burning

- 1) Based on the results of the workshops, draft the NSWMC Resolution for review and approval of the Commission.
- 2) Consultation/Meeting with experts before the presentation of the draft to the NSWMC shall also be conducted.

¹ NSWMC is the major agency tasked to implement Republic Act 9003, chaired by the DENR. It prescribes policies to effectively achieve the objectives of RA 9003 and oversee the implementation of appropriate SWM Plans by end-users and local governments as mandated by law. It is composed of 17 Commission members, fourteen representatives from government agencies and three representatives from the private sector.

- 3) Coordinate with the commission secretariat for proper scheduling up to the actual approval of the resolution.
- 4) Attendance at the NSWMC Meeting when necessary or as required by the Commission.
- 5) Develop a poster type material for dissemination to participants of the training – workshop.
- 6) Disseminate the Resolution as a major part of an organized training-workshop for the Solid Waste Management (SWM) Coordinators, Environmental Education and Information Units (EEIU) Officers and Representatives of Regional Ecology Centers (REC) offices.

b. Collation of all existing financing mechanisms and incentive systems for SWM

- 1) Gather all existing financing mechanisms and incentive system for SWM and develop them into a user friendly manual for target stakeholders.
- 2) Disseminate the manual as part of the training – workshop for the SWM Coordinators, REC and EEIU members.
- 3) Invite resource persons for specific financing scheme and/or incentive system if deemed necessary.

c. Conduct of Training-Workshops

- 1) **Participants.** For this activity, it is crucial that a training workshop be conducted to inform all regions in the country about the clarification of the prohibition on open burning as well as its possible impacts on communities. Participants of the workshop shall also be trained on the application of the financing mechanism and incentive system. The trainees shall mainly compose of the Regional SWM Coordinators, officers of REC, EEIU of Environmental Management Bureau (EMB). A total of 100 participants (divided into two batches having 50 each) is expected to be trained to include some officers in EMB and its Solid Waste Management Division.

As training target groups, SWM coordinators are recommended since they are the focal persons assigned to the 17² regions who help monitor the performances of various Local Government Units (LGUs). It is part of their tasks to provide technical assistance to LGUs in the preparation of SWM Plans, safe closure and rehabilitation plans, and assist in the conduct of Waste Analysis and Characterization Study (WACS). They are also tasked to help monitor the establishment and the operation of the Materials Recovery Facility (MRF) as well as to monitor the implementation of the Safe Closure and Rehabilitation Plan (SCRP). They also conduct trainings and capacity development to LGUs related to the SWM Law or RA 9003. Likewise, they also assist in the conduct of Information, Education Campaigns through short lectures and as resource persons in workshops, seminars etc. in their respective regions. EEIU and EMB offices also conduct trainings as well as provide Technical Assistance to various LGUs hence, it is proper that representatives from such offices also be part of the training.

After the training-workshop, it is foreseen that participants will be able to re-echo and impart the knowledge gained from training-workshop to the stakeholders as part of their regular tasks. Training-workshop learnings shall include the material for the Clarification of the provision in Open Burning together with the manual for the available financing mechanisms and incentive systems in support of BAT/BEP implementation.

² 17 Regions in the Philippines: LUZON: 1-Ilocos Region; 2-Cagayan Valley; 3-Central Luzon; 4A-CALABARZON; 4B-Mimaropa; 5-Bicol Region; CAR-Cordillera Administrative Region; NCR-National Capital Region; VISAYAS: 6-Western Visayas; 7-Central Visayas; 8-Eastern Visayas; MINDANAO: 9-Zamboanga Peninsula; 10-Northern Mindanao; 11-Davao Region; 12-Soccsksargen; 13-Caraga; ARMM-Autonomous Region of Muslim Mindanao.

UNIDO conforms to gender mainstreaming in its project. Thus, it is imperative that gender balanced-participation in the workshops/training courses be observed and documented to the extent possible (i.e. signed list of attendees, pictures, etc.).

- 2) **Venue/Accommodation.** It is envisioned that the participants shall be housed or shall be provided with accommodation for at least two (2) nights in a hotel with at least three (3) star rating in Luzon. It is also recommended that the training is done in two batches (with 50 participants each) to ensure that participants are able to take on or internalize the learnings from the training to the best extent possible.
- 3) **Training Module, Programme and Materials.** The consultant shall draft the training module and design as well as the programme, which shall be submitted for review to the PMU and UNIDO. Aside from the clarification of the law on open burning and the financing mechanisms and incentive systems in support of BAT/BEP implementation, topics covered should also include other relevant information and issues about SWM and possibly invite experts to deliver such.

All training material such as IDs, bags/envelopes, writing material etc shall be made available during the training by the contractor. All training handouts shall also be provided, preferably in electronic form on USBs for easy dissemination.

4. PROPOSED TIMETABLE

All of these activities shall be carried out within 4 months, which will be reflected in the duration of the contract. A detailed work plan corresponding to the deliverables required needs to be submitted by the contractor in its offer.

5. DELIVERABLES and SCHEDULE OF PAYMENTS

The contractor will be paid upon receipt and acceptance of UNIDO and of the executing partners of the deliverables and listed in Table 1.

Table 1: Deliverables and submission timeline

Description	Time schedule
<p>1st payment:</p> <p>Upon submission of the inception Report containing the agreements arrived at during the inception meeting together with the final and detailed work plan.</p>	By end of 1 st month
<p>2nd payment:</p> <p>Upon receipt and acceptance by UNIDO and PMU of the following:</p> <ul style="list-style-type: none"> - Draft NSWMC Resolution ready for review and approval of the NSWMC members - Finalized manual for the financing mechanism and incentive system ready for presentation - Finalized Training module and Training Design 	By end of 2 nd Month

3rd payment: - Approved Resolution - Upon completion of the training/s with a report of detailed accomplishment.	By end of 3 rd Month
Final Payment Upon receipt and acceptance by UNIDO and executing partners of the: - Final Report with complete annexes - Final Audited Financial Statement	By end of 4 th Month

6. KEY PERSONNEL

Proposed key personnel to work on the project should include:

- SWM Technical Person
- Communication Expert
- An event organizer/Trainer (with moderation and facilitative skills)

Excellent English skills for Key personnel is required.

7. PROJECT COORDINATION

The contractor shall coordinate with the PMU and UNIDO Project Manager (PM) and National Project Manager (NPM) as often as needed, to report on progress achieved and problems faced. The contractor shall ensure the participation to coordination meetings and conference calls with the above, as required by the project. Draft report shall be circulated to the PMU members and UNIDO for review prior to submission of final version of the report to executing partners and UNIDO.

The contractor maybe invited to the national/regional steering committee/coordination meetings to provide updates and progress of the activities.

8. LANGUAGE

All reports must be written in English. Awareness raising materials shall be formulated in both English and the respective national language.