

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

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SENATE  
S.B. NO. 85

RECEIVED BY: 

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Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

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EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

“The State shall protect and promote the right to health of the people and instill health consciousness among them.”

Children spend much of their young lives in schools and day care centers, and may face significant exposure to pesticides and other environmental pollutants in those locations.

The metabolism, physiology, and diet of children, and exposure patterns of children to environmental pollutants differ from those of adults and can make children more susceptible than adults to the harmful effects of environmental pollutants.

Hence, this bill seeks to protect children and other vulnerable subpopulations from exposure to environmental pollutants and pesticides in schools, by requiring the systematic collection of data concerning the special susceptibility and exposure of children to those pollutants, and the adoption of an additional safety factor of at least 10-fold in the establishment of environmental and public health standards where reliable data are not available.

In consideration of the above premises, early approval of this bill, is earnestly sought.

  
LUISA "LOI" P. EJERCITO-ESTRADA  
Senator

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**AN ACT**  
**PROTECTING CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS**  
**FROM EXPOSURE TO ENVIRONMENTAL POLLUTANTS AND PESTICIDES**  
**IN SCHOOLS AND PROVIDING PARENTS WITH INFORMATION**  
**CONCERNING TOXIC CHEMICALS THAT POSE RISKS TO CHILDREN**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1.** *Short title.* - This Act shall be known as the "Children's Environmental Protection Act."

**SEC. 2.** *Policy.* - It is the policy of the State that --

- (1) the public has the right to be informed about the pollution dangers to which children are being exposed in their homes, schools and communities, and how those dangers may present special health threats to children and other vulnerable subpopulations;
- (2) each environmental and public health standard for an environmental pollutant must, with an adequate margin of safety, protect children and other vulnerable subpopulations;
- (3) where data sufficient to evaluate the special susceptibility and exposure of children (including exposure *in utero*) to an environmental pollutant are lacking, the Department of Environment and Natural Resources (here referred to as "Department") should presume that the environmental pollutant poses a

special risk to children and should apply an appropriate additional margin of safety of at least 10-fold in establishing an environmental or public health standard for that environmental pollutant;

(4) since it is difficult to identify all conceivable risks and address all uncertainties associated with pesticide use, the use of dangerous pesticides in schools and day care centers should be eliminated; and

(5) the Department, in coordination and consultation with other agencies, should support research on the short-term and long-term health effects of cumulative and synergistic exposures of children and other vulnerable subpopulations to environmental pollutants.

**SEC. 3. Definitions.** - In this Act:

(1) *Child* - The term "child" means an individual 18 years of age or younger;

(2) *Day Care Center*- The term "Day Care Center" means a center-based child care provider;

(3) *Environmental Pollutant* - The term "environmental pollutant" includes hazardous substances, drinking water contaminants, air pollutants, water pollutants and pesticides;

(4) *School* - The term "school" means an elementary school, a secondary school, a kindergarten, or a nursery school;

(5) *Vulnerable Sub population* - The term "vulnerable subpopulation" means children, pregnant women, the elderly, individuals with a history of serious illness, and other subpopulations identified by the Department as being likely to experience special health risks from environmental pollutants.

**SEC. 4. Safeguarding children and other vulnerable subpopulations.-**

(a) *In General*- The Secretary of Environment and Natural Resources shall:

- (1) ensure that each environmental and public health standard for an environmental pollutant protects children and other vulnerable subpopulations with an adequate margin of safety;
- (2) explicitly evaluate data concerning the special susceptibility and exposure of children to any environmental pollutant for which an environmental or public health standard is established; and
- (3) adopt an additional margin of safety of at least 10-fold in the establishment of an environmental or public health standard for an environmental pollutant in the absence of reliable data on toxicity and exposure of the child to an environmental pollutant or if there is a lack of reliable data on the susceptibility of the child to an environmental pollutant for which the environmental and public health standard is being established.

(b) *Establishing, Modifying Or Reevaluating Environmental and Public Health Standards -*

- (1) *In General* - In establishing, modifying, or reevaluating any environmental or public health standard for an environmental pollutant under any law, the Secretary of Environment and Natural Resources (hereinafter referred to as the "Secretary") in coordination with the Advisory Council established in Section 9, shall take into consideration available information concerning:

(A) all routes of children's exposure to that environmental pollutant; and

(B) the special susceptibility of children to the environmental pollutant, including neurological differences between children and adults, the effect of *in utero* exposure to that environmental pollutant, and the cumulative effect on a child of exposure to that environmental pollutant and other substances having a common mechanism of toxicity.

(2) *Additional Safety Margin*- If any of the data described in paragraph (1) are not available, the Secretary shall, in completing a risk assessment, risk characterization, or other assessment of risk underlying an environmental or public health standard, adopt an additional margin of safety of at least 10-fold to take into account potential pre-natal and post-natal toxicity of an environmental pollutant, and the completeness of data concerning the exposure and toxicity of an environmental pollutant to children.

**SEC. 5. *Protecting children from exposure to pesticides in schools.* -**

(a) *In General*- Each school and day care center shall--

- (1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and
- (2) provide parents with advance notification of any pesticide application on school grounds in accordance with subsection (b).

(b) *Least Toxic Pest Control Strategy*-

- (1) *In General* - The Secretary shall distribute to each school and day care center the department's manual that guides schools and day care centers in the establishment of a least toxic pest control strategy;
- (2) *List* - Not later than 180 days after the date of enactment of this Act and normally thereafter, the Secretary shall provide each school and day care center with a list of pesticides that contain a substance that the Secretary

has identified as a known or probable carcinogen, a developmental or reproductive toxin, a category I or II acute nerve toxin, or a known or suspected endocrine disrupter;

(3) *Prohibition Of Pesticide Application.* - Effective beginning on the date that is two (2) years after the date of enactment of this Act, any school or day care center shall not apply any pesticide described in paragraph (2), either indoors or outdoors.

(4) *Emergency Exception -*

(A) *In General* - An administrator of a school or day care center may suspend the prohibition under paragraph (3) for a period of not more than 14 days if the administrator determines that a pest control emergency poses an imminent threat to the health and safety of the school or day care center community.

(B) *Notice -*

(i) *IN GENERAL-* Prior to exercising the authority under this paragraph, an administrator shall give notice to the board of the school or day care center of the reasons for finding that a pest control emergency exists.

(ii) *Action Taken-* An administrator that exercises the authority under subparagraph (A) shall report any action taken by personnel or outside contractors in response to the pest control emergency to the board of the school or day care center at the next scheduled meeting of the board.

(C) *Parental Notice Prior To Any Pesticide Application. -*

(1) *In General* - An administrator of the school or day care center shall provide written notice to parents not later than seventy two (72) hours before any indoor or outdoor pesticide application on the grounds of the school or day care center;

(2) *Contents of Notice* - A notice under this subsection shall include a description of the intended area of application and the name of each pesticide to be applied;

(3) *Form* - A pesticide notice under this subsection may be incorporated into any notice that is being sent to parents at the time the pesticide notice is required to be sent;

(4) *Warning Sign*

(A) *In General.*- An administrator of a school or day care center shall post at any area in the school or day care center where a pesticide is to be applied a warning sign that is consistent with the label of the pesticide and prominently displays the term 'warning', 'danger', or 'poison'.

(B) *Period of Display* - During the period that begins not less than 24 hours before the application of a pesticide and ends not less than 72 hours after the application, a sign under this subparagraph shall be displayed in a location where it is visible to all individuals entering the area.

**SEC. 6. Safer environment for children. -**

(a) *In General.* - Not later than one (1) year after the date of enactment of this Act, the Secretary shall-

(1) identify environmental pollutants commonly used or found in areas that are reasonably accessible to children;

(2) create a scientifically peer reviewed list of substances identified under paragraph (1) with known, likely, or suspected health risks to children;

(3) create a scientifically peer reviewed list of safer-for-children substances and products recommended by the Secretary for use in areas that are reasonably accessible to children that, when applied as recommended by

the manufacturer, will minimize potential risks to children from exposure to environmental pollutants;

- (4) establish guidelines to help reduce and eliminate exposure of children to environmental pollutants in areas reasonably accessible to children, including advice on how to establish an integrated pest management program;
- (5) create a family right-to-know information kit that includes a summary of helpful information and guidance to families, such as the information created under paragraph (3), the guidelines established under paragraph (4), information on the potential health effects of environmental pollutants, practical suggestions on how parents may reduce their children's exposure to environmental pollutants, and other relevant information, as determined by the Secretary;
- (6) make all information created pursuant to this subsection available to various agencies, the public, and on the Internet; and
- (7) review and update the lists created under paragraphs (2) and (3) at least once each year.

**SEC. 7. *Additional reporting of toxic chemical releases that affect children.* -**

- (a) *In General* - With respect to each of the toxic chemicals described in clause (b) that are released from a facility, the amount described in clause (c).
- (b) *Chemicals* - Not later than two (2) years after the date of enactment of this Act, the Secretary shall identify each toxic chemical that he determines may present a significant risk to children's health or the environment due to the potential of that chemical to bio-accumulate, disrupt endocrine systems, remain in the environment, or other characteristics, including



- (1) any chemical or group of chemicals that persists in any environmental medium for at least 60 days (as defined by half life) or that have bioaccumulation or bio-concentration factors greater than 1,000,
- (2) any chemical or group of chemicals that, despite a failure to meet the specific persistence or bioaccumulation measuring criteria described in sub-clause (1), can be reasonably expected to degrade into a substance meeting those criteria; and
- (3) lead, mercury, dioxin, cadmium and chromium and pollutants that are bio-accumulative chemicals of concern.

(c) *Threshold*- The Secretary shall establish a threshold for each toxic chemical described in clause (b) at a level that shall ensure for at least 80 percent of the aggregate of all releases of the chemical from facilities that have ten (10) or more full-time employees.

(d) *Additional Facilities* - If the Secretary determines that a facility other than a facility described in clause (c) contributes substantially to total releases of toxic chemicals described in clause (b), the Secretary shall require that facility to comply with clause (c).

**SEC. 8. Research Initiatives -**

(a) *Exposure and Toxicity Data.* - The Secretary, the Secretary of Agriculture, and the Secretary of Health shall coordinate and support the development and implementation of basic and applied research, initiatives to examine the health effects and toxicity of pesticides (including active and inert ingredients) and other environmental pollutants on children and other vulnerable subpopulations, and the exposure of children and vulnerable subpopulations to environmental pollutants.

(b) *Biennial Reports.* - The Secretary, the Secretary of Agriculture, and the Secretary of Health shall submit biennial reports to both Houses of Congress describing actions taken to carry out this section.

**SEC. 9. *Children's Environmental Health Protection Advisory Committee.***-

(a) *Establishment*- The Secretary shall establish a Children's Environmental Health Protection Advisory Committee to assist him in carrying out this title.

(b) *Composition* - The Committee shall be comprised of medical professionals specializing in pediatric health, educators, representatives of community groups, representatives of environmental and public health nonprofit organizations, industry representatives, and environmental and public health department representatives.

(c) *Duties* - Not later than two (2) years after the date of enactment of this Act and annually thereafter, the Committee shall develop a list of standards that merit reevaluation by the Secretary in order to better protect children's health.

(d) *Termination*- The Committee shall terminate not later than 15 years after the date on which the Committee is established.

**SEC. 10. *Authorization of Appropriations.*** - The appropriation of such sums as are necessary to effectively implement this Act is hereby authorized.

**SEC. 11. *Separability Clause.*** - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SEC. 12. *Repealing Clause.*** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

**SEC. 13. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*

*GVL/pink disk3/environmental pollutants1*