

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



Senate
Office of the Secretary

13 SEP -5 P5:28

SENATE
S. No. 1557

RECEIVED BY: *for*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 16, provides:

The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The beaches and coastal recreation water of our country are valuable public resources that are used for recreation by millions of people annually. Unfortunately, increased population and urbanization of watershed areas have contributed to the decline in the environmental quality of coastal water. Unless concrete measures are taken, our beaches and coastal recreation water will continue to deteriorate.

This bill seeks to improve the quality of beaches and coastal recreation water by adopting consistent criteria that would enhance public health and safety.*

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Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT

2 TO IMPROVE THE QUALITY OF BEACHES AND COASTAL RECREATION WATER

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “Beaches Environmental
4 Assessment, Closure, and Health Act.”

5 SECTION 2. *Purposes.* – The purpose of this Act is to require uniform criteria and
6 procedures for testing, monitoring, and notifying users of public coastal recreation water and
7 beaches to protect public safety and improve environmental quality.

8 SECTION 3. *Definitions.* – For the purposes of this Act, the term:

9 (A) “Coastal recreation water” means water adjacent to public beaches and marine
10 coastal water (including bays, lagoon mouths, and coastal estuaries within the tidal zone) used by
11 the public for –

- 12 (1) Swimming;
13 (2) Bathing;
14 (3) Surfing; or
15 (4) Other similar body contact purposes.

16 (B) “Floatable materials” means any foreign matter that may float or remain
17 suspended in water, including –

- 18 (1) Plastic;
19 (2) Aluminum cans;
20 (3) Wood;

- 1 (4) Bottles;
- 2 (5) Paper products; and
- 3 (6) Fishing gear.
- 4 (C) "Secretary" means the Secretary of Environment and Natural Resources.

5 SECTION 4. *Adoption of Coastal Recreational Water Quality Criteria.* –

6 (A) *In General.* – Not later than one hundred eighty (180) days after the date of
7 enactment of this Act, the Secretary of Environment and Natural Resources shall adopt water
8 quality criteria for coastal recreation water.

9 (B) *Development of Criteria.* – Water quality criteria described in paragraph (A) shall
10 be developed and promulgated in accordance with existing environmental laws and policies.

11 SECTION 5. *Water Quality Criteria Revision.* –

12 (A) *Studies.* – Not later than three (3) years after the date of enactment of this Act, and
13 after consultation with appropriate government agencies, including local health officials, and
14 other interested persons, the Secretary shall conduct studies to provide new information for use
15 in developing –

16 (1) A more complete list of potential human health risks from inhalation,
17 ingestion, or body contact with coastal recreation water, including effects on
18 the upper respiratory system;

19 (2) Appropriate and effective indicators for improving direct detection of the
20 presence of pathogens found harmful to human health in coastal recreational
21 water;

22 (3) Appropriate, accurate, and expeditious methods (including predictive models)
23 for detecting the presence of pathogens in coastal recreation water that are
24 harmful to human health; and

25 (4) Guidance for the application of the criteria issued under subsection (2) to
26 account for the diversity of geographic and aquatic conditions throughout the
27 country.

1 (B) *Revised Criteria.* – Not later than five (5) years after the date of enactment of this
2 Act, based on the results of the studies conducted under paragraph (A), the Secretary, after
3 consultation with appropriate government agencies, including local health officials, and other
4 interested parties, shall –

5 (1) Issue revised water quality criteria for pathogens in coastal recreation water
6 that are harmful to human health, including a revised list of indicators and
7 testing methods; and

8 (2) Not less than once every five (5) years thereafter, review and revise the
9 water quality criteria.

10 SECTION 6. *Coastal Beach Water Quality Monitoring.* –

11 (A) *Monitoring.* –

12 (1) *In General.* – Not later than one hundred eighty (180) days after the date of
13 enactment of this Act, the Secretary shall promulgate regulations requiring
14 monitoring of public coastal recreation water and beaches for:

- 15 (a) Compliance with applicable water quality criteria; and
- 16 (b) Maintenance of public safety.

17 (2) *Contents of Requirements.* – Monitoring requirements established under this
18 section shall specify, at a minimum –

- 19 (a) Available monitoring methods to be used; and
- 20 (b) The frequency and location of monitoring based on –
 - 21 (i) The periods of recreational use of coastal recreation water and
 - 22 beaches;
 - 23 (ii) The extent and degree of recreational use during the periods
 - 24 described in clause (i);
 - 25 (iii) The proximity of coastal recreation water to known or
 - 26 identified point and non-point sources of pollution; and
 - 27 (iv) The relationship between the use of public recreation water and
 - 28 beaches to storm events;

1 (c) Methods for --

2 (i) Detecting levels of pathogens that are harmful to human health;

3 and

4 (ii) Identifying short-term increases in pathogens that are harmful

5 to human health in coastal recreation water, including the

6 relationship of short-term increases in pathogens to storm

7 events; and

8 (d) Conditions and procedures under which discrete areas of coastal

9 recreation water may be exempted by the Secretary from the

10 monitoring requirements under this subsection, if the Secretary

11 determines that an exemption will not --

12 (i) Impair compliance with the applicable water quality criteria for

13 that water; and

14 (ii) Compromise public safety.

15 (B) *Notification Requirements.* --

16 (1) *In General.* -- Regulations promulgated under paragraph (A) shall require

17 provinces to provide notification of a failure or the likelihood of a failure to

18 meet applicable water quality criteria for provincial coastal recreation water,

19 to:

20 (a) Local governments;

21 (b) The public; and

22 (c) The Secretary.

23 (2) *Information Included in Notification.* -- Notification shall require, at a

24 minimum --

25 (a) The prompt communication of the occurrence, nature, extent, and

26 location of, and substances, including pathogens, involved in, a failure

27 or immediate likelihood of a failure to meet water quality criteria, to a

28 designated official of a local government having jurisdiction over land

1 adjoining the coastal recreation water for which the failure or
2 imminent failure to meet water quality criteria is identified; and

3 (b) The posting of signs, during the period in which water quality criteria
4 are not met continues, that are sufficient to give notice to the public –

5 (i) of a failure to meet applicable water quality criteria for the
6 water; and

7 (ii) the potential risks associated with water contact activities in the
8 water.

9 (C) *Review and Revision of Regulations.* – Periodically, but not less than once every
10 five (5) years, the Secretary shall review and make any necessary revisions to regulations
11 promulgated under this section.

12 (D) *Implementation.* –

13 (1) *In General.* – Each province shall implement a monitoring and notification
14 program that conforms to the regulations promulgated under paragraph (A).

15 (2) *Revision of Program.* – Not later than two (2) years after the date of
16 publication of any revisions by the Secretary under paragraph (C), each
17 province shall revise its monitoring and notification program to incorporate
18 the revisions.

19 (E) *Guidance; Delegation of Responsibility.* – Not later than one hundred eighty (180)
20 days after the date of enactment of this title, the Secretary shall issue guidance establishing –

21 (1) Core performance measures for testing, monitoring, and notification programs
22 under this section; and

23 (2) The delegation of testing, monitoring, and notification programs under this
24 section to the local government authorities.

25 (F) *Floatable Materials Monitoring; Technical Assistance.* – Not later than one
26 hundred eighty (180) days after the date of enactment of this Act, the Secretary shall –

27 (1) Provide technical assistance for uniform assessment and monitoring
28 procedures for floatable materials in coastal recreation water; and

1 (2) Specify the conditions under which the presence of floatable materials shall
2 constitute a threat to public health and safety.

3 (G) *Occurrence Database.* – The Secretary shall establish, maintain, and make
4 available to the public by electronic and other means –

5 (1) A national coastal recreation water pollution occurrence database using
6 reliable information, including the information reported under paragraph (B);
7 and

8 (2) A listing of communities conforming to the regulations promulgated under
9 this section.

10 SECTION 7. *Report to Congress.* – Not later than four (4) years after the date of the
11 enactment of this Act and periodically thereafter, the Secretary shall submit to Congress a report
12 that contains –

13 (A) Recommendations concerning the need for additional water quality criteria and
14 other actions that are necessary to improve the quality of coastal recreation water; and

15 (B) An evaluation of efforts to implement this Act.

16 SECTION 8. *Separability Clause.* – If any provision or part thereof is held invalid or
17 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
18 valid and subsisting.

19 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
20 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
21 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

22 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
23 publication in at least two (2) newspapers of general circulation.

Approved,