

13TH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

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SENATE  
OFFICE OF THE SECRETARY

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SENATE

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S. No. 731

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INTRODUCED BY HON. MANUEL B. VILLAR JR.

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### EXPLANATORY NOTE

The Constitution, Article 2, 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.



MANUEL B. VILLAR, JR.

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**AN ACT TO IMPROVE THE QUALITY OF BEACHES AND COASTAL RECREATION WATER**

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

1 SECTION 1. Short title- This Act shall be known as the "Beaches Environmental Assessment,  
2 Closure, and Health Act".

3 SECTION 2. Purposes - The purpose of this Act is to require uniform criteria and procedures for  
4 testing, monitoring, and notifying users of public coastal recreation water and beaches

5 (1) To protect public safety; and

6 (2) To improve environmental quality.

7 SECTION 3. Definitions - In this Act --

8 (1) COASTAL RECREATION WATER- The term 'coastal recreation water' means water  
9 adjacent to public beaches and marine coastal water (including bays, lagoon mouths, and coastal  
10 estuaries within the tidal zone) used by the public for

11 (A) swimming;

12 (B) bathing;

13 (C) surfing; or

14 (D) other similar body contact purposes.

1 (2) FLOATABLE MATERIALS- The term ' floatable materials' means any foreign matter  
2 that may float or remain suspended in water, including

3 (A) plastic;

4 (B) aluminum cans;

5 (C) wood;

6 (D) bottles;

7 (E) paper products; and

8 (F) fishing gear.

9 SECTION 4. Adoption of coastal recreational water quality criteria -

10 (a) IN GENERAL- Not later than 3 years and 180 days after the date of enactment of this  
11 Act, the secretary of the Department of Environment and Natural Resources shall adopt water  
12 quality criteria for coastal recreation water

13 (b) DEVELOPMENT OF CRITERIA- Water quality criteria described in subsection (a)  
14 shall be developed and promulgated in accordance with existing environmental laws and policies.

15 SECTION 5. Water quality criteria revision -

16 (a) STUDIES- Not later than 3 years after the date of enactment of this Act, and after  
17 consultation with appropriate officials (including local health officials) and other interested persons,  
18 the secretary shall conduct studies to provide new information for use in developing--

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

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

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

4 (4) Guidance for the application of the criteria issued under subsection (b) to account for the  
5 diversity of geographic and aquatic conditions throughout the country.

6 (b) REVISED CRITERIA- Not later than 5 years after the date of enactment of this Act,  
7 based on the results of the studies conducted under subsection (a), the secretary, after consultation  
8 with appropriate officials (including local health officials) and other interested parties, shall--

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

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

12 SECTION 6. Coastal beach water quality monitoring

13 (a) MONITORING:

14 (1) IN GENERAL- Not later than 1 year and 180 days after the date of enactment of this  
15 Act, the Administrator shall promulgate regulations requiring monitoring by the department of  
16 public coastal recreation water and beaches for

17 (A) Compliance with applicable water quality criteria; and

18 (B) Maintenance of public safety.

19 (2) CONTENTS OF REQUIREMENTS- Monitoring requirements established under this  
20 section shall specify, at a minimum

21 (A) Available monitoring methods to be used;

22 (B) The frequency and location of monitoring based on

23 (i) The periods of recreational use of coastal recreation water and beaches;

24 (ii) The extent and degree of recreational use during the periods described in clause (i);

1 (iii) The proximity of coastal recreation water to known or identified point and non-point sources of  
2 pollution; and

3 (iv) The relationship between the use of public recreation water and beaches to storm events;

4 (C) Methods for

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

6 (ii) Identifying short-term increases in pathogens that are harmful to human health in coastal  
7 recreation water, including the relationship of short-term increases in pathogens to storm events;  
8 and

9 (D) Conditions and procedures under which discrete areas of coastal recreation water maybe  
10 exempted by the secretary from the 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 that water; and

13 (ii) Compromise public safety.

14 (b) NOTIFICATION REQUIREMENTS

15 (1) IN GENERAL- Regulations promulgated under subsection (a) shall require provinces to  
16 provide prompt notification of a failure or the likelihood of a failure to meet applicable water  
17 quality criteria for provincial coastal recreation water, to

18 (A) Local governments;

19 (B) The public; and

20 (C) The secretary:

21 (2). INFORMATION INCLUDED IN NOTIFICATION- Notification under this subsection  
22 shall require, at a minimum-

23 (A) The prompt communication of the occurrence, nature, extent, and location of, and  
24 substances (including pathogens) involved in, a failure or immediate likelihood of a failure to meet

1 water quality criteria, to a designated official of a local government having jurisdiction over land  
2 adjoining the coastal recreation water for which the failure or imminent failure to meet water quality  
3 criteria is identified; and

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

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

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

8 (c) REVIEW AND REVISION OF REGULATIONS- Periodically, but not less than once  
9 every 5 years, the secretary shall review and make any necessary revisions to regulations  
10 promulgated under this section.

11 (d) IMPLEMENTATION

12 (1) IN GENERAL- Not later than 3 years and 180 days after the date of enactment of this Act, each  
13 province shall implement a monitoring and notification program that conforms to the regulations  
14 promulgated under subsections (a) and (b).

15 (2) REVISION OF PROGRAM- Not later than 2 years after the date of publication of any  
16 revisions by the secretary under subsection (c), each province shall revise the program established  
17 under paragraph (1) to incorporate the revisions.

18 (e) GUIDANCE; DELEGATION OF RESPONSIBILITY-

19 (1) IN GENERAL- Not later than 1 year and 180 days after the date of enactment of this  
20 title, the secretary shall issue guidance establishing--

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

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

1 (2) DELEGATION OF RESPONSIBILITY TO LOCAL GOVERNMENTS- If a  
2 responsibility described in paragraph (1)(B) is delegated by a province to a local government  
3 authority, or is delegated to a local government authority before the date of enactment of this  
4 section, resources, including grants made, shall be made available to the delegated authority for the  
5 purpose of implementing the delegated program in a manner that is consistent with the guidance  
6 issued by the secretary.

7 (f) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE Not later  
8 than 1 year and 180 days after the date of enactment of this Act, the secretary shall--

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

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

13 (g) OCCURRENCE DATABASE- The secretary shall establish, maintain, and make  
14 available to the public by electronic and other means--

15 (1) A national coastal recreation water pollution occurrence database using reliable  
16 information, including the information reported under subsection (b); and

17 (2) A listing of communities conforming to the regulations promulgated under subsections (a) and  
18 (b).

19 SECTION 7. Report to Congress- Not later than 4 years after the date of the enactment of this title  
20 and periodically thereafter, the secretary shall submit to Congress a report that contains-

21 (1) Recommendations concerning the need for additional water quality criteria and other  
22 actions that are necessary to improve the quality of coastal recreation water; and

23 (2) An evaluation of efforts to implement this Act.

1 SECTION 8. Separability Clause - If any provision or part hereof, is held invalid or  
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid  
3 and subsisting.

4 SECTION 9. Repealing Clause - Any law, presidential decree or issuance, executive order, letter of  
5 instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of  
6 this Act is hereby repealed, modified or amended accordingly.

7 SECTION 10. Effectivity Clause- This Act shall take effect fifteen (15) days after its publication in  
8 at least two (2) newspapers of general circulation.

Approved.