

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



Senate  
Office of the Secretary

'14 NOV 26 P6 34

SENATE  
S. No. 2471

RECEIVED BY: J.

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
BANNING THE IMPORTATION, MANUFACTURE, PROCESSING, OR  
DISTRIBUTION IN COMMERCE OF ASBESTOS-CONTAINING PRODUCTS

EXPLANATORY NOTE

Asbestos is classified by scientists as a category A human carcinogen, the highest cancer hazard classification for a substance. Further, there is no known safe level of exposure to asbestos. Even low levels of exposure may cause asbestos-related diseases, such as mesothelioma.

Many people incorrectly believe that there is no risk of exposure to asbestos through the use of new commercial products. However, asbestos is still being used in roofing products, coatings, and friction products.

Millions of workers in the Philippines have been, and continue to be, exposed to dangerous levels of asbestos. Families of workers are also put at risk because of asbestos brought home by the workers on their shoes, clothes, skin, and hair.

Asbestos has already been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia,

Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom. It was banned throughout the European Union in 2005.

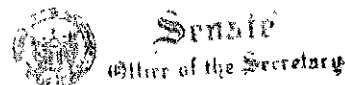
Banning asbestos from being used in or imported into the country will provide certainty to manufacturers, builders, environmental firms, workers, and consumers that after a specific date, asbestos will not be used or added to new construction and manufacturing materials used in this country.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed on the 13<sup>th</sup> Congress, Third Regular Session.

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

AN ACT

BANNING THE IMPORTATION, MANUFACTURE, PROCESSING, OR  
DISTRIBUTION IN COMMERCE OF ASBESTOS-CONTAINING PRODUCTS

SECTION 1. *Short Title.* – This Act shall be known as the "Ban Asbestos  
Act."

SECTION 2. *Declaration of Policy.* – -. It is the policy of the State to  
promote the general welfare of the people.

SECTION 3. . *Definition of Terms.* – For purposes of this Act, the term:

A. "Asbestos-containing product" means any product (including any part) to  
which asbestos is deliberately or knowingly added or in which asbestos is  
deliberately or knowingly used in any concentration;

B. "Biopersistent durable fiber" means a silicate fiber that occurs naturally  
in the environment; and is similar to asbestos in resistance to dissolution;  
leaching; and other physical, chemical, or biological processes expected  
from contact with lung cells and other cells and fluids in the human body.

1 The term "biopersistent durable fiber" includes richterite; winchite;  
2 erionite; and non-asbestiform varieties of amosite, crocidolite,  
3 anthophyllite, tremolite, and actinolite.

4 C. "Contaminant-asbestos product" means any product that contains  
5 asbestos as a contaminant of any mineral or other substance, in any  
6 concentration.

7 D. "Distribute in commerce" means an action taken with respect to an  
8 asbestos containing product in connection with the end use of the  
9 asbestos-containing product by a person that is an end user; or  
10 distribution of an asbestos-containing product by a person solely for the  
11 purpose of disposal of the asbestos-containing product in compliance  
12 with applicable laws;

13 E. "Fiber" means an acicular single crystal or similarly elongated  
14 polycrystalline aggregate particle with a length to width ratio of 3 to 1 or  
15 greater; and

16 F. "Person" means any individual, corporation, company, association, firm,  
17 partnership, joint venture, sole proprietorship, or other for-profit or  
18 nonprofit business entity (including any manufacturer, importer,  
19 distributor, or processor); or any government department, agency, or  
20 instrumentality.

21 SECTION 4. *Research and Reporting.* – The Department of Health shall  
22 conduct a study and, not later than eighteen (18) months after the date of enactment

1 of this Act, submit to Congress, and government departments and agencies, as  
2 appropriate. Said study shall include:

3 A. A report containing a description of the current state of the science  
4 relating to the disease mechanisms and health effects of exposure to  
5 asbestos and other biopersistent durable fibers; and methods for  
6 measuring and analyzing asbestos;

7 B. A description of the current status of labeling practices relating to  
8 asbestos-containing material; and

9 C. Recommendations for future asbestos-related disease research and  
10 exposure assessment practice needs.

11 SECTION 5. *Prohibition on Asbestos-containing Products.* – The Secretary  
12 of Health shall promulgate not later than one (1) year after the date of enactment of  
13 this Act, proposed regulations that prohibit persons from importing,  
14 manufacturing, processing, or distributing in commerce asbestos-containing  
15 products; and provide for implementation of paragraphs B and C of the Section 4.  
16 Not later than 2 years after the date of enactment of this Act, he or she shall also  
17 issue final regulations that, effective beginning sixty (60) days after the date of  
18 promulgation, prohibit persons from importing, manufacturing, processing, or  
19 distributing in commerce asbestos-containing products.

20 SECTION 6. *Exemptions.* – Any person may petition the Secretary of Health  
21 for, and the Secretary may grant, an exemption from the requirements set forth in  
22 the preceding Section if the Secretary determines that the exemption would not  
23 result in an unreasonable risk of injury to public health or the environment; and the

1 person has made good faith efforts to develop, but has been unable to develop, a  
2 substance, or identify a mineral, that does not present an unreasonable risk of  
3 injury to public health or the environment; and may be substituted for an asbestos-  
4 containing product.

5 An exemption granted under this Section shall be in effect for such period,  
6 not to exceed one (1) year, and subject to such terms and conditions as the  
7 Secretary of Health may prescribe.

8 The Secretary of Health shall provide an exemption from the requirements  
9 of Section 5, without review or limit on duration, if:

10 A. The exemption for an asbestos-containing product is sought by the  
11 Secretary of National Defense and the Secretary of National Defense  
12 certifies, and provides a copy of that certification to Congress, that the  
13 use of the asbestos containing product is necessary to the critical  
14 functions of the Department of National Defense

15 B. No reasonable alternatives to the asbestos containing product exist for the  
16 intended purpose; and

17 C. The use of the asbestos containing product will not result in an  
18 unreasonable risk to health or the environment.

19 Except as provided in the next preceding paragraph, and not later than two  
20 (2) years after the date of enactment of this Act, each person that possesses an  
21 asbestos-containing product that is subject to the prohibition established under this

1 Section shall dispose of the asbestos-containing product, by a means that is in  
2 compliance with applicable national and local requirements.

3 Nothing in this Section applies to an asbestos-containing product that is no  
4 longer in the stream of commerce; or is in the possession of an end user; or  
5 requires that an asbestos-containing product be removed or replaced.

6 SECTION 7. *Public Education Program.* – Not later than one (1) year after  
7 the date of enactment of this Act, the Secretary of Health, in consultation with the  
8 Secretary of Trade and Industry and the Secretary of Labor, shall establish a plan  
9 to:

10 A. Increase awareness of the dangers posed by asbestos-containing products  
11 and contaminants in homes and workplaces; and asbestos-related  
12 diseases;

13 B. Provide current and comprehensive information to asbestos-related  
14 disease patients, family members of patients, and front-line health care  
15 providers on the dangers of asbestos exposure; asbestos-related labeling  
16 information; health effects of exposure to asbestos; symptoms of  
17 asbestos exposure; and available and developing treatments for asbestos-  
18 related diseases, including clinical trials;

19 C. Encourage asbestos-related disease patients, family members of patients,  
20 and frontline health care providers to participate in research and  
21 treatment endeavors relating to asbestos; and

1 D. Encourage health care providers and researchers to provide to asbestos-  
2 related disease patients and family members of patients information  
3 relating to research, diagnostic, and clinical treatments relating to  
4 asbestos.

5 In establishing the program, the Secretary of Health shall give priority to  
6 asbestos-containing products and contaminant-asbestos products used by  
7 consumers and workers that pose the greatest risk of injury to human health.

8 SECTION 8. *Research on Asbestos-related Diseases; Asbestos-related*  
9 *Disease Registry.* – The Secretary of Health shall expand, intensify, and coordinate  
10 programs for the conduct and support of research on diseases caused by exposure  
11 to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

12 Not later than one (1) year after the date of enactment of this Act, the  
13 Secretary of Health, shall establish a mechanism by which to obtain, coordinate,  
14 and provide data and specimens from cancer registries; public and private  
15 hospitals; and entities participating in the asbestos related disease research and  
16 treatment network in Section 9. The data and specimens obtained shall form the  
17 basis for establishing a national clearinghouse for data and specimens relating to  
18 asbestos-related diseases, with a particular emphasis on mesothelioma.

19 SECTION 9. *Asbestos-related Disease Research and Treatment Network.* –  
20 For the first five fiscal years after the effectivity of this Act, the Secretary of  
21 Health, in collaboration with other applicable government agencies and  
22 instrumentalities, shall establish and maintain an asbestos-related disease research  
23 and treatment network (hereinafter, Network) to support the detection, prevention,

1 treatment, and cure of asbestos-related diseases, with particular emphasis on  
2 malignant mesothelioma.

3 The Network shall include intramural research initiatives of the Department  
4 of Health; and at least ten (10) extramural asbestos-related disease research and  
5 treatment centers, as selected by the Secretary of Health in accordance with the  
6 immediately succeeding paragraph.

7 SECTION 10. *Extramural Asbestos-Related Disease Research and*  
8 *Treatment Centers.* – For each fiscal year during which the Network is operated  
9 and maintained, the Secretary of Health shall select for inclusion in the Network  
10 not less than ten (10) nonprofit hospitals, universities, or medical or research  
11 institutions incorporated or organized in the Philippines that, as determined by the  
12 Secretary of Health, have exemplary experience and qualifications in research and  
13 treatment of asbestos-related diseases; access to an appropriate population of  
14 patients with asbestos-related diseases; and are geographically distributed  
15 throughout the Philippines, with special consideration given to areas of high  
16 incidence of asbestos-related diseases.

17 SECTION 11. *Requirements.* – Each center selected under Section 10 shall  
18 be chosen by the Secretary of Health after competitive peer review; the conduct of  
19 laboratory and clinical research, including clinical trials, relating to mechanisms for  
20 effective therapeutic treatment of asbestos-related diseases; early detection and  
21 prevention of asbestos-related diseases; palliation of asbestos-related disease  
22 symptoms; and pain management with respect to asbestos-related diseases; offer to  
23 asbestos-related disease patients travel and lodging assistance as necessary to

1 accommodate the maximum number of patients practicable; and to serve a number  
2 of patients at the center sufficient to conduct a meaningful clinical trial; coordinate  
3 the research and treatment efforts of the center with other entities included in the  
4 Network.

5 A center selected by the Secretary of Health shall be included in the  
6 Network for the one (1) year period beginning on the date of selection of the  
7 center; or such longer period as the Secretary of Health determines to be  
8 appropriate.

9 SECTION 12. *Grants.* – The Secretary of Health shall provide to each center  
10 selected for inclusion in the Network for the fiscal year a financial grant to support  
11 the detection, prevention, treatment, and cure of asbestos-related diseases, with  
12 particular emphasis on malignant mesothelioma.

13 SECTION 13. *Appropriations.* – Such sums as may be necessary for the  
14 initial implementation of this Act shall be taken from the current appropriations of  
15 the Department of Health. Thereafter, such sum as may be necessary for its full  
16 implementation shall be included in the annual General Appropriations Act as a  
17 distinct and separate item.

18 SECTION 14. *Repealing Clause.* – Any law, presidential decree or issuance,  
19 executive order, letter of instruction, administrative order, rule or regulation  
20 contrary to or is inconsistent with the provision of this Act is hereby repealed,  
21 modified, or amended accordingly.

1       SECTION 15. *Separability Clause.* – If any part or provision of this Act  
2   shall be declared unconstitutional or invalid, other provisions hereof which are not  
3   affected thereby shall continue to be in full force and effect.

4       SECTION 16. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
5   days after its publication in at least two (2) newspapers of general circulation.

6       Approved,

/apm11182014