

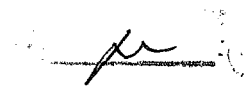
THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE

S.B. No. 946



Introduced by Senator Jinggoy Ejercito Estrada

EXPLANATORY NOTE

The right of the people to a balanced and healthful ecology is upheld by the Constitution. It is, therefore, the mandate of the State to safeguard this right and to provide the resources to implement this policy for the benefit of all citizens.

Public health and safety greatly depends on the awareness of citizens and local officials of the toxic dangers that exist in their homes, communities and neighborhoods. Of all sectors in society, it is the children and other vulnerable subpopulations like pregnant women, the elderly, and individuals with a history of adults, they face unique health threats that need special attention. However, our current standards for environmental pollutants fail to protect or even consider risks to children and other vulnerable subpopulations.

There is a need to clearly differentiate between the risks to children and other vulnerable sectors in the setting of environmental and public health standards. It is also important that such standards be made known and understood by the target sector for their own protection.

This bill seeks to address these issues by tasking the Department of Environment and Natural Resources (DENR), in collaboration with the Department of Health (DOH) and the Department of Agriculture (DA) in setting appropriate standards. The bill institutes the necessary mechanisms for ensuring that supplying data that would allow adequate quantification and evaluation of environmental pollutants specific to these sectors creates information on the risks to children and the risks to other vulnerable sub-pollutants. In so doing, the citizens will be able to exercise their right to know and make informed decisions to protect their families.

For these reasons, immediate enactment of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

agencies to advance the public's right to know, and allow the public to avoid unnecessary and involuntary exposure to environmental pollutants.

- c) Not later than one (1) year after the safer-for-children product list is created, only listed products or chemicals that minimize potential health risks to children shall be used in properties and areas of the State; and
- d) Scientific research opportunities should be identified by the DENR and the Department of Health (DOH), to study the short-term and long-term health effects of cumulative, simultaneous, and synergistic exposures of children and other vulnerable subpopulations to environmental pollutants.

SECTION 3. Definitions. As used in this Act:

- a) "Areas That Are Reasonably Accessible to Children" shall refer to homes, schools, day care centers, shopping malls, movie theaters, and parks;
- b) "Children" shall refer to individual 18 years of age or younger;
- c) "Department" shall refer to the Department of Environment and Natural Resources;
- d) "Environmental Pollutants" shall refer to a hazardous substance, or a pesticide, as defined in R.A. 6969 and those other pollutants with national standards;
- e) "Secretary" shall refer to the Secretary of Environment and Natural Resources;
- f) "State Properties and Areas" shall refer to areas owned or controlled by the Republic of the Philippines; and
- g) "Vulnerable Subpopulations" shall refer to children, pregnant women, the elderly, individuals with a history of serious illness, and other subpopulations identified by the Secretary of Environment in collaboration with the Secretary of Health as likely to experience elevated health risks from environmental pollutants.

Article II
SAFEGUARDING CHILDREN AND OTHER VULNERABLE
SUBPOPULATIONS

SECTION 4. ***Functions of the Secretary of the DENR.*** – The Secretary of the Department of Environment and Natural Resources in collaboration with the Secretary of Health, shall:

- a) Consistently and explicitly evaluate and consider environmental health risks to vulnerable subpopulations in all of the risk assessments, risk characterizations, environmental and public health standards, and regulatory decisions carried out by the Secretary;
- b) Ensure that all environmental and public health standards protect children and other vulnerable subpopulations with an adequate margin of safety; and
- c) Develop and use a separate assessment or finding of risks to vulnerable subpopulations or publish in at least two (2) newspapers of general circulation an explanation of why the separate assessment or finding is not in used.

SECTION 5. ***Reevaluation of Current Public Health and Environmental Standards.*** – As part of any risk assessment, risk characterization, environmental and public health standard or regulation, or general regulatory decision carried out by the Secretary, he shall evaluate and consider the environmental health risks to children and other vulnerable sub-populations.

Not later than one (1) year after the date of enactment of this Act, the Secretary shall:

- a) Develop an administrative strategy and process for reviewing standards;
- b) Publish in at least two (2) newspapers of general circulation a list of standards that may need revision to ensure the protection of children and vulnerable subpopulations;
- c) Prioritize the list according to the standards that are most important for expedited review to protect children and vulnerable subpopulations;
- d) Identify which standards on the list will require additional research in order to be reevaluated and outline the time and resources required to carry out the research;
- e) Identify, through public input and peer review public health and environmental standards to be re-promulgated on an expedited basis to meet the criteria of this subsection;

- f) Propose revised standards that meet the criteria of this subsection not later than five (5) years after the date of enactment of this title;
- g) Complete the revision of all standards in accordance with this subsection not later than ten (10) years after the date of enactment of this title;
- h) Report to Congress on an annual basis, the progress made by the Secretary in carrying out the objectives and policy of this subsection.

ARTICLE III

SAFER ENVIRONMENT FOR CHILDREN

SECTION 6. *Safer Environment for Children.* – To ensure a safer environment for children, in not later than one year after the enactment of this Act, the Secretary shall:

- a) Identify environmental pollutants commonly used or found in areas that are reasonably accessible to children;
- b) Create a scientifically peer reviewed list of substances identified under paragraph one (1) with known, likely, or suspected health risks to children;
- c) Create a scientifically peer-reviewed list of safer-for-children substances and products recommended by the Secretary for in use 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;
- d) 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;
- e) 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 three, the guidelines established under paragraph four, information on the potential 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 in cooperation with the Secretary of Department of Health;
- f) Make all information created pursuant to this subsection available to government agencies, the public, and on the internet; and
- g) Review and update the lists created under paragraphs two and three at least once each year.

SECTION 7. ***Compliance in Public Areas that are Reasonably Accessible to Children.*** – Not later than one year after the list of public areas that are reasonably accessible to children is created and made available to the public by the Department, the Secretary shall prohibit the use of any product that has been excluded from the safer-for-children list in State properties and areas.

ARTICLE IV

RESEARCH TO IMPROVE INFORMATION ON EFFECTS ON CHILDREN

SECTION 8. ***Toxicity Data.*** – 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.

SECTION 9. ***Biennial Report.*** – The Secretary, the Secretary of Agriculture and the Secretary of Health shall submit joint biennial reports to Congress on actions taken to carry out this article.

ARTICLE V

FINAL PROVISIONS

SECTION 10. ***Appropriations.*** – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 11. ***Separability Clause.*** – If any portion or provision in this Act were declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 12. **Repealing Clause.** – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SECTION 13. **Effectivity.** – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.