


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

15 SEP 21 P2:23

SENATE
S. No. 2959

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
INSTITUTING A PHILIPPINE POLLUTANT RELEASE
AND TRANSFER REGISTRY

EXPLANATORY NOTE

The Constitution, Article 2, Section 16 provides:

Section 16. 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.

This bill seeks to create a Philippine Pollutant Release and Transfer Registry (PPRTR). It aims to provide timely, relevant, and comprehensible data to the general public to support the identification and assessment of possible risks to humans and the environment by indicating sources and amounts of potentially harmful releases and transfers to the environment and to minimize their effects on the environment. This will prevent pollution and the release of pollutants from various sectors by encouraging the implementation of cleaner technologies and to help the private sector to comply with environmental rules and regulations.

This bill shall also evaluate the progress of government environmental policies on pollution control and prevention and to assess to what extent these national environmental goals can be achieved. This will make businesses more accountable for their pollution. The public will gain access to data about the harmful chemicals produced by different industries to help them participate in environmental decision making. This

bill is based on the work of Greenpeace and Dean Antonio La Viña of the Ateneo School of Government.¹

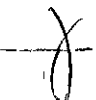

MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed in the Fifteenth Congress, Second Regular Session.

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AN ACT
INSTITUTING A PHILIPPINE POLLUTANT RELEASE
AND TRANSFER REGISTRY

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Pollutant
2 Release and Transfer Registry Act.”

3 SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect and
4 advance the right of the people to a balanced and healthful ecology in accord with the
5 rhythm and harmony of nature, and to protect and promote the people's right to health,
6 and to attain and maintain a balance between development and environmental protection.

7 It is the policy of the State to maintain a quality of air that protects human health
8 and welfare.

9 It is the policy of the State to pursue economic growth in a manner consistent with
10 the protection, preservation, and revival of the quality of our fresh, brackish and marine
11 waters.

12 It is the policy of the State to regulate, restrict, or prohibit the importation,
13 manufacture, processing, sale and distribution, use and disposal of chemical substances
14 and mixtures that present unreasonable risk and/or injury to health or the environment.

1 It is the policy of the State to adopt a systematic, comprehensive and ecological
2 solid waste management program which shall ensure the protection of public health and
3 the environment.

4 It is the policy of the State to adopt and implement full public disclosure or all its
5 transactions involving public interest, and to promote a transparent, open and
6 participatory environmental management regime.

7 SECTION 3. *Definition of Terms.* – As used in this Act, the term:

8 (a) “Air pollution” refers to any alteration of the physical, chemical, and biological
9 properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid
10 substance that will or is likely to create or to render the air resources of the country
11 harmful, detrimental, or injurious to public health, safety, and welfare or which will
12 adversely affect their utilization for domestic, commercial or industrial, agricultural,
13 recreational or other legitimate purposes;

14 (b) “Clean production” refers to a preventive, integrated, continuous strategy for
15 modifying products, processes, and services, to enhance efficiency which improves
16 environmental performance and reduces costs.

17 (c) “Emission” refers to emission of a substance to the environment whether in
18 pure form or contained in other matter and whether in solid, liquid or gaseous form. It
19 includes emissions from landfills, incinerators, waste management and other disposal
20 facilities, concrete kilns, sewerage systems, tailings dams, and other industrial facilities;

21 (d) “Green chemistry” also known as sustainable chemistry, refers to the design of
22 chemical products and processes that reduce or eliminate the use of generation of
23 hazardous substances;

24 (e) “Hazardous substances chemicals” refer to substances which present either:

1 1) short-term acute hazards, such as acute toxicity by ingestion, inhalation
2 or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire
3 or explosion; or

4 2) long-term environmental hazards, including chronic toxicity upon
5 repeated exposure, carcinogenicity (which may in some cases result from acute
6 exposure but with a long latent period), resistance to detoxification process such as
7 biodegradation, the potential to pollute underground or surface waters, or
8 aesthetically objectionable properties such as offensive odors. It is a chemical for
9 which there is statistically significant evidence (based on at least one study
10 conducted according to established scientific principles) that acute or chronic
11 health effects may occur;

12 (f) "Hazardous wastes" refer to substances that are without any safe commercial,
13 industrial, agricultural or economic usage and to by-products, side-products, process
14 residues, spent reaction, media, contaminated plant or equipment or other substances
15 from manufacturing operations, and as consumer discards from manufactured products;

16 (g) "Pollutant release and transfer registry (PRTR)" refers to catalogues or
17 registries of potentially harmful pollutant releases or transfers to the environment from a
18 variety of sources, including information on the nature and quantity of such releases and
19 transfers. It includes information about releases or transfers to air, water, and soil, as well
20 as about wastes transported to treatment and disposal sites. It is a means for obtaining
21 regular, periodic information about releases and/or transfers of chemical substances of
22 interest and for making this information accessible to those who may be interested and/or
23 affected by it; it is a tool for promoting efficient and effective policies for environmental
24 protection and sustainable development;

{

1 (h) "Solid waste" refers to all discarded household, commercial waste, non-
2 hazardous institutional and industrial waste, street sweepings, construction debris,
3 agricultural waste, and other non-hazardous and non-hazardous/ non-toxic waste; and

4 (i) "Water pollution" refers to any alteration of the physical, chemical, biological,
5 radiological properties of a body of water resulting in the impairment or its purity or
6 quality, or is hazardous or potentially hazardous to health.

7 SECTION 4. *Applicable and Related Laws, Rules and Regulations.* – The
8 following laws and their pertinent rules and regulations shall be applicable and taken into
9 account in the implementation of the Philippine Pollutant Release and Transfer Registry
10 (PPRTR):

11 (a) Republic Act No. 6969 or the Toxic Substances and Hazardous and Nuclear
12 Waste Control Act of 1990;

13 (b) R.A. No. 8749 or the Philippine Clean Air Act of 1999;

14 (c) R.A. No. 9275 or the Philippine Clean Water Act of 2004;

15 (d) R.A. No. 9003 or the Ecological Solid Waste Management Act of 2000; and

16 (e) All other environmental laws, rules, and regulations as may be relevant to the
17 implementation of the PPRTR, including, but not limited to multilateral and bilateral
18 health and environmental agreements to which the Philippines is a party to.

19 SECTION 5. *Scope and Coverage.* – The PPRTR shall cover all forms of
20 pollutants and hazardous and toxic chemicals, and all forms of emissions and discharges
21 to the environment, whether in the air, water, or soil by all facilities and industries
22 operating in the Philippines, subject to the guidelines and procedures of the PPRTR on
23 the disclosure requirement for facilities and industries.

1 SECTION 6. *Lead/Implementing Agency.* – The Environmental Management
2 Bureau (EMB) shall be the lead/ implementing agency for the PPRTR. The EMB shall
3 create a special unit, the PPRTR Office (PPRTRO), whose sole function shall be to
4 manage and administer the PPRTR.

5 The PPRTRO shall be headed by an Executive Director and shall be assisted by
6 competent staff to be determined based on the exigency of the circumstances. The
7 PPRTRO shall be created and established within one (1) month from the effectivity of
8 this Act.

9 SECTION 7. *Powers and Functions of the PPRTR Office.* – The PPRTRO shall
10 have the following powers and functions:

11 a) Conduct an assessment of existing infrastructure for the full implementation of
12 the PPRTR;

13 b) Conduct information and dissemination campaigns as regards the PPRTR, from
14 inception to its implementation stages;

15 c) Collect, manage, sort, and make available to the general public the data and
16 information collected in the system in an effective, efficient, accessible and timely
17 manner;

18 d) Maintain a database of covered industries, facilities and establishments;

19 e) Issue reports and updates regarding the PPRTR for the general public;

20 f) Conduct research and studies on pollution control, prevention, and mitigation
21 and on green chemistry and clean production;

22 g) Coordinate with other government agencies and the private sector for the
23 effective and efficient implementation of the PPRTR;

24 h) Conduct periodic assessments of the PPRTR system and make
25 recommendations for the improvement of the same; and

1 i) Perform such other powers and functions as may be designated by the Secretary
2 of Environment and Natural Resources.

3 SECTION 8. *Implementing Rules and Regulations.* – The IRR for the PPRTR
4 shall be issued by the Secretary of Environment and Natural Resources within three (3)
5 months from the date of effectivity of this Act. The IRR shall contain, but not be limited
6 to the following information:

7 a) List and schedule of covered substances, chemicals and pollutants, and their
8 classification;

9 b) List of covered facilities, establishments and industries;

10 c) Procedure and method of obtaining, reporting, and disseminating information;

11 d) Procedure for citing non-compliant and violating facilities;

12 e) Guidelines to ensure accessible, timely, relevant and accessible public access to
13 information on the PPRTR, taking into account the right of businesses and industries to
14 the protection of trade secrets and other intellectual property and related rights.

15 SECTION 9. *Penalties.* – Businesses that fail to comply with the requirements of
16 this Act shall be fined an amount between Fifty Thousand Pesos (₱50,000) and One
17 Million Pesos (₱1,000,000) and their license to operate may also be revoked.

18 SECTION 10. *Transitory Provisions.* – Existing inventories, records and listings
19 of pollutants, chemicals, and substances as provided for in other laws, rules, and
20 regulations, such as but not limited to the Priority Chemicals List (PCL) of the
21 Department of Environment and Natural Resources (DENR), shall be taken into
22 consideration in the formulation of the list and schedules or the PPRTR. Data and
23 information in existing inventories, records, and listings shall be included in the initial list
24 of the PPRTR, provided that all the chemicals in the PCL of the DENR shall be used as

1 the initial list of the system. The consolidation shall be completed within three (3) months
2 from the date of effectivity of this Act.

3 SECTION 11. *Funding.* – Upon the effectivity of this Act, the EMB shall allocate
4 from their existing funds such amounts as may be necessary for the additional funding
5 requirements that may be needed by the PPRTR, subject to the usual government
6 accounting and auditing rules and regulations. Thereafter, the amount of One Million
7 Pesos (₱1,000,000) shall be added to the annual budget of the EMB for the PPRTRO.

8 SECTION 12. *Separability Clause.* – If any provision of this Act is held invalid or
9 unconstitutional, the same shall not affect the validity and effectivity of the other
10 provisions hereof.

11 SECTION 13. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
12 portions thereof, which are inconsistent with the provisions of this Act, are hereby
13 repealed, amended or modified accordingly.

14 SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
15 after its publication in the *Official Gazette* or in two (2) newspapers of general
16 circulation.

Approved,

/fldp10Sept2015