



Senate
Office of the Secretary

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

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SENATE
S. No. 3064

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING THE DESIGNATION OF THE SAFEST ROUTES FOR THE
TRANSPORTATION OF HAZARDOUS AND NUCLEAR WASTES

EXPLANATORY NOTE

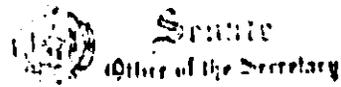
R.A. No. 6969 or the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990," covers the importation, manufacture, processing, handling, storage, transportation, sales, distribution, use, and disposal of all unregulated chemical substances and mixtures in the Philippines, including the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

However, the law lacks specific guidelines on how the hazardous and nuclear wastes would be transported. This bill seeks to empower the Secretary of the Department of Environment and Natural Resources and the Secretary of the Department of Transportation and Communications, in coordination with other concerned government and non-government entities, to establish the safest routes for the transportation of hazardous and nuclear wastes.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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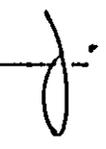
¹ This bill was originally filed during the Fourteenth Congress, First Regular Session.

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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 “Safest Routes for
2 Nuclear Wastes Act.”

3 SECTION 2. *Declaration of Policy.* – It is the policy of the State to regulate,
4 restrict, or prohibit the importation, manufacture, processing, sale, distribution, use, and
5 disposal of chemical substances and mixtures that present unreasonable risk and/or injury
6 to health or the environment; to prohibit the entry, even in transit, of hazardous and
7 nuclear wastes and their disposal into the Philippine territorial limits for whatever
8 purpose; and to provide advancement and facilitate research and studies on toxic
9 chemicals.

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

11 (A) “Hazardous wastes” are substances that are without safe commercial,
12 industrial, agricultural, or economic usage and are shipped, transported, or brought from
13 the country of origin for dumping or disposal into or in transit through any part of the
14 territory of the Philippines.

1 Hazardous wastes shall also refer to by-products, process residues, spent reaction
2 media, contaminated plant or equipment, or other substances from manufacturing
3 operations, and as consumer discards of manufacture products;

4 (B) "Nuclear wastes" are hazardous wastes made radioactive by exposure to the
5 radiation incidental to the production or utilization of nuclear fuels but does not include
6 nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be
7 usable by any scientific, medical, agricultural, commercial, or industrial purpose; and

8 (C) "Secretaries" refer to the Secretary of the Department of Environment and
9 Natural Resources and the Secretary of the Department of Transportation and
10 Communication.

11 SECTION 4. *Establishment of Safest Routes.* –

12 (A) The Secretaries shall promulgate regulations in selecting the safest routes for
13 the transportation of hazardous and nuclear wastes. Such regulations shall at least
14 prescribe a formula for analyzing the risks presented by each proposed route for the
15 transportation of these wastes and the risks presented by the materials to be transported,
16 especially to public health and safety. Such regulations shall –

17 (1) specify the data to be considered in making the analysis, including
18 demographic data, data on the location of emergency response resources, data on
19 accidents in each route, data on routes recommended by national and local
20 authorities, and data on evacuation distances; and

21 (2) require the maintenance by persons engaged in the transportation of
22 hazardous materials of –

23 (a) data on routes recommended by national and local authorities;

24 (b) data on government designated wayside rest stops for hazardous
25 cargo trucks;

1 (c) current data on hazardous material transportation evacuation and
2 emergency response information;

3 (d) highway accident data; and

4 (e) data on container failure rates.

5 (B) The Secretaries shall formulate the regulations in coordination with the
6 members of the Inter-Agency Technical Advisory Council established by R.A. No. 6969,
7 and two representatives of each of the local government unit concerned.

8 (C) The Secretaries, within sixty (60) days from finalizing the safest routes, should
9 cause the publication of the routes where the hazardous and nuclear wastes may be
10 transported and the designated safest time when the transportation of these wastes may be
11 done. Any changes in the regulation affecting the route and time should be published in
12 the same manner.

13 SECTION 5. *Separability Clause.* – If any provision of this Act is held invalid or
14 unconstitutional, the same shall not affect the validity and effectivity of the other
15 provisions hereof.

16 SECTION 6. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
17 portions thereof, which are inconsistent with the provisions of this Act, are hereby
18 repealed, amended or modified accordingly.

19 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
20 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/m124Nov2015