

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL 14 P3:20

SENATE
S. B. No. **1433**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 13, Section 11 provides that the State shall give priority to the needs of children. Children have more sensitive needs and, therefore, face unique health threats that require special attention.

Public health and safety depends on citizens and local officials. They should know the toxic dangers that exist in their homes, communities, and neighborhoods. At present, we do not have sufficient data that would allow adequate quantification and evaluation of child-specific susceptibility and exposure to environmental pollutants. The absence of data precludes effective government regulation of environmental pollutants, and denies individuals the ability to exercise a right to know and make informed decisions to protect their families, especially the children.

This bill seeks to protect children against environment pollutants by requiring that information related to them be made readily available to the general public, in order to advance the public's right to know, and allow the public to avoid involuntary exposure of children to pollutants.


MIRIAM DEFENSOR SANTIAGO

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**AN ACT
PROVIDING CHILDREN PROTECTION AGAINST
ENVIRONMENTAL POLLUTANTS**

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

SECTION 1. *Short Title.* - This Act shall be known as the "Environmental Protection for Children Act."

SECTION 2. *Declaration of Policy.* - It is the declared policy of the State to give priority to the needs of children. Taking into account this policy, the State hereby undertakes to identify and make known to the public environmental pollutants which are harmful to children.

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

- (A) "areas that are reasonably accessible to children" means homes, schools, day care centers, shopping malls, movie theaters, and parks;
- (B) "children" means individuals who are 18 years of age or younger;
- (C) "environmental pollutant" means a hazardous substance;
- (D) "secretary" refers to the Secretary of the Department of Health.

SECTION 3. *Safer Environment For Children.* - Not later than one year after the effectivity 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 (A) 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 use in 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;
- (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 (C), the guidelines established under paragraph (D), information on the potential health effects of environmental pollutants, practical suggestions on how parents may reduce their children's exposure to environmental pollutants, and other relevant information;
- (F) Make all information created pursuant to this section available to the public; and
- (G) Review and update the lists created under paragraphs (B) and (C) at least once every year.

SECTION 5. *Research to Improve Information on Effects on Children.* - The Secretary shall coordinate and support the development and implementation of basic and applied research initiatives to examine the health effects and toxicity of pesticides and other environmental pollutants on children.

SECTION 6. *Compliance in Public Areas that are Reasonably Accessible to Children.* -

Not later than one year after the list created under Section (4)(C) is made available to the public, the Secretary shall prohibit the use of any product that has been excluded from the safer-for-children list.

SECTION 7. *Evaluation of Current Public Health and Environmental Standards.* - As part of any risk assessment, risk characterization, environmental or public health standard or regulation, or general regulatory decision carried out by the Department of Health, the Secretary shall evaluate and consider the environmental health risks to children.

SECTION 8. *Implementation.* - In carrying out Section 6, not later than one (1) year after the date of effectivity of this Act, the Secretary shall:

- (A) Develop an administrative strategy and an administrative process for reviewing standards;
- (B) Publish a list of standards that may need revision to ensure the protection of children;
- (C) Prioritize the list according to the standards that are most important for expedited review to protect children;
- (D) Identify which standards on the list will require additional research in order to be evaluated and outline the time and resources required to carry out the research

SECTION 9. *Appropriation.* - To carry out the provisions of this Act, such sum as may be necessary is hereby authorized to be appropriated from the National Treasury. Thereafter, the sum necessary for the continuous operation of the program shall be included in the annual appropriation of the Department of Health.

SECTION 10. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 11. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 12. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

/FN: SB 1214