

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

SENATE
OFFICE OF THE SECRETARY

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SENATE
S.B. No. **1650**

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 16, provides:

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.

The beaches and coastal recreation water of our country are valuable public resources that are used for recreation by millions of people annually.

Unfortunately, increased population and urbanization of watershed areas have contributed to the decline in the environmental quality of coastal water. Unless concrete measures are taken, our beaches and coastal recreation water will continue to deteriorate.

This bill seeks to improve the quality of beaches and coastal recreation water by adopting consistent criteria that would enhance public health and safety.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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AN ACT
TO IMPROVE THE QUALITY OF BEACHES AND COASTAL RECREATION WATER

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

SECTION 1. *Short Title.* – This Act shall be known as the “Beaches Environmental Assessment, Closure, and Health Act.”

SECTION 2. *Purposes.* – The purpose of this Act is to require uniform criteria and procedures for testing, monitoring, and notifying users of public coastal recreation water and beaches –

- (1) to protect public safety; and
- (2) to improve environmental quality.

SECTION 3. *Definitions.* – In this Act –

(1) COASTAL RECREATION WATER – The term ‘coastal recreation water’ means water adjacent to public beaches and marine coastal water (including bays, lagoon mouths, and coastal estuaries within the tidal zone) used by the public for –

- (A) swimming;
- (B) bathing;
- (C) surfing; or
- (D) other similar body contact purposes.

(2) FLOATABLE MATERIALS – The term ‘floatable materials’ means any foreign matter that may float or remain suspended in water, including –

- (A) plastic;

- (B) aluminum cans;
- (C) wood;
- (D) bottles;
- (E) paper products; and
- (F) fishing gear.

SECTION 4. *Adoption Of Coastal Recreational Water Quality Criteria.* –

(1) IN GENERAL—Not later than three (3) years and one hundred eighty (180) days after the date of enactment of this Act, the Secretary of the Department of Environment and Natural Resources shall adopt water quality criteria for coastal recreation water.

(2) DEVELOPMENT OF CRITERIA – Water quality criteria described in subsection (1) shall be developed and promulgated in accordance with existing environmental laws and policies.

SECTION 5. *Water Quality Criteria Revision.* –

(1) STUDIES – Not later than three (3) years after the date of enactment of this Act, and after consultation with appropriate officials (including local health officials) and other interested persons, the Secretary shall conduct studies to provide new information for use in developing –

(A) a more complete list of potential human health risks from inhalation, ingestion, or body contact with coastal recreation water, including effects on the upper respiratory system;

(B) appropriate and effective indicators for improving direct detection of the presence of pathogens found harmful to human health in coastal recreational water;

(C) appropriate, accurate, and expeditious methods (including predictive models) for detecting the presence of pathogens in coastal recreation water that are harmful to human health; and

(D) guidance for the application of the criteria issued under subsection (2) to account for the diversity of geographic and aquatic conditions throughout the country.

(2) REVISED CRITERIA – Not later than five (5) years after the date of enactment of this Act, based on the results of the studies conducted under subsection (1), the Secretary, after consultation with appropriate officials (including local health officials) and other interested parties, shall –

(A) issue revised water quality criteria for pathogens in coastal recreation water that are harmful to human health, including a revised list of indicators and testing methods; and

(B) not less than once every five (5) years thereafter, review and revise the water quality criteria.

SECTION 6. *Coastal Beach Water Quality Monitoring.* –

(1) MONITORING –

(A) IN GENERAL – Not later than one (1) year and one hundred eighty (180) days after the date of enactment of this Act, the Administrator shall promulgate regulations requiring monitoring by the department of public coastal recreation water and beaches for –

- (i) compliance with applicable water quality criteria; and
- (ii) maintenance of public safety.

(B) CONTENTS OF REQUIREMENTS – Monitoring requirements established under this section shall specify, at a minimum –

- (i) available monitoring methods to be used; and
- (ii) the frequency and location of monitoring based on –
 - (a) the periods of recreational use of coastal recreation water and beaches;
 - (b) the extent and degree of recreational use during the periods described in clause (a);

(c) the proximity of coastal recreation water to known or identified point and non-point sources of pollution; and

(d) the relationship between the use of public recreation water and beaches to storm events;

(iii) methods for –

(a) detecting levels of pathogens that are harmful to human health; and

(b) identifying short-term increases in pathogens that are harmful to human health in coastal recreation water, including the relationship of short-term increases in pathogens to storm events; and

(iv) conditions and procedures under which discrete areas of coastal recreation water may be exempted by the Secretary from the monitoring requirements under this subsection, if the Secretary determines that an exemption will not –

(a) impair compliance with the applicable water quality criteria for that water; and

(b) compromise public safety.

(2) NOTIFICATION REQUIREMENTS –

(A) IN GENERAL – Regulations promulgated under subsection (1) shall require provinces to provide notification of a failure or the likelihood of a failure to meet applicable water quality criteria for provincial coastal recreation water, to:

(i) local governments;

(ii) the public; and

(iii) the Secretary.

(B) INFORMATION INCLUDED IN NOTIFICATION – Notification under this subsection shall require, at a minimum –

(i) the prompt communication of the occurrence, nature, extent, and location of, and substances (including pathogens) involved in, a

failure or immediate likelihood of a failure to meet water quality criteria, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation water for which the failure or imminent failure to meet water quality criteria is identified; and

(ii) the posting of signs, during the period in which water quality criteria are not met continues, that are sufficient to give notice to the public –

(a) of a failure to meet applicable water quality criteria for the water; and

(b) the potential risks associated with water contact activities in the water.

(3) REVIEW AND REVISION OF REGULATIONS – Periodically, but not less than once every five (5) years, the Secretary shall review and make any necessary revisions to regulations promulgated under this section.

(4) IMPLEMENTATION –

(A) IN GENERAL – Not later than three (3) years and one hundred eighty (180) days after the date of enactment of this Act, each province shall implement a monitoring and notification program that conforms to the regulations promulgated under subsections (1) and (2).

(B) REVISION OF PROGRAM – Not later than two (2) years after the date of publication of any revisions by the Secretary under subsection (3), each province shall revise the program established under paragraph (A) to incorporate the revisions.

(5) GUIDANCE; DELEGATION OF RESPONSIBILITY –

(A) IN GENERAL – Not later than one (1) year and one hundred eighty (180) days after the date of enactment of this title, the Secretary shall issue guidance establishing –

(i) core performance measures for testing, monitoring, and notification programs under this section; and

(ii) the delegation of testing, monitoring, and notification programs under this section to the local government authorities.

(B) DELEGATION OF RESPONSIBILITY TO LOCAL GOVERNMENTS – If a responsibility described in paragraph (1)(B) is delegated by a province to a local government authority, or is delegated to a local government authority before the date of enactment of this section, resources, including grants made, shall be made available to the delegated authority for the purpose of implementing the delegated program in a manner that is consistent with the guidance issued by the Secretary.

(6) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE

– Not later than one (1) year and one hundred eighty (180) days after the date of enactment of this Act, the Secretary shall –

(A) provide technical assistance for uniform assessment and monitoring procedures for floatable materials in coastal recreation water; and

(B) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

(7) OCCURRENCE DATABASE – The Secretary shall establish, maintain, and make available to the public by electronic and other means –

(A) a national coastal recreation water pollution occurrence database using reliable information, including the information reported under subsection (2); and

(B) a listing of communities conforming to the regulations promulgated under subsections (1) and (2).

SECTION 7. *Report to Congress.* – Not later than four (4) years after the date of the enactment of this title and periodically thereafter, the Secretary shall submit to Congress a report that contains –

(1) recommendations concerning the need for additional water quality criteria and other actions that are necessary to improve the quality of coastal recreation water; and

(2) an evaluation of efforts to implement this Act.

SECTION 8. *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 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.