

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

SECRETARY

'04 AUG 10 P 4:00

SENATE  
S.B. No. 1704

RECEIVED BY: mu

---

Introduced by Senator Miriam Defensor Santiago

---

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.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO *Def*

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

PRIVATE  
SECRETARY

104 AUG 10 P4 41

SENATE  
S.B. No. 1704

RECEIVED BY:                     

---

Introduced by Senator Miriam Defensor Santiago

---

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

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

SECTION 1. *Short Title.* – This Act shall known as the “Safest Routes for Hazardous and Nuclear Wastes Act.”

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

SECTION 3. *Definition of Terms.* – As used in this Act:

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

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

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

(3) "Secretaries" refer to the Secretary of the Department of Environment and Natural Resources and the Department of Transportation and Communication.

SECTION 4. *Establishment of Safest Routes.* – (1) The Secretaries shall promulgate regulations in selecting the safest routes for the transportation of hazardous and nuclear wastes. Such regulations shall at least prescribe a formula for analyzing the risks presented by each proposed route for the transportation of these wastes and the risks presented by the materials to be transported, especially to public health and safety. Such regulations shall –

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

(B) require the maintenance by persons engaged in the transportation of hazardous materials of –

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

(ii) data on government designated wayside rest stops for hazardous cargo trucks;

(iii) current data on hazardous material transportation evacuation and emergency response information;

(iv) highway accident data; and

(v) data on container failure rates.

(2) The Secretaries shall formulate the regulations in coordination with the members of the Inter-Agency Technical Advisory Council established by R.A. No. 6969, and two (2) representatives of each of the local government units concerned.

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

SECTION 5. *Separability Clause.* – If any provisions 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 6. *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 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,