


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

7 JUL -2 2014

SENATE

RECEIVED BY: 

Senate Bill No. 482

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE


The right of the people to a balanced and healthful ecology is upheld by the Constitution. It is, therefore, the mandate of the State to safeguard the right and to provide the resources to implement this policy for the benefit of all citizens.

Public health and safety greatly depends on the awareness of citizens and local officials of the toxic dangers that exist in their homes, communities and neighborhoods. Of all sectors in the society, it is the children and other vulnerable subpopulations like pregnant women, the elderly and individuals with a history of ailments that face unique health threats of needing special attention. However, our current standards for environmental pollutants fail to protect or even consider risks to children and other vulnerable subpopulations.

There is a need to clearly differentiate between the risks to children and other vulnerable sectors in the setting of environmental and public health standards. It is also important that such standards be made known and understood by the target sector for their own protection.

This bill seeks to address these issues by tasking the Department of Environment and Natural Resources (DENR), in collaboration with the Department of Health (DOH) and the Department of Agriculture (DA) in setting appropriate standards. This bill institutes the necessary mechanisms for ensuring that supplying data that would allow adequate quantification and evaluation of environmental pollutants specific to these sectors creates information on the risks to children and the risks to other vulnerable sub-pollutants. In so doing, the citizens will be able to exercise their right to know and make informed decisions to protect their families.

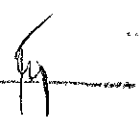
In view of the foregoing considerations early passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

FOURTEENTH CONGRESS OF THE REPUBLIC)
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7 JUL -2 2011

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Senate Bill No. 482

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
TO PROTECT CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS
FROM EXPOSURE TO CERTAIN ENVIRONMENTAL POLLUTANTS, AND
FOR OTHER PURPOSES

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Title. This Act shall be known and cited as "**Children's Environmental Protection Act.**"

SEC 2. Declaration of Policy. It is the policy of the State, concordant with the Constitution, to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature and to promote and protect the children's physical well-being in recognition of the youth's vital role in nation-building. To ensure the implementation of these policies, the State shall ensure that:

- a) All environmental and public health standards set by the Department of Environment and Natural Resources (DENR) and the Department of Health (DOH), respectively must, with an adequate margin of safety, protect children and other vulnerable subpopulations that are at greater risk from exposure to environmental pollutants;
- b) Information, including a safer-for-children product list, should be made readily available by the DENR to the general public and relevant government agencies to advance the public's right to know and allow the public to allow unnecessary and involuntary exposure to environmental pollutants;
- c) Not later than one (1) year after the safer-for-children product list is created only listed products or chemicals that minimize potential health risks to children shall be used in properties and areas of the State; and

- d) Scientific research opportunities should be identified by the DENR and the DOH to study the short-term and long-term health effects of cumulative, simultaneous and synergistic exposures of children and other vulnerable subpopulations to environmental pollutants.

SEC 3. *Definitions of Terms* - As used in this Act:

- a) "Areas That Are Reasonably Accessible to Children" shall refer to homes, schools, day care centers, shopping malls, movie theaters and parks;
- b) "Children" shall refer to individual 18 years of age or younger;
- c) "Department" shall refer to the Department of Environment and Natural Resources;
- d) "Environmental Pollutants" shall refer to the hazardous substance or a pesticide, as defined in R.A. 6969 and those other pollutants with national standards;
- e) "Secretary" shall refer to the Secretary of Environment and Natural Resources;
- f) "State Properties and Areas" shall refer to areas owned or controlled by the Republic of the Philippines; and
- g) "Vulnerable Subpopulations" shall refer to children, pregnant women, the elderly, individuals with a history of serious illness and other subpopulations identified by the Secretary of Environment, in collaboration with the Secretary of Health as likely to experience elevated health risks from environmental pollutants.

**ARTICLE II
SAFEGUARDING CHILDREN AND OTHER VULNERABLE
SUBPOPULATIONS**

SEC 4. *Functions of the Secretary of the DENR.* The Secretary of the Department of Environment and Natural Resources in collaboration with the Secretary of Health, shall:

- a) Consistently and explicitly evaluate and consider environmental health risks to vulnerable subpopulations in all of the risk assessments, risk characterizations, environmental and public health standards and regulatory decisions carried out by the Secretary;
- b) Ensure that all environmental and public health standards protect children and other vulnerable subpopulations with an adequate margin of safety, and
- c) Develop and use a separate assessment or finding of risks to vulnerable subpopulations or publish in at least two (2)

newspapers of general circulation an explanation of why the separate assessment or finding is not in used.

SEC 5. *Reevaluation of Current Public Health and Environmental Standards.* As part of any risk assessment, risk characterization, environmental and public health standard or regulation, or general regulatory decision carried out by the Secretary, he shall evaluate and consider the environmental health risks to children and other vulnerable subpopulations.

Not later that one (1) year after the date of enactment of this Act, the Secretary shall:

- a) Develop an administrative strategy and process for reviewing standards;
- b) Publish in at least two (2) newspapers of general circulation a list of standards that may need revision to ensure the protection of children and vulnerable subpopulations;
- c) Prioritize the list according to the standards that are most important for expedited review to protect children and vulnerable subpopulations;
- d) Identify which standards on the list will require additional research in order to be reevaluated and outline the time and resources required to carry out the research;
- e) Identify, through public input and peer review public health and environmental standards to be re-promulgated on an expedited basis to meet the criteria of this subsection;
- f) Propose revised standards that meet the criteria of this subsection not later than five (5) years after the date of enactment of this title;
- g) Complete the revision of all standards in accordance with this subsection not later that ten (10) years after the date of enactment of this title;
- h) Report to Congress on an annual basis, the progress made by the Secretary in carrying out the objectives and policy of this subsection;

ARTICLE III SAFER ENVIRONMENTAL FOR CHILDREN

SEC 6. *Safer Environmental for Children.* To ensure a safer environmental for children, in not later than one year after the enactment 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 one (1) 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 *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 to children to environmental pollutants in areas *reasonably accessible to children*, including advice on how to establish an integrated pest management program;
- 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 three, the guidelines established under paragraph four, information on the *potential effects of environmental pollutants*, practical suggestions on how parents may reduce their children's exposure to environmental pollutants, and other relevant information, as determined by the Secretary in cooperation with the Secretary of Department of Health;
- f) Make all information created pursuant to this subsection *available to government agencies, the public and on the internet*; and
- g) Review and update lists created under paragraphs two and three at least once each year;

SEC 7. *Compliance in Public Areas that are Reasonably Accessible to Children.* Not later than one year after the list of public areas that are reasonably accessible to children is created and made available to the public by the Department, the Secretary shall prohibit the use of any product that has been excluded from the safer-for-children list in State properties and areas.

ARTICLE IV RESEARCH TO IMPROVE INFORMATION ON EFFECTS OF CHILDREN

SEC 8. *Toxicity Data.* The Secretary of Agriculture and the Secretary of Health shall coordinate and support the development and implementation of basic and applied research initiatives to examine the health effects and toxicity of pesticides (including active and inert ingredients) and other environmental pollutants on children and other vulnerable subpopulations.

SEC 9. *Biennial Report.* The Secretary of Agriculture and the Secretary of Health shall submit joint biennial reports to Congress on actions taken to carry out this article.

**ARTICLE V
FINAL PROVISIONS**

SEC 10. Appropriations. The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC 11. Separability Clause. If any portion or provision of this Act were declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC 12. Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC 13. Effectivity Clause. This Act shall take effect fifteen (15) days from the date of this publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,