

SENATE

Senate Bill No. 1189

18

INTRODUCED BY HON. MANNY VILLAR

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.



MANNY VILLAR

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

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

1 SECTION 1. Short title- This Act shall be known as the "Beaches Environmental
2 Assessment, Closure, and Health Act".

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

6 (1) To protect public safety; and

7 (2) To improve environmental quality.

8 SECTION 3. Definitions - In this Act --

9 (1) COASTAL RECREATION WATER- The term 'coastal recreation water'
10 means water adjacent to public beaches and marine coastal water (including bays,
11 lagoon mouths, and coastal estuaries within the tidal zone) used by the public for

12 (A) swimming;

13 (B) bathing;

- 1 (C) surfing; or
- 2 (D) other similar body contact purposes.

3 (2) FLOATABLE MATERIALS- The term ' floatable materials' means any foreign
4 matter that may float or remain suspended in water, including

5 (A) plastic;

6 (B) aluminum cans;

7 (C) wood;

8 (D) bottles;

9 (E) paper products; and

10 (F) fishing gear.

11 SECTION 4. Adoption of coastal recreational water quality criteria -

12 (a) IN GENERAL- Not later than 3 years and 180 days after the date of
13 enactment of this Act, the secretary of the Department of Environment and Natural
14 Resources shall adopt water quality criteria for coastal recreation water

15 (b) DEVELOPMENT OF CRITERIA- Water quality criteria described in
16 subsection (a) shall be developed and promulgated in accordance with existing
17 environmental laws and policies.

18 SECTION 5. Water quality criteria revision -

19 (a) STUDIES- Not later than 3 years after the date of enactment of this Act, and
20 after consultation with appropriate officials (including local health officials) and other
21 interested persons, the secretary shall conduct studies to provide new information for
22 use in developing--

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

4 (2) Appropriate and effective indicators for improving direct detection of the
5 presence of pathogens found harmful to human health in coastal recreational water;

6 (3) Appropriate, accurate, and expeditious methods (including predictive models)
7 for detecting the presence of pathogens in coastal recreation water that are harmful to
8 human health; and

9 (4) Guidance for the application of the criteria issued under subsection (b) to
10 account for the diversity of geographic and aquatic conditions throughout the country.

11 (b) REVISED CRITERIA- Not later than 5 years after the date of enactment of
12 this Act, based on the results of the studies conducted under subsection (a), the
13 secretary, after consultation with appropriate officials (including local health officials)
14 and other interested parties, shall--

15 (1) Issue revised water quality criteria for pathogens in coastal recreation water
16 that are harmful to human health, including a revised list of indicators and testing
17 methods; and

18 (2) Not less than once every 5 years thereafter, review and revise the water
19 quality criteria.

20 SECTION 6. Coastal beach water quality monitoring

21 (a) MONITORING:

22 (1) IN GENERAL- Not later than 1 year and 180 days after the date of enactment
23 of this Act, the Administrator shall promulgate regulations requiring monitoring by the
24 department of public coastal recreation water and beaches for

1 (A) Compliance with applicable water quality criteria; and

2 (B) Maintenance of public safety.

3 (2) CONTENTS OF REQUIREMENTS- Monitoring requirements established
4 under this section shall specify, at a minimum

5 (A) Available monitoring methods to be used;

6 (B) The frequency and location of monitoring based on

7 (i) The periods of recreational use of coastal recreation water and beaches;

8 (ii) The extent and degree of recreational use during the periods described in clause (i);

9 (iii) The proximity of coastal recreation water to known or identified point and non-point
10 sources of pollution; and

11 (iv) The relationship between the use of public recreation water and beaches to storm
12 events;

13 (C) Methods for

14 (i) Detecting levels of pathogens that are harmful to human health; and

15 (ii) Identifying short-term increases in pathogens that are harmful to human health in
16 coastal recreation water, including the relationship of short-term increases in pathogens
17 to storm events; and

18 (D) Conditions and procedures under which discrete areas of coastal recreation
19 water maybe exempted by the secretary from the monitoring requirements under this
20 subsection, if the Secretary determines that an exemption will not--

21 (i) Impair compliance with the applicable water quality criteria for that water; and

22 (ii) Compromise public safety.

1 (b) NOTIFICATION REQUIREMENTS

2 (1) IN GENERAL- Regulations promulgated under subsection (a) shall require
3 provinces to provide prompt notification of a failure or the likelihood of a failure to meet
4 applicable water quality criteria for provincial coastal recreation water, to

5 (A) Local governments;

6 (B) The public; and

7 (C) The secretary:

8 (2). INFORMATION INCLUDED IN NOTIFICATION- Notification under this
9 subsection shall require, at a minimum-

10 (A) The prompt communication of the occurrence, nature, extent, and location of,
11 and substances (including pathogens) involved in, a failure or immediate likelihood of a
12 failure to meet water quality criteria, to a designated official of a local government
13 having jurisdiction over land adjoining the coastal recreation water for which the failure
14 or imminent failure to meet water quality criteria is identified; and

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

17 (i) Of a failure to meet applicable water quality criteria for the water; and

18 (ii) The potential risks associated with water contact activities in the water.

19 (c) REVIEW AND REVISION OF REGULATIONS- Periodically, but not less than
20 once every 5 years, the secretary shall review and make any necessary revisions to
21 regulations promulgated under this section.

22 (d) IMPLEMENTATION

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

4 (2) REVISION OF PROGRAM- Not later than 2 years after the date of publication
5 of any revisions by the secretary under subsection (c), each province shall revise the
6 program established under paragraph (1) to incorporate the revisions.

7 (e) GUIDANCE; DELEGATION OF RESPONSIBILITY-

8 (1) IN GENERAL- Not later than 1 year and 180 days after the date of enactment
9 of this title, the secretary shall issue guidance establishing--

10 (A) Core performance measures for testing, monitoring, and notification
11 programs under this section; and

12 (B) The delegation of testing, monitoring, and notification programs under this
13 section to local government authorities.

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

20 (f) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE Not
21 later than 1 year and 180 days after the date of enactment of this Act, the secretary
22 shall--

23 (1) Provide technical assistance for uniform assessment and monitoring
24 procedures for floatable materials in coastal recreation water; and

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

3 (g) OCCURRENCE DATABASE- The secretary shall establish, maintain, and
4 make available to the public by electronic and other means--

5 (1) A national coastal recreation water pollution occurrence database using
6 reliable information, including the information reported under subsection (b); and

7 (2) A listing of communities conforming to the regulations promulgated under
8 subsections (a) and (b).

9 SECTION 7. Report to Congress- Not later than 4 years after the date of the
10 enactment of this title and periodically thereafter, the secretary shall submit to Congress
11 a report that contains-

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

15 (2) An evaluation of efforts to implement this Act.

16 SECTION 8. Separability Clause - If any provision or part hereof, is held invalid
17 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
18 remain valid and subsisting.

19 ;SECTION 9. Repealing Clause - Any law, presidential decree or issuance,
20 executive order, letter of instruction, administrative order, rule or regulation contrary to
21 or inconsistent with the provision of this Act is hereby repealed, modified or amended
22 accordingly.

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

Approved,