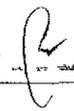


FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

10 AUG -2 11:34

SENATE  
S. No. **2217**

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article II, 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.\*

*acc.*   
MIRIAM DEFENSOR SANTIAGO

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\* This bill was re-filed during the Thirteenth Congress, First Regular Session.

10 AUG -2 P 1:44

SENATE  
S. No. **2217**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 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:*

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

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

- 8 (A) To protect public safety; and  
9 (B) To improve environmental quality.

10 SECTION 3. *Definitions.* – For the purposes of this Act, the term:

11 (A) “Coastal recreation water” means water adjacent to public beaches and marine  
12 coastal water (including bays, lagoon mouths, and coastal estuaries within the tidal  
13 zone) used by the public for –

- 14 (1) Swimming;  
15 (2) Bathing;  
16 (3) Surfing; or  
17 (4) Other similar body contact purposes.

18 (B) “Floatable materials” means any foreign matter that may float or remain suspended  
19 in water, including –

- 20 (1) Plastic;

- 1 (2) Aluminum cans;
- 2 (3) Wood;
- 3 (4) Bottles;
- 4 (5) Paper products; and
- 5 (6) Fishing gear.

6 SECTION 4. *Adoption of Coastal Recreational Water Quality Criteria.* –

7 (A) *In General.* – Not later than three (3) years and one hundred eighty (180) days after  
8 the date of enactment of this Act, the Secretary of the Department of Environment and Natural  
9 Resources shall adopt water quality criteria for coastal recreation water.

10 (B) *Development of Criteria.* – Water quality criteria described in paragraph (A) shall  
11 be developed and promulgated in accordance with existing environmental laws and policies.

12 SECTION 5. *Water Quality Criteria Revision.* –

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

- 16 (1) A more complete list of potential human health risks from inhalation,  
17 ingestion, or body contact with coastal recreation water, including effects on  
18 the upper respiratory system;
- 19 (2) Appropriate and effective indicators for improving direct detection of the  
20 presence of pathogens found harmful to human health in coastal recreational  
21 water;
- 22 (3) Appropriate, accurate, and expeditious methods (including predictive models)  
23 for detecting the presence of pathogens in coastal recreation water that are  
24 harmful to human health; and
- 25 (4) Guidance for the application of the criteria issued under subsection (2) to  
26 account for the diversity of geographic and aquatic conditions throughout the  
27 country.

1 (B) *Revised Criteria.* – Not later than five (5) years after the date of enactment of this  
2 Act, based on the results of the studies conducted under paragraph (A), the Secretary, after  
3 consultation with appropriate officials, including local health officials, and other interested  
4 parties, shall –

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

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

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

11 (A) *Monitoring.* –

12 (1) *In General.* – Not later than one (1) year and one hundred eighty-(180) days  
13 after the date of enactment of this Act, the Administrator shall promulgate regulations  
14 requiring monitoring by the department of public coastal recreation water and beaches  
15 for:

- 16 (a) Compliance with applicable water quality criteria; and
- 17 (b) Maintenance of public safety.

18 (2) *Contents of Requirements.* – Monitoring requirements established under this  
19 section shall specify, at a minimum –

- 20 (a) Available monitoring methods to be used; and
- 21 (b) The frequency and location of monitoring based on –
  - 22 (i) The periods of recreational use of coastal recreation water and
  - 23 beaches;
  - 24 (ii) The extent and degree of recreational use during the periods
  - 25 described in clause (i);
  - 26 (iii) The proximity of coastal recreation water to known or
  - 27 identified point and non-point sources of pollution; and

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

3 (c) Methods for –

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

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

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

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

16 (ii) Compromise public safety.

17 (B) *Notification Requirements.* –

18 (1) *In General.* – Regulations promulgated under subsection (1) shall require  
19 provinces to provide notification of a failure or the likelihood of a failure to meet  
20 applicable water quality criteria for provincial coastal recreation water, to:

21 (a) Local governments;

22 (b) The public; and

23 (c) The Secretary.

24 (2) *Information Included in Notification.* – Notification under this subsection shall  
25 require, at a minimum –

26 (a) The prompt communication of the occurrence, nature, extent, and  
27 location of, and substances, including pathogens, involved in, a failure  
28 or immediate likelihood of a failure to meet water quality criteria, to a  
29 designated official of a local government having jurisdiction over land

1 adjoining the coastal recreation water for which the failure or  
2 imminent failure to meet water quality criteria is identified; and

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

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

7 (ii) the potential risks associated with water contact activities in the  
8 water.

9 (C) *Review and Revision of Regulations.* – Periodically, but not less than once every five  
10 (5) years, the Secretary shall review and make any necessary revisions to regulations  
11 promulgated under this section.

12 (D) *Implementation.* –

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

17 (2) *Revision of Program.* – Not later than two (2) years after the date of  
18 publication of any revisions by the Secretary under subsection (3), each province shall  
19 revise the program established under paragraph (A) to incorporate the revisions.

20 (E) *Guidance; Delegation of Responsibility.* –

21 (1) *In General.* – Not later than one (1) year and one hundred eighty (180) days  
22 after the date of enactment of this title, the Secretary shall issue guidance  
23 establishing –

24 (a) Core performance measures for testing, monitoring, and notification  
25 programs under this section; and

26 (b) The delegation of testing, monitoring, and notification programs under  
27 this section to the local government authorities.

28 (2) *Delegation of Responsibility to Local Governments.* – If a responsibility  
29 described the above paragraph is delegated by a province to a local

1 government authority, or is delegated to a local government authority before  
2 the date of enactment of this section, resources, including grants made, shall  
3 be made available to the delegated authority for the purpose of implementing  
4 the delegated program in a manner that is consistent with the guidance issued  
5 by the Secretary.

6 (F) *Floatable Materials Monitoring; Technical Assistance.* – Not later than one (1) year  
7 and one hundred eighty (180) days after the date of enactment of this Act, the Secretary shall –

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

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

12 (G) *Occurrence Database.* – The Secretary shall establish, maintain, and make available  
13 to the public by electronic and other means –

14 (1) A national coastal recreation water pollution occurrence database using  
15 reliable information, including the information reported under paragraph (A);  
16 and

17 (2) A listing of communities conforming to the regulations promulgated under  
18 paragraph (A) and (B).

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

22 (A) Recommendations concerning the need for additional water quality criteria and other  
23 actions that are necessary to improve the quality of coastal recreation water; and

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

25 SECTION 8. *Separability Clause.* – If any provision or part hereof, is held invalid or  
26 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
27 valid and subsisting.

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

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

Approved,