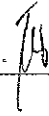


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

9 JAN 29 P1:45

SENATE
S. No. **3026**

RECEIVED BY



Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Silicosis is a disabling, nonreversible and sometimes fatal lung disease caused by overexposure to respirable crystalline silica. Silica exposure remains a serious threat to workers. Silica is the second most common mineral in the earth's crust and is a major component of sand, rock, and mineral ores. Overexposure to dust that contains microscopic particles of crystalline silica can cause scar tissue to form in the lungs, which reduces the lungs' ability to extract oxygen from the air we breathe. The National Institute for Occupational Safety and Health (NIOSH) in the United States reported that each year more than 250 die from silicosis and hundreds more are disabled.

There is no cure for the disease, but it is 100 percent preventable if employers, workers, and health professionals work together to reduce exposures. In addition to silicosis, inhalation of crystalline silica particles has been associated with other diseases, such as bronchitis and tuberculosis. Some studies also indicate an association with lung cancer.

Controlling the exposure to silica may be done through engineering controls, administrative actions, and personal protective equipment. Engineering controls include such things as replacing silica with a material that does not contain crystalline silica, using local exhaust ventilation, using containment methods such as blast-cleaning

machines and cabinets, and wet sawing, or wet drilling of silica-containing materials. Administrative actions may include limiting the worker's exposure time and requiring workers to shower and change into clean clothes before leaving the worksite. Personal protective equipment may include wearing the proper respiratory protection to keep workers' exposure below the permissible exposure limit and the use of personal protective clothing.

This bill seeks to address the health and safety concerns posed by silica exposure in the workplace.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 REGULATING THE USE OF
3 SILICA IN THE WORKPLACE

4 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
5 *Congress assembled:*
6

7 SECTION 1. *Short Title.* – This Act shall be known as the “Silica Regulatory Act of
8 2009.”

9 SECTION 2. *Definition of terms.* – As used in this Act, the term–

10 (A) “Silica” refers to a white or colorless crystalline compound, SiO₂, occurring
11 abundantly as quartz, sand, flint, agate, and many other minerals and used to manufacture
12 a wide variety of materials, especially glass and concrete;

13 (B) “Department” means the Department of Labor and Employment;

14 SECTION 3. *Requirements for a workplace involving silica.* – an employer must observe
15 the following requirements if he uses silica in his place of business–

16 (A) Employers are required to provide and assure the use of appropriate controls for
17 crystalline silica-containing dust. They must use all available engineering controls
18 such as blasting cabinets, water sprays, and local exhaust ventilation. Substitution of
19 less hazardous materials can also be used;

20 (B) Obtain technical bulletins that may provide additional health and safety information;

21 (C) For other operations where respirators maybe required, wear a respirator approved for
22 protection against crystalline silica-containing dust. Do not alter the respirator in any

1 way. Workers who use tight-fitting respirators cannot have beards/mustaches which
2 interfere with the respirator seal to the face;

3 (D) The employer must use type CE positive pressure abrasive blasting respirators for
4 sandblasting;

5 (E) The use of exhaust ventilation to prevent accumulation and recirculation of airborne
6 contaminants is hereby required;

7 (F) It shall be unlawful to eat, drink, use tobacco products, or apply cosmetics in areas
8 where there is dust containing crystalline silica.

9 SECTION 4. *Implementing Rules and Regulations.*— The Department shall adopt the
10 Implementing Rules and Regulations for this Act which shall include the following:

11 (A) Adoption of administrative controls in the form of good work practices;

12 (B) Guidelines for the mandatory use of personal protective equipment and clothing
13 where necessary;

14 (C) Proper engineering controls to minimize the deleterious effects of silica.

15 SECTION 5. *Penalties.* – The Department is empowered to establish and assess penalties
16 or fines against an employer for violations of this Act or regulations adopted under this Act. In
17 no circumstance will any penalties or fines exceed P10,000.00 for each day the permit holder
18 remains in violation.

19 SECTION 6. *Separability Clause.* – If any provision, or part hereof is held invalid or
20 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
21 valid and subsisting.

22 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
23 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
24 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

1 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

3 Approved,