

SENATE
S. No. 3109

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.

An electroplater is a skilled worker who finishes the surface of metallic articles by electroplating for decorative or engineering purposes. Electroplaters are exposed to a multitude of hazardous chemicals, which may cause poisoning, chemical burns, damage to the respiratory system, allergies, etc. Electroplaters may be injured by falls on wet floors, may suffer cuts and pricks from sharp tools or jigs, and burns from hot liquids. Other common hazards include electric shock, fire and explosions, injuries caused by falling bodies, eye damage by flying particles, entanglement in moving machinery and high noise levels.

There are accidental hazards that may come from electric shock, burns, fire and explosions, vigorous chemical reactions, or poisoning by phosgene, which may be formed if chlorinated solvents or their vapors are heated in contact with a hot surface or a flame, or if a worker smokes in the presence of such solvents. Physical hazards include exposure to adverse environmental factors (high temperature and humidity), exposure to infrared radiation from drying equipment, and exposure to excessive noise levels from mechanical equipment, in particular in barrel-plating or cleaning operation. Chemical hazards come in to form of exposure to organic solvents and various cleaning formulations, and to their vapors, exposure to potentially hazardous metal dusts generated by mechanical operations (like buffing and brush cleaning). There is also the possibility

of chronic poisoning by inhalation or ingestion of many of the chemicals used in plating shops, dermatoses caused by exposure of the skin to cleaning formulations, acid and alkaline solutions, and organic solvents and the irritation of mucous membranes (in particular of the respiratory tract) by acid or alkaline vapors or aerosols, and other chemicals.

This bill seeks to address the health and safety concerns posed by the electroplating process in the workplace.


MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 REGULATING THE ELECTROPLATING INDUSTRY

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Electroplating Regulatory
6 Act of 2009.”

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

8 (A) An “electroplater” refers to a skilled worker who finishes the surface of metallic
9 articles by electroplating for decorative or engineering purposes;

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

11 SECTION 3. *Requirements for a workplace involving electroplating.* – an employer must
12 observe the following requirements if his company is engaged in electroplating–

13 (A) Obtain Material Safety Data Sheets (MSDSs) from the supplier;

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

15 (C) Use safety shoes or boots with non-slip soles, and safety helmet;

16 (D) Employees are required to wear personal protective equipment and chemical resistant
17 clothing to avoid exposure of skin or eyes to corrosive solids, liquids, gases or vapors;

18 (E) They must wear safety goggles in all cases where the eyes may be exposed to dust,
19 flying particles, or splashes of harmful liquids;

20 (F) Use exhaust ventilation to prevent accumulation and recirculation of airborne
21 contaminants;

1 (G) The employer must obey all safety instructions regarding the storage, transport,
2 handling or pouring of chemicals, or the disposal of spent plating baths;

3 (H) The mixing of chemicals can only be done with the supervision of a qualified
4 chemist or safety professional.

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

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

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

10 (C) Proper engineering controls to minimize the deleterious effects of electroplating.

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

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

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

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

23 Approved,