

SENATE  
S. No. **3141**

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Introduced by Senator Miriam Defensor Santiago

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#### 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.

Millions of workers in a variety of occupations, such as mining, construction and abrasive blasting, are exposed to microscopic airborne particles of silica, asbestos and coal dust. Inhalation of these particles may not only cause cancer of the lung, trachea and bronchus, but also the non-malignant respiratory diseases, silicosis, asbestos and coal pneumoconiosis ("dusty lung"). Non-malignant respiratory diseases in workers can result from exposures to airborne agents during the course of their work. These agents are mainly in the form of particulates or dusts and the primary route of exposure is inhalation. The agents gain access to the respiratory system and are either deposited (in the case of dusts) or enter the circulatory system.

Development of these diseases is influenced by the amount of exposure and the toxicity of the dust, and the diseases are characterized by long latency periods; therefore, even in countries in which exposures have been recognized and controlled, the disease rates are only gradually declining. Rate trends in developing countries are mostly unknown but the magnitude of the problem is substantial.

Studies estimate that 5-18% of asthma may be attributable to occupational exposure, with one review study suggesting a median value of 15% for the highest quality studies. One large population study estimates that 14% of chronic obstructive pulmonary disease is attributable to occupational causes. In total, the attributable

mortality for chronic obstructive pulmonary disease was 243,000 (0.4%) deaths and the attributable burden was 3.0 million (0.2%). Several tens of thousands of additional deaths are attributable to silica, asbestos and coal dust. At the global level, the burden appears low, but the risk to workers in mining, construction and other occupations is high. For example, most workers with long-term exposure to low-to-moderate silica concentrations will develop silicosis. These diseases are entirely preventable through efforts like those of the International Labor Organization and World Health Organization global campaign to eliminate silicosis, including elimination of exposure through substitution of safer materials, wet methods, and ventilation.

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

  
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT  
2 PROTECTING WORKERS FROM THE EFFECTS  
3 OF AIRBORNE PARTICULATES IN THE WORKPLACE

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

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

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

9 (A) “Airborne Particulates” refer to any particulate matter that is suspended in the air. It  
10 can be caused by natural phenomena or come from man-made sources. In high enough  
11 concentrations, particulates can aggravate existing respiratory problems or even trigger  
12 new ones;

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

14 SECTION 3. *Requirements for a workplace involving airborne particulates.* – an  
15 employer must observe the following requirements if airborne particulates are present in his  
16 place of business–

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

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

1 (C) For other operations where respirators maybe required, wear a respirator approved for  
2 protection against the particulates. Do not alter the respirator in any way. Workers  
3 who use tight-fitting respirators cannot have beards/mustaches which interfere with  
4 the respirator seal to the face;

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

7 (E) The use of exhaust ventilation to prevent accumulation and recirculation of airborne  
8 contaminants is hereby required.

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 airborne  
15 particulates.

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

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

23 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
24 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
25 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,