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SENATE
P. S. R. No. 558

FILED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED IMPORTATION OF HAZARDOUS WASTES FROM NEW ZEALAND AND THE NEED TO IMMEDIATELY RATIFY THE BASEL BAN AMENDMENT WHICH PROHIBITS THE EXPORT OF TOXIC WASTES FROM DEVELOPED COUNTRIES TO DEVELOPING COUNTRIES

WHEREAS, 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;"

WHEREAS, Republic Act No. 6969 also known as the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990, Section 2 mandates: "It is the policy of the State to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits;"

WHEREAS, R.A. No. 6969, Section 12 further mandates that "The public shall have access to records, reports, or information concerning chemical substances and mixtures including safety data submitted, date on emission or discharge into the environment, and such documents shall be available for inspection or reproduction;"

WHEREAS, R.A. No. 6969, Section 13 enumerates the following unlawful acts and omissions:

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"b) Failure or refusal to submit reports, notices or other information, access to records, as required by this Act, or permit inspection of establishment where chemicals are manufactured, processed, stored or otherwise held;

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d) Cause, aid or facilitate, directly or indirectly, in the storage, importation, or bringing into Philippines territory, including its maritime economic zones, even in transit, either by means of land, air or sea transportation or otherwise keeping in storage any amount of hazardous and nuclear wastes in any part of the Philippines."

WHEREAS, based on a 10 August 2011 article in the *Manila Bulletin*, there is an urgent need to investigate the importation of hazardous wastes, particularly from New Zealand, since it has been alleged that the country has been exporting at least 50,000 tons of toxic wastes to the Philippines and South Korea since 2008;

WHEREAS, according to Greenpeace-NewZealand, official documents reveal that used lead acid batteries were allegedly sent to the Philippines for recycling;

WHEREAS, it remains unclear how much is exported to the Philippines as this information has not yet been made available;

WHEREAS, it was reported that according to Greenpeace-Southeast Asia toxics campaigner Beau Bacongus, it is imperative that details of these shipments be made publicly available and the Philippines should not become a dumping ground of toxic wastes from countries that are more capable of managing their own wastes;

WHEREAS, EcoWaste president Roy Alvarez allegedly said that New Zealand is a country that prides itself in its clean and green image but a genuinely green country should take responsibility for its own toxic wastes; by exporting its own hazardous waste, it is, in effect, taking advantage of countries like the Philippines already struggling from countless environmental and social problems;

WHEREAS, it is imperative for the state to conduct a thorough investigation on the alleged importation of these hazardous wastes and to impose penalties on the perpetrators of the prohibited acts provided in Section 13 of Republic Act No. 6969 as well as the public officers who are remiss of their duties to implement these regulations;

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the alleged importation of hazardous wastes from New Zealand;

WHEREFORE, be it further resolved, that there is a need to immediately ratify the Basel Ban Amendment to prohibit the export of toxic waste from developed countries to developing countries.

Adopted,


MIRIAM DEFENSOR SANTIAGO

/dpm