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Senate
Office of the Secretary

DEC 12 P 2:54

SENATE
S. No. 3087

RECEIVED

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 16 provides:

Section 16. 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.

This bill seeks to create a Philippine Pollutant Release and Transfer Registry (PPRTR). It aims to provide timely, relevant, and comprehensible data to the general public to support the identification and assessment of possible risks to humans and the environment by indicating sources and amounts of potentially harmful releases and transfers to the environment and to minimize their effects on the environment. This will prevent pollution and the release of pollutants from various sectors by encouraging the implementation of cleaner technologies and to help the private sector to comply with environmental rules and regulations.

The bill shall also evaluate the progress of government environmental policies on pollution control and prevention and to assess to what extent these national environmental goals can be achieved. This will make businesses more accountable for their pollution. The public will gain access to data about the harmful chemicals produced by different industries to help them participate in environmental decision making. This bill is based on the work of Greenpeace and Dean Antonio La Viña of the Ateneo School of Government.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT INSTITUTING A PHILIPPINE
2 POLLUTANT RELEASE AND TRANSFER REGISTRY

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Pollutant Release
4 and Transfer Registry Act.”

5 SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect and advance
6 the right of the people to a balanced and healthful ecology in accord with the rhythm and
7 harmony of nature, and to protect and promote the people’s right to health, and to attain and
8 maintain a balance between development and environmental protection.

9 It is the policy of the State to maintain a quality of air that protects human health and
10 welfare.

11 It is the policy of the State to pursue economic growth in a manner consistent with the
12 protection, preservation and revival of the quality of our fresh, brackish and marine waters.

13 It is the policy of the State to regulate, restrict, or prohibit the importation, manufacture,
14 processing, sale and distribution, use and disposal of chemical substances and mixtures that
15 present unreasonable risk and/or injury to health or the environment.

16 It is the policy of the State to adopt a systematic, comprehensive and ecological solid
17 waste management program which shall ensure the protection of public health and the
18 environment.

1 It is the policy of the State to adopt and implement full public disclosure of all its
2 transactions involving public interest, and to promote a transparent, open and participatory
3 environmental management regime.

4 SECTION 3. *Applicable and Related Laws, Rules and Regulations* – The following laws
5 and their pertinent rules and regulations shall be applicable and taken into account in the
6 implementation of the Philippine Pollutant Release and Transfer Registry (PPRTR):

7 (a) Republic Act (RA) No. 6969 or the Toxic Substances and Hazardous and Nuclear
8 Waste Control Act of 1990;

9 (b) RA No. 8749 or the Philippine Clean Air Act of 1999;

10 (c) RA No. 9275 or the Philippine Clean Water Act of 2004;

11 (d) RA No. 9003 or the Ecological Solid Waste Management Act of 2000;

12 (e) All other environmental laws, rules, and regulations as may be relevant to the
13 implementation of the PPRTR, including, but not limited to multilateral and bilateral health and
14 environmental agreements to which the Philippines is a party to.

15 SECTION 4. *Scope and Coverage*. – The PPRTR shall cover all forms of pollutants and
16 hazardous and toxic chemicals, and all forms of emissions and discharges to the environment,
17 whether in the air, water, or soil by all facilities and industries operating in the Philippines,
18 subject to the guidelines and procedures of the PPRTR on the disclosure requirement for
19 facilities and industries.

20 SECTION 5. *Definition of Terms* – As used in this Act, the following terms shall mean:

21 (a) Pollutant release and transfer registry (PRTR) – are catalogues or registries of
22 potentially harmful pollutant releases or transfers to the environment from a variety of sources,
23 including information on the nature and quantity of such releases and transfers. It includes
24 information about releases or transfers to air, water and soil as well as about wastes transported
25 to treatment and disposal sites. It is a means for obtaining regular, periodic information about
26 releases and/or transfers of chemical substances of interest and for making this information

1 accessible to those who may be interested and/or affected by it; it is a tool for promoting efficient
2 and effective policies for environmental protection and sustainable development.

3 (b) Emission – emission of a substance to the environment whether in pure form or
4 contained in other matter and whether in solid, liquid or gaseous form. It includes emissions
5 from landfills, incinerators, waste management and other disposal facilities, concrete kilns,
6 sewerage systems, tailings dams, and other industrial facilities.

7 (c) Air pollution – any alteration of the physical, chemical and biological properties
8 of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substance that will
9 or is likely to create or to render the air resources of the country harmful, detrimental, or
10 injurious to public health, safety and welfare or which will adversely affect their utilization for
11 domestic, commercial or industrial, agricultural, recreational or other legitimate purposes.

12 (d) Water pollution – any alteration of the physical, chemical, biological, radiological
13 properties of a body of water resulting in the impairment of its purity or quality, or is hazardous
14 or potentially hazardous to health.

15 (e) Hazardous wastes – substances that are without any safe commercial, industrial,
16 agricultural or economic usage and to by-products, side-products, process residues, spent
17 reaction, media, contaminated plant or equipment or other substances from manufacturing
18 operations, and as consumer discards from manufactured products.

19 (f) Hazardous substances/ chemicals – are substances which present either: 1) short
20 term acute hazards, such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity
21 or other skin or eye contact hazard or the risk of fire or explosion; or 2) long term environmental
22 hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some
23 cases result from acute exposure but with a long latent period), resistance to detoxification
24 process such as biodegradation, the potential to pollute underground or surface waters, or
25 aesthetically objectionable properties such as offensive odors. It is a chemical for which there is
26 statistically significant evidence (based on at least one study conducted according to established
27 scientific principles) that acute or chronic health effects may occur.

1 (g) Solid waste – all discarded household, commercial waste, non-hazardous
2 institutional and industrial waste, street sweepings, construction debris, agricultural waste, and
3 other non-hazardous and non-hazardous/ non-toxic waste.

4 (h) Green chemistry – also known as sustainable chemistry, is the design of chemical
5 products and processes that reduce or eliminate the use of generation of hazardous substances.

6 (i) Clean production – is a preventive, integrated, continuous strategy for modifying
7 products, processes and services, to enhance efficiency which improves environmental
8 performance and reduces costs.

9 SECTION 6. *Lead/ Implementing Agency.* – The Environmental Management Beureau
10 (EMB) shall be the lead/ implementing agency for the PPRTR. The EMB shall create a special
11 unit, the PPRTR Office (PPRTRO), whose sole function shall be to manage and administer the
12 PPRTR.

13 The PPRTRO shall be headed by an Executive Director and shall be assisted by
14 competent staff to be determined based on the exigency of the circumstances. The PPRTRO shall
15 be created and established within one (1) month from the effectivity of this Order.

16 SECTION 7. *Powers and Functions of the PPRTR Office.* – The PPRTRO shall have the
17 following powers and functions:

18 a) Conduct an assessment of existing infrastructure for the full implementation of
19 the PPRTR;

20 b) Conduct information and dissemination campaigns as regards the PPRTR, from
21 inception to its implementation stages;

22 c) Collect, manage, sort and make available to the general public the data and
23 information collected in the system in an effective, efficient, accessible and timely manner;

24 d) Maintain a database of covered industries, facilities and establishments;

25 e) Issue reports and updates regarding the PPRTR for the general public;

26 f) Conduct research and studies on pollution control, prevention, and mitigation and
27 on green chemistry and clean production;

- 1 g) Coordinate with other government agencies and the private sector for the effective
2 and efficient implementation of the PPRTR;
- 3 h) Conduct periodic assessments of the PPRTR system and make recommendations
4 for the improvement of the same;
- 5 i) Perform such other powers and functions as may be designated by the Secretary
6 of Environment and Natural Resources.

7 SECTION 8. *Implementing Rules and Regulations.* – The IRR for the PPRTR shall be
8 issued by the Secretary of Environment and Natural Resources within three (3) months from the
9 date of effectivity of this Act. The IRR shall contain, but not be limited to the following
10 information:

- 11 a) List and schedule of covered substances, chemicals and pollutants, and their
12 classification;
- 13 b) List of covered facilities, establishments and industries;
- 14 c) Procedure and method of obtaining, reporting, and disseminating information;
- 15 d) Procedure for citing non-compliant and violating facilities;
- 16 e) Guidelines to ensure accessible, timely, relevant and accessible public access to
17 information on the PPRTR, taking into account the right of businesses and industries to the
18 protection of trade secrets and other intellectual property and related rights.

19 SECTION 9. *Penalties.* – Businesses that fail to comply with the requirements of this Act
20 shall be fined an amount between FIFTY THOUSAND PESOS (P50,000.00) and ONE
21 MILLION PESOS (P1,000,000.00) and their license to operate may also be revoked.

22 SECTION 10. *Transitory Provisions.* – Existing inventories, records and listings of
23 pollutants, chemicals, and substances as provided for in other laws, rules and regulations, such as
24 but not limited to the Priority Chemicals List (PCL) of the Department of Environment and
25 Natural Resources (DENR), shall be taken into consideration in the formulation of the list and
26 schedules of the PPRTR. Data and information in existing inventories, records, and listings shall

1 be included in the initial list of the PPRTR, provided that all the chemicals in the PCL of the
2 DENR shall be used as the initial list of the system. The consolidation shall be completed within
3 three (3) months from the date of effectivity of this Act.

4 SECTION 11. *Funding.* -- Upon the effectivity of this Act, the EMB shall allocate from
5 their existing funds such amounts as may be necessary for the additional funding requirements
6 that may be needed by the PPRTR, subject to the usual government accounting and auditing
7 rules and regulations. Thereafter, the amount of ONE MILLION PESOS (P1,000,000.00) shall
8 be added to the annual budget of the EMB for the PPRTRO.

9 SECTION 12. *Separability Clause.* -- If any provision, or part hereof is held invalid or
10 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
11 valid and subsisting.

12 SECTION 13. *Repealing Clause.* -- Any law, presidential decree or issuance, executive
13 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
14 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

15 SECTION 14. *Effectivity Clause.* -- This Act shall take effect fifteen (15) days after its
16 publication in at least two (2) newspapers of general circulation.

Approved,