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SENATE
S. No. 1313

RECEIVED BY: *js*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, 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 engaged in manufacturing parts for products such as automobiles, farm equipment, aircraft, heavy machinery, and other hardware are exposed to metalworking fluids (MWFs). Metalworking fluids are in widespread, high volume use for their coolant, lubricant, and corrosion resistant properties during machining operations. Metalworking fluids also provide corrosion protection for the newly machined part and machine tool.

Metalworking fluids can cause adverse health effects through skin contact with contaminated materials, spray, or mist and through inhalation from breathing MWF mist or aerosol. Skin and airborne exposures to MWFs have been implicated in health problems including irritation of the skin, lungs, eyes, nose and throat. Conditions such as dermatitis, acne, asthma, irritation of the upper respiratory tract, and a variety of cancers have been associated with exposure to MWFs. The severity of health problems is dependent on several factors such as the kind of fluid, the degree and type of contamination, and the level and duration of the exposure.

Skin contact occurs when the worker dips his/her hands into the fluid or handles parts, tools, and equipment covered with fluid without the use of personal protective equipment, such as gloves and aprons. Skin contact may also result from fluid splashing onto the employee from the machine if guarding is absent or inadequate. Inhalation of MWF mist or aerosol may cause irritation of the lungs, throat, and nose. In general, respiratory irritation involves some type of chemical interaction between the MWF and the human respiratory system. Exposure to MWF mist or aerosol may also aggravate the effects of existing lung disease. A number of studies have

found an association between working with MWF and a variety of cancers, including cancer of the rectum, pancreas, larynx, skin, scrotum, and bladder.

This bill seeks to address the health and safety concerns posed by MWF use in the workplace.*

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Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.



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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 REGULATING THE USE OF METALWORKING FLUIDS IN THE WORKPLACE

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “MWF Regulatory Act.”

4 SECTION 2. *Definition of Terms.*—As used in this Act, the term:

5 (A) “Metalworking fluids” or MWF refer to a range of oils and other liquids that are used
6 to cool and/or lubricate metal work pieces when they are being machined, ground, milled, or
7 industrially processed; and

8 (B) “Secretary” means the Secretary of Labor and Employment.

9 SECTION 3. *Requirements for a Workplace using MWFs.* – An employer must observe
10 the following requirements if the employer uses MWFs in the employer’s place of business—

11 (A) Obtain Material Safety Data Sheets (MSDSs) from the supplier to know exactly
12 what type of MWF they are working with and what precautions to take;

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

15 (C) Choose MWFs with the least toxic materials, whenever possible;

16 (D) Use a system designed to generate a minimum amount of fluid mist. It is
17 prohibited to use compressed air to blow clean parts covered with MWF as the air pressure
18 causes the MWF to be airborne;

1 (E) Install complete enclosures or splash guards, depending on the operation, to keep
2 the metalworking fluids contained and away from the operator;

3 (F) Use exhaust ventilation to prevent accumulation and recirculation of airborne
4 contaminants;

5 (G) Reduce the amount of contamination into the MWFs, such as hydraulic oils and
6 other "tramp" oils, by keeping equipment in good working order.

7 SECTION 4. *Implementing Rules and Regulations.* — The Secretary of Labor and
8 Employment shall promulgate the Implementing Rules and Regulations for this Act which shall
9 include the following:

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

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

13 (C) Proper engineering controls to minimize the deleterious effects of MWFs.

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

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

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

Approved,