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Office of the Secretary

SENATE
S. No. 1491

20 MAY -4 (P 3:39

Introduced by Senator Grace Poe

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AN ACT
CREATING A PHILIPPINE POLLUTANT RELEASE AND TRANSFER REGISTRY

Explanatory Note

The 1987 Constitution provides the overarching framework for environmental policy in the Philippines. Section 16, Article 2 states: "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." Various statutes also embody the environmental policy of the country: the Philippine Environmental Policy (1997) (P.D. No. 1151), the Philippine Environment Code (1977) (P.D. No. 1152), the Philippine National Strategy for Sustainable Development (1989), and the National Action Plan for Sustainable Development (1996) (Philippine Agenda 21).

The Philippines is also signatory to a number of international treaties and agreements on environmental protection and regulation. This include the 1972 Stockholm Declaration; the 1992 Rio Declaration; the United Nations Framework Convention on Climate Change and the Kyoto Protocol; The Montreal Protocol on Substances that Deplete the Ozone Layer; The Stockholm Convention on Persistent Organic Pollutants; the Convention on Biological Diversity; and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

These various treaties and agreements are binding obligations on the country. It is therefore the legal duty of the Philippines to comply with its international obligations in order to protect and conserve the environment.

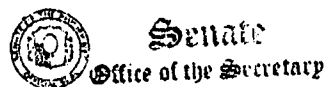
The global community has long recognized the significance of Pollution Release and Transfer Registries as a tool for environmental regulation and management. It is developed in response to the increased chemicals and other wastes polluting our environment. It essentially provides publicly accessible data about quantities of releases or transfers of a set of potentially harmful substances, the origin of these releases and transfers and their geographic distribution on a timely, regular periodic basis. The overall goal is to augment government efforts to integrate environmental management and promote pollution prevention.

This bill thus seeks to establish 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 or pollutants from various sectors by encouraging the implementation of cleaner technologies and to help the private sector to comply with environmental rules and regulations.

This bill is based on the work of Greenpeace and Dean Antonio La Viña of the Ateneo School of Government.

In view of the foregoing, speedy approval of this bill is eagerly sought.


GRACE POE



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**AN ACT
CREATING A PHILIPPINE POLLUTANT RELEASE AND TRANSFER REGISTRY**

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

1 Section 1. *Short Title.* – This Act shall be known as the "*Philippine Pollutant*
2 *Release and Transfer Registry Act.*"

3 SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to:

- 4 a) Protect and advance the right of the people to a balanced and healthful
5 ecology in accord with the rhythm and harmony of nature, and to protect
6 and promote the people's right to health, and to attain and maintain a
7 balance between development and environmental protection;
- 8 b) Maintain a quality of air that protects human health and welfare;
- 9 c) Pursue economic growth in a manner consistent with the protection,
10 preservation, and revival of the quality of our fresh, brackish and marine
11 waters;
- 12 d) Regulate, restrict, or prohibit the importation, manufacture, processing,
13 sale and distribution, use and disposal of chemical substances and
14 mixtures that present unreasonable risk and/or injury to health or the
15 environment;
- 16 e) Adopt a systematic, comprehensive and ecological solid waste
17 management program which shall ensure the protection of public health
18 and the environment;

- 1 f) Adopt and implement full public disclosure of all its transactions involving
2 public interest, and to promote a transparent, open, and participatory
3 environmental management regime; and
4 g) Ensure that information on the health and safety of humans and the
5 environment shall not be regarded as confidential, but shall protect trade
6 secrets and other confidential information.

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

- 11 a) Republic Act No. 6969 otherwise known as the Toxic Substances and
12 Hazardous and Nuclear Waste Control Act of 1990;
13 b) Republic Act No. 8749 otherwise known as the Philippine Clean Air Act of
14 1999;
15 c) Republic Act No. 9275 otherwise known as the Philippine Clean Water Act
16 of 2004;
17 d) Republic Act No. 9003 otherwise known as the Ecological Solid Waste
18 Management Act of 2000; and
19 e) All other environmental laws, rules, and regulations as may be relevant to
20 the implementation of the PPRTR, including, but not limited to multilateral
21 and bilateral health and environmental agreements to which the
22 Philippines is a party to;

23 *Sec. 4. Scope and Coverage.* – The PPRTR shall cover all forms of pollutants
24 and hazardous and toxic chemicals, and all forms of emissions and discharges in the
25 environment, whether in the air, water, or soil by all facilities and industries
26 operating in the Philippines, subject to the guidelines and procedures of the PPRTR
27 on the disclosure requirement for facilities and industries.

28 *Sec. 5. Objectives.* – The objectives of the PPRTR are:

- 29 1. To provide timely, relevant, accessible, and comprehensible data to the
30 general public to support the identification and assessment of possible
31 risks to humans and the environment by indicating sources and amounts

1 of potentially harmful releases and transfers to the environment and to
2 minimize its effects on the environment;

3 2. To simplify and rationalize information gathering about the emission and
4 transfer of individual chemicals and wastes to different media, as well as
5 the reporting requirements which the industry has to comply;

6 3. To prevent pollution and the release of pollutants from various sources by
7 encouraging the implementation of cleaner technologies and to help the
8 private sector comply with environmental rules and regulations;

9 4. To evaluate the progress of government environmental policies on
10 pollution control and prevention and to assess to what extent national
11 environmental goals can be achieved;

12 5. To increase the involvement of the private sector in pollution control and
13 prevention, in research and development of clean production and green
14 chemistry, and in environmental management to achieve sustainable
15 development; and

16 6. To improve the quality of air, water, and land resources through the use
17 of data and information collected in the system.

18 Sec. 6. *Definition of Terms.* – As used in this Act, the following terms shall
19 mean:

20 a) *Pollutant release and transfer registry (PRTR)* - are catalogues or
21 registries of potentially harmful pollutant releases or transfers to the
22 environment from a variety of sources, including information on the nature
23 and quantity of such releases and transfers. It includes information about
24 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
26 information about releases and/or transfers of chemical substances of interest
27 and for making this information accessible to those who may be interested
28 and/or affected by it; it is a tool for promoting efficient and effective policies
29 for environmental protection and sustainable development.

30 b) *Emission* – emission of a substance to the environment whether in pure
31 form or contained in other matter and whether in solid, liquid or gaseous
32 form. It includes emissions from landfills, incinerators, waste management

1 and other disposal facilities, concrete kilns, sewerage systems, tailings dams,
2 and other industrial facilities.

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

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

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

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

29 g) *Solid waste* – all discarded household, commercial waste, non-hazardous
30 institutional and industrial waste, street sweepings, construction debris,
31 agricultural waste, and other non-hazardous and non-toxic waste.

1 h) *Green chemistry* – also known as sustainable chemistry, is the design of
2 chemical products and processes that reduce or eliminate the use of
3 generation of hazardous substances.

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

7 *Sec. 7. Lead Implementing Agency.* – The Environmental Management
8 Bureau (EMB) shall be the lead/ implementing agency for the PPRTR. The EMB
9 shall create a special unit, the PPRTR Office (PPRTRO), whose sole function shall
10 implement the provisions of this Act.

11 The PPRTRO shall be headed by an Executive Director and shall be assisted
12 by competent staff to be determined based on the exigency of the circumstances.
13 The PPRTRO shall be created and established within three (3) months from the
14 effectivity of this Act.

15 *Sec. 8. Powers and Functions of the PPRTR Office.* – The PPRTRO shall have
16 the following powers and functions:

- 17 a) Conduct an assessment of existing infrastructure for the full
18 implementation of the PPRTR;
- 19 b) Conduct information and dissemination campaigns as regards the
20 PPRTR, from inception to its implementation stages;
- 21 c) Collect, manage, sort and make available to the general public the data
22 and information collected in the system in an effective, efficient, accessible
23 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
27 mitigation and on green chemistry and clean production;
- 28 g) Coordinate with other government agencies and the private sector for
29 the effective and efficient implementation of the PPRTR;
- 30 h) Issue guidelines for the implementation of the PPRTR;
- 31 i) Conduct periodic assessments of the PPRTR system and make
32 recommendations for the improvement of the same; and

1 j) Perform such other powers and functions as may be designated by the
2 Secretary of Environment and Natural Resources.

3 *Sec. 9. Guidelines and Procedure Implementing the PPRTR.* – The guidelines
4 and procedure implementing the PPRTR shall be issued by the Secretary of
5 Environment and Natural Resources within six (6) months from the date of the
6 effectivity of this Act.

7 A Technical Working Group (TWG) is hereby constituted to formulate the
8 guidelines and procedure to establish the PPRTR. The TWG shall be supported by
9 the PPRTRO. The necessary Special Orders (SO) shall be issued to constitute the
10 TWG.

11 The TWG shall be composed of at least seven (7) members representing
12 various government agencies such as the Department of Health (DOH), Department
13 of Labor and Employment (DOLE), Department of Trade and Industry (DTI),
14 Department of Transportation and Communication (DOTC), Department of the
15 Interior and Local Government (DILG), and Department of Agriculture (DA) among
16 others, the private sector and industries, non-government and civil society
17 organizations, local government units (LGUs), and the academe, who shall be
18 designated and appointed by the Secretary of Environment and Natural Resources.

19 The Secretary shall ensure that sufficient environment and health experts,
20 and frontline community members, are represented in the TWG.

21 *Sec. 10. Contents of the Guidelines and Procedure Implementing the PPRTR.*
22 – The guidelines and procedure shall contain, but not be limited to the following
23 information:

- 24 a) List and schedule of covered substances, chemicals and pollutants, and
25 their classification;
- 26 b) List of covered facilities, establishments and industries;
- 27 c) Procedure and method of obtaining, reporting, and disseminating
28 information;
- 29 d) Procedure for citing non-compliant and violating facilities; and
- 30 e) Guidelines to ensure accessible, timely, relevant and accessible public
31 access to information on the PPRTR, taking into account the right of

1 businesses and industries to the protection of trade secrets and other
2 intellectual property and related rights.

3 The information indicated in this provision shall be modified accordingly in
4 consonance with international developments and evolving practices related but not
5 limited to pollution control, prevention and mitigation, green chemistry, and clean
6 production, based on researches, studies, international laws, treaties and
7 conventions, jurisprudence, and the like.

8 *Sec. 11. Pilot Test of the PPRTR.* – The Department of Environment and
9 Natural Resources (DENR) and the EMB shall identify areas where the PPRTR shall
10 first be implemented for the first reporting year. The areas shall be chosen on the
11 basis of the availability of current pollution data and information, private sector
12 cooperation and participation, and availability of needed infrastructure.

13 The pilot areas shall be as far as practicable in different regions and locations
14 and which would be representative of the general conditions in the rest of the
15 country.

16 The pilot test shall be conducted within three (3) months from compliance
17 with Section 9 of this Act.

18 *Sec. 12. Penalties.* – Businesses that fail to comply with the requirements of
19 this Act shall suffer a fine of not less than FIFTY THOUSAND PESOS (P50,000.00)
20 but not more than ONE MILLION PESOS (P1,000,000.00) and suspension of their
21 license to operate for one (1) month for the first offence and and their license to
22 operate may also be revoked.

23 *Sec. 13. Transitory Provisions.* – Existing inventories, records and listings of
24 pollutants, chemicals, and substances as provided for in other laws, rules and
25 regulations, such as but not limited to the Priority Chemicals List (PCL) of the DENR,
26 shall be taken into consideration in the formulation of the list and schedules or the
27 PPRTR.

28 Data and information in existing inventories, records, and listings shall be
29 included in the initial list of the PPRTR, provided that all the chemicals in the PCL of
30 the DENR shall be used as the initial list of the system. The consolidation shall be
31 completed within one (1) year from the date of effectivity of this Act.

1 Monitoring, data collection and listing, and inventories, conducted and
2 managed by other units and offices of the DENR and other relevant government
3 agencies shall continue, subject to the guidelines and procedure as prescribed by
4 Section 9 of this Act, on the mandatory sharing and forwarding of information to the
5 PPRTR system.

6 Sec. 14. *Funding.* – Upon the effectivity of this Act, the EMB shall allocate
7 from their existing funds such amounts as may be necessary for the additional
8 funding requirements that may be needed by the PPRTR, subject to the usual
9 government accounting and auditing rules and regulations.

10 In the year following the effectivity of this Act and in subsequent years
11 thereafter, the operational funds and expenses of the PPRTR shall be provided for in
12 the annual budget of the DENR. *Provided* that, the Secretary of Environment and
13 Natural Resources may allocate additional funding for the PPRTR as the
14 circumstances and exigencies may require.

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

18 Sec. 16. *Repealing Clause.* – Any law, presidential decree or issuance,
19 executive order, letter of instruction, administrative order, rule or regulation contrary
20 to or inconsistent with, the provisions of this Act is hereby repealed, modified, or
21 amended accordingly.

22 Sec. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
23 its publication in at least two (2) newspapers of general circulation.

Approved,