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 REPUBLIC OF THE PHILIPPINES)
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SENATE

RECEIVED BY: 

PSR No. 117

Introduced by Senator Loren Legarda

A RESOLUTION

DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGATIONS THAT MEDICAL INCINERATORS UNDER THE AUSTRIAN MEDICAL WASTE PROJECT IN THE PHILIPPINES FAILED TO MEET ENVIRONMENTAL ASSESSMENT TEST AND THAT IT CONTINUES TO BE A FINANCIAL LIABILITY OF THE GOVERNMENT DESPITE ITS ADVERSE EFFECT TO HEALTH AND THE ENVIRONMENT

Whereas, Section 16, Article II of the 1987 Philippine Constitution provides that 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 the nature;

Whereas, in June 1999, Congress enacted Republic Act No. 8749 otherwise known as the Philippine Clean Air Act of 1999 which seeks to recognize and guarantee the enjoyment of the right to breathe clean air by the people and the right to utilize and enjoy all natural resources according to the principles of sustainable development;

Whereas, Section 20 of the said law totally prohibits incineration, defined as the burning of municipal, biomedical and hazardous waste which emits poisonous and toxic fumes, but excludes from the ban traditional small-scale method of community/neighborhood sanitation siga, traditional, agricultural, cultural, health and food preparation and crematoria;

Whereas, said provision further provides that existing incinerators dealing with a biomedical wastes shall be out within three years after the effectivity of the Clean Air Act; however, in the interim, such units shall be limited to the burning of pathological and infectious wastes, and subject to close monitoring by the Department of Environment and Natural Resources;

Whereas, said provision requires the Department of Environment and Natural Resources to promote the use of state-of-the-art, environmentally-sound and safe non-burn technologies for the handling, treatment, thermal destruction, utilization, and disposal of sorted, unrecycled, uncomposted, biomedical and hazardous wastes;

Whereas, in 1995, the Department of Health was receiving a lot of criticism for improper disposal of hospital waste by DOH-retained hospitals in Metro Manila. To address this problem, in November 1996, the Philippine Government undertook the upgrading for DOH hospitals, consisting of related equipment supply, medical engineering, project management training and maintenance, with VAMED Engineering GmbH & CO KG, an Austrian corporation, in the amount of ATS 430,000,000.00);

Whereas, the Project included the installation of disinfection units, medical equipment, and the twenty six (26) medical waste incinerators;

Whereas, in March 31, 1997, the Bank Austria AG and the Philippine Department of Finance signed a loan agreement to finance the Austrian Project. Mandatory repayment of the loan shall be in 24 equal, consecutive semi-annual installments in freely convertible and transferable Austrian schillings or Euro in Vienna and starts five years after signing of the credit arrangement, or in year 2002, and has to be paid off by March 2014;

Whereas, in March 2002, Greenpeace conducted investigations on the Austrian Project and found out that the incinerators have no air pollution control devices, which are required under MMDA Ordinance No. 16 of 1991 (amended by MMO No. 98-008);

Whereas, Greenpeace also revealed that the stack or chimney height of the incinerators is a fixed 9.9 meters which means that compared to "good engineering practice" criteria, which sets the height of a medical waste incinerator stack to 2.5 times higher than the height of nearby structure, to prevent pollutant gases from entering nearby buildings or homes through windows, door and air intakes of ventilation and air conditioning systems, or over 30 meters high, the stack height of said incinerators are barely above nearby structures;

Whereas, according to Greenpeace, in April 1997, the Environmental Management Bureau exempted the incinerators under the Austrian Project on the assumption that its in-house installation would not involve site development and building of new structures and that the incinerators would improve the waste disposal system of recipient hospitals. However, the DENR was unable to verify the emission data for the tests Vamed conducted at the East Avenue Medical Center, due to the lack of proper equipment and the high costs of sampling and analysis;

Whereas, the Greenpeace found that, in closer inspection of the wastes incinerated by recipient hospitals, they contained general waste like soft drink cans, fast food packaging, empty plastic water bottles, kitchen waste and office waste, in direct contravention of the provision of the law which provides that during the three year period prior to the total ban of incinerators in the country, only infectious and pathological waste may be incinerated in existing units.

Whereas, there is a need to look into the Austrian Project and determine the soundness of the loan taken out by the Philippine Government on this matter and the continued liability of the Philippine Government under its loan agreement;

Whereas, there is a necessity to look into the possibility of renegotiating the incineration component part of the Project to dispense with the use of the incinerators and replace them with alternative modes of disposing hospital wastes;

Whereas, given the urgent need to address global warming and climate change, it is necessary to resolve the implication of the existence of the incinerators in the light of the total ban mandated by the Philippine Clean Air Act;

NOW THEREFORE BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the Senate Committee on Environment and Natural Resources to conduct an inquiry, in aid of legislation, into the allegations that medical incinerators under the Austrian Medical Waste Project in the Philippines failed to meet environmental assessment test and that it continues to be a financial liability of the government despite its adverse effect to the health and the environment.

Adopted,


LOREN LEGARDA
Senator