

FOURTEENTH CONGRESS OF THE REPUBLIC )  
 OF THE PHILIPPINES )  
 First Regular Session )

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SENATE  
 S. No. **2015**




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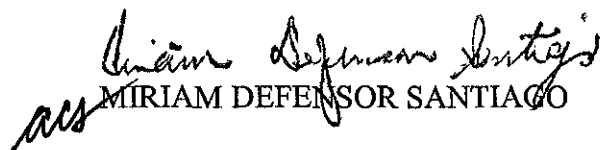
Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

R.A. No. 6969 or the “Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990,” covers the importation, manufacture, processing, handling, storage, transportation, sales, distribution, use, and disposal of all unregulated chemical substances and mixtures in the Philippines, including the entry, even in transit, as well as the keeping or storage and disposal of hazardous and nuclear wastes into the country for whatever purpose.

However, the law lacks specific guidelines on how the hazardous and nuclear wastes would be transported. This bill seeks to empower the Secretary of the Department of Environment and Natural Resources and the Secretary of the Department of Transportation and Communications, in coordination with other concerned government and non-government entities, to establish the safest routes for the transportation of hazardous and nuclear wastes.

*acs*   
 MIRIAM DEFENSOR SANTIAGO

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1 AN ACT  
2 TO REQUIRE THE DESIGNATION OF THE SAFEST ROUTES FOR THE  
3 TRANSPORTATION OF HAZARDOUS AND NUCLEAR WASTES

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Safest Routes for Nuclear  
7 Wastes Act of 2008.”

8 SECTION 2. *Declaration of Policy.* – It is the policy of the State to regulate, restrict,  
9 or prohibit the importation, manufacture, processing, sale, distribution, use, and disposal of  
10 chemical substances and mixtures that present unreasonable risk and/or injury to health or the  
11 environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their  
12 disposal into the Philippine territorial limits for whatever purpose; and to provide  
13 advancement and facilitate research and studies on toxic chemicals.

14 SECTION 3. *Definition of Terms.* – As used in this Act:

15 (A) “Hazardous wastes” are substances that are without safe commercial, industrial,  
16 agricultural, or economic usage and are shipped, transported, or brought from the country of  
17 origin for dumping or disposal into or in transit through any part of the territory of the  
18 Philippines.

19 Hazardous wastes shall also refer to by-products, process residues, spent reaction  
20 media, contaminated plant or equipment, or other substances from manufacturing operations,  
21 and as consumer discards of manufacture products;

22 (B) “Nuclear wastes” are hazardous wastes made radioactive by exposure to the  
23 radiation incidental to the production or utilization of nuclear fuels but does not include

1 nuclear fuel, or radioisotopes which have reached the final stage of fabrication so as to be  
2 usable by any scientific, medical, agricultural, commercial, or industrial purpose; and

3 (C) "Secretaries" refer to the Secretary of the Department of Environment and  
4 Natural Resources and the Department of Transportation and Communication.

5 SECTION 4. *Establishment of Safest Routes.* – (A) The Secretaries shall promulgate  
6 regulations in selecting the safest routes for the transportation of hazardous and nuclear  
7 wastes. Such regulations shall at least prescribe a formula for analyzing the risks presented  
8 by each proposed route for the transportation of these wastes and the risks presented by the  
9 materials to be transported, especially to public health and safety. Such regulations shall –

10 (1) specify the data to be considered in making the analysis, including  
11 demographic data, data on the location of emergency response resources, data on  
12 accidents in each route, data on routes recommended by national and local  
13 authorities, and data on evacuation distances; and

14 (2) require the maintenance by persons engaged in the transportation of  
15 hazardous materials of –

16 (a) data on routes recommended by national and local authorities;

17 (b) data on government designated wayside rest stops for hazardous  
18 cargo trucks;

19 (c) current data on hazardous material transportation evacuation and  
20 emergency response information;

21 (d) highway accident data; and

22 (e) data on container failure rates.

23 (B) The Secretaries shall formulate the regulations in coordination with the members  
24 of the Inter-Agency Technical Advisory Council established by R.A. No. 6969, and two (2)  
25 representatives of each of the local government unit concerned.

26 (C) The Secretaries, within sixty (60) days from finalizing the safest routes, should  
27 cause the publication of the routes where the hazardous and nuclear wastes may be  
28 transported and the designated safest time when the transportation of these wastes may be

1 done. Any changes in the regulation affecting the route and time should be published in the  
2 same manner.

3 SECTION 5. *Separability Clause.* – If any provisions or part hereof, is held invalid or  
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall  
5 remain valid and subsisting.

6 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
7 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
8 with the provision of this Act is hereby repealed, modified, or amended accordingly.

9 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) publication in  
10 at least two (2) newspapers of general circulation.

11 Approved,