

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

SENATE
S. No. 89

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Asbestos is classified by scientists as a category A human carcinogen, the highest cancer hazard classification for a substance. Further, there is no known safe level of exposure to asbestos. Even low levels of exposure may cause asbestos-related diseases, such as mesothelioma.

Many people incorrectly believe that there is no risk of exposure to asbestos through the use of new commercial products. However, asbestos is still being used in roofing products, coatings, and friction products.

Millions of workers in the Philippines have been, and continue to be, exposed to dangerous levels of asbestos. Families of workers are also put at risk because of asbestos brought home by the workers on their shoes, clothes, skin, and hair.

Asbestos has already been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom. It was banned throughout the European Union in 2005.

Banning asbestos from being used in or imported into the country will provide certainty to manufacturers, builders, environmental firms, workers, and consumers that after a specific

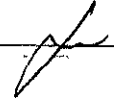
date, asbestos will not be used or added to new construction and manufacturing materials used in this country.¹

acs
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session

SENATE
S. No. _____

Introduced by Senator Miriam Defensor Santiago



1 AN ACT
2 BANNING THE IMPORTATION, MANUFACTURE, PROCESSING, OR DISTRIBUTION
3 IN COMMERCE OF ASBESTOS-CONTAINING PRODUCTS
4

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

7 SECTION 1. *Short Title.* --This Act shall be known as the "Ban Asbestos Act."

8 SECTION 2. *Declaration of Policy.* -. It is the policy of the State to promote the general
9 welfare of the people. Pursuant to this policy, this Act shall ban

10 SECTION 3. *Definition of Terms.* - For purposes of this Act, the term:

11 (A) "Asbestos-containing product" means any product (including any part) to which
12 asbestos is deliberately or knowingly added or in which asbestos is deliberately or knowingly
13 used in any concentration;

14 (B) "Biopersistent durable fiber" means a silicate fiber that occurs naturally in the
15 environment; and is similar to asbestos in resistance to dissolution; leaching; and other physical,
16 chemical, or biological processes expected from contact with lung cells and other cells and fluids
17 in the human body.

18 The term "biopersistent durable fiber" includes richterite; winchite; erionite; and non-
19 asbestiform varieties of amosite, crocidolite, anthophyllite, tremolite, and actinolite.

20 (C) "Contaminant-asbestos product" means any product that contains asbestos as a
21 contaminant of any mineral or other substance, in any concentration.

1 (D) "Distribute in commerce" means an action taken with respect to an asbestos
2 containing product in connection with the end use of the asbestos-containing product by a person
3 that is an end user; or distribution of an asbestos-containing product by a person solely for the
4 purpose of disposal of the asbestos-containing product in compliance with applicable laws;

5 (E) "Fiber" means an acicular single crystal or similarly elongated polycrystalline
6 aggregate particle with a length to width ratio of 3 to 1 or greater; and

7 (F) "Person" means any individual, corporation, company, association, firm, partnership,
8 joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any
9 manufacturer, importer, distributor, or processor); or any government department, agency, or
10 instrumentality.

11 SECTION 4. *Research and Reporting.* - The Department of Health shall conduct a study
12 and, not later than eighteen (18) months after the date of enactment of this Act, submit to
13 Congress, and government departments and agencies, as appropriate,

14 (A) A report containing a description of the current state of the science relating to the
15 disease mechanisms and health effects of exposure to asbestos and other biopersistent durable
16 fibers; and methods for measuring and analyzing asbestos;

17 (B) A description of the current status of labeling practices relating to asbestos-containing
18 material; and

19 (C) Recommendations for future asbestos-related disease research and exposure
20 assessment practice needs.

21 SECTION 5. *Prohibition on Asbestos-containing Products.* - The Secretary of Health
22 shall promulgate not later than one (1) year after the date of enactment of this Act, proposed
23 regulations that prohibit persons from importing, manufacturing, processing, or distributing in
24 commerce asbestos-containing products; and provide for implementation of paragraphs B and C
25 of the Section 4. Not later than 2 years after the date of enactment of this Act, he or she shall also
26 issue final regulations that, effective beginning sixty (60) days after the date of promulgation,

1 prohibit persons from importing, manufacturing, processing, or distributing in commerce
2 asbestos-containing products.

3 SECTION 6. *Exemptions.* - Any person may petition the Secretary of Health for, and the
4 Secretary may grant, an exemption from the requirements of set forth in the preceding Section if
5 the Secretary determines that the exemption would not result in an unreasonable risk of injury to
6 public health or the environment; and the person has made good faith efforts to develop, but has
7 been unable to develop, a substance, or identify a mineral, that does not present an unreasonable
8 risk of injury to public health or the environment; and may be substituted for an asbestos-
9 containing product.

10 An exemption granted under this Section shall be in effect for such period, not to exceed
11 one (1) year, and subject to such terms and conditions as the Secretary of Health may prescribe.

12 The Secretary of Health shall provide an exemption from the requirements of Section 5,
13 without review or limit on duration, if

14 (A) The exemption for an asbestos-containing product is sought by the Secretary of
15 National Defense and the Secretary of Defense certifies, and provides a copy of that certification
16 to Congress, that the use of the asbestos containing product is necessary to the critical functions
17 of the Department of National Defense;

18 (B) No reasonable alternatives to the asbestos containing product exist for the intended
19 purpose; and

20 (C) The use of the asbestos containing product will not result in an unreasonable risk to
21 health or the environment.

22 Except as provided in the next preceding paragraph, and not later than two (2) years after
23 the date of enactment of this Act, each person that possesses an asbestos-containing product that
24 is subject to the prohibition established under this Section shall dispose of the asbestos-
25 containing product, by a means that is in compliance with applicable national and local
26 requirements.

1 Nothing in paragraph this Section applies to an asbestos-containing product that is no
2 longer in the stream of commerce; or is in the possession of an end user; or requires that an
3 asbestos-containing product be removed or replaced.

4 SECTION 7. *Public Education Program.* - Not later than one (1) year after the date of
5 enactment of this Act, the Secretary of Health, in consultation with the Secretary of Trade and
6 Industry and the Secretary of Labor, shall establish a plan to

7 (A) Increase awareness of the dangers posed by asbestos-containing products and
8 contaminants in homes and workplaces; and asbestos-related diseases;

9 (B) Provide current and comprehensive information to asbestos-related disease patients,
10 family members of patients, and front-line health care providers on the dangers of asbestos
11 exposure; asbestos-related labeling information; health effects of exposure to asbestos;
12 symptoms of asbestos exposure; and available and developing treatments for asbestos-related
13 diseases, including clinical trials;

14 (C) Encourage asbestos-related disease patients, family members of patients, and
15 frontline health care providers to participate in research and treatment endeavors relating to
16 asbestos; and

17 (E) Encourage health care providers and researchers to provide to asbestos-related
18 disease patients and family members of patients information relating to research, diagnostic, and
19 clinical treatments relating to asbestos.

20 In establishing the program, the Secretary of Health shall give priority to asbestos-
21 containing products and contaminant-asbestos products used by consumers and workers that
22 pose the greatest risk of injury to human health.

23 SECTION 8. *Research on Asbestos-related Diseases; Asbestos-related Disease Registry.*

1 -- The Secretary of Health shall expand, intensify, and coordinate programs for the
2 conduct and support of research on diseases caused by exposure to asbestos, particularly
3 mesothelioma, asbestosis, and pleural injuries.

4 Not later than one (1) year after the date of enactment of this Act, the Secretary of Health,
5 shall establish a mechanism by which to obtain, coordinate, and provide data and specimens
6 from cancer registries; public and private hospitals; and entities participating in the asbestos
7 related disease research and treatment network in Section 9. The data and specimens obtained
8 shall form the basis for establishing a national clearinghouse for data and specimens relating to
9 asbestos-related diseases, with a particular emphasis on mesothelioma.

10 SECTION 9. *Asbestos-related Disease Research and Treatment Network.* - (A) For each
11 of fiscal years 2011 through 2015, the Secretary of Health, in collaboration with other applicable
12 government agencies and instrumentalities, shall establish and maintain an asbestos-related
13 disease research and treatment network (hereinafter, Network) to support the detection,
14 prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on
15 malignant mesothelioma.

16 The Network shall include intramural research initiatives of the Department of Health;
17 and at least ten (10) extramural asbestos-related disease research and treatment centers, as
18 selected by the Secretary of Health in accordance with the immediately succeeding paragraph.

19 (B) *Extramural Asbestos-Related Disease Research and Treatment Centers.* - For each
20 fiscal year during which the Network is operated and maintained, the Secretary of Health shall
21 select for inclusion in the Network not less than ten (10) nonprofit hospitals, universities, or
22 medical or research institutions incorporated or organized in the Philippines that, as determined
23 by the Secretary of Health, have exemplary experience and qualifications in research and
24 treatment of asbestos-related diseases; access to an appropriate population of patients with
25 asbestos-related diseases; and are geographically distributed throughout the Philippines, with
26 special consideration given to areas of high incidence of asbestos-related diseases.

1 (C) *Requirements.* - Each center selected under paragraph B above shall be chosen by the
2 Secretary of Health after competitive peer review; the conduct of laboratory and clinical research,
3 including clinical trials, relating to mechanisms for effective therapeutic treatment of asbestos-
4 related diseases; early detection and prevention of asbestos-related diseases; palliation of
5 asbestos-related disease symptoms; and pain management with respect to asbestos-related
6 diseases; offer to asbestos-related disease patients travel and lodging assistance as necessary to
7 accommodate the maximum number of patients practicable; and to serve a number of patients at
8 the center sufficient to conduct a meaningful clinical trial; coordinate the research and treatment
9 efforts of the center with other entities included in the Network.

10 A center selected by the Secretary of Health shall be included in the Network for the one
11 (1) year period beginning on the date of selection of the center; or such longer period as the
12 Secretary of Health determines to be appropriate.

13 (D) *Grants.* - The Secretary of Health shall provide to each center selected for inclusion
14 in the Network for the fiscal year a financial grant to support the detection, prevention, treatment,
15 and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

16 SECTION 10. *Appropriations.* - Such sums as may be necessary for the initial
17 implementation of this Act shall be taken from the current appropriations of the Department of
18 Health. Thereafter, such sum as may be necessary for its full implementation shall be included in
19 the annual General Appropriations Act as a distinct and separate item.

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

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

1 SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

3 Approved,

/apm062210