

FIFTEENTH CONGRESS OF THE REPUBLIC)
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SENATE

Senate Bill No. 646

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The recent oil spill crisis in Guimaras, as well as various incidents of hazardous waste contaminations caused by improper mining operations and manufacturing processes, certainly necessitate the creation of an agency or bureau that shall implement health-related programs of the government and protect the public from toxic wastes and spills of hazardous substances.

Currently, the government is unable to respond significantly to environmental emergencies and disasters because there are no concrete preventive programs - which incidentally, should be the proper approach if incidents of such nature and complex magnitude are to be avoided - and critical response mechanism that will coordinate the concerted and unified efforts of the various sectors.

This bill proposes the creation of an agency that shall be charged with helping prevent or reduce exposure to toxic and hazardous substances.

The deleterious effects of hazardous wastes and other dangerous substances are serious and require tremendous attention from the government.


This proposed measure should therefore be prioritized and immediately enacted into law.


JINGGOY EJERCITO ESTRADA
Senator

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
ESTABLISHING A BUREAU ON HAZARDOUS WASTES AND ENVIRONMENTAL SPILLS AND DISEASE REGISTRY AND FOR OTHER PURPOSES.

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

SECTION 1. Bureau on Hazardous Wastes and Environmental Spills of Hazardous Substances and Disease Registry. - There shall be established a Bureau on Hazardous Wastes and Environmental Spills and Disease Registry to be known as Hazardous Waste Bureau, which shall be placed within the Department of Health. The Commissioner of the Bureau (hereinafter referred to as "Commissioner"), in coordination with the Secretary of the Department of Environment and Natural Resources, the Commissioner of Bureau of Food and Drugs and heads of other appropriate agencies, as the case maybe, shall:

- A. Establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;
- B. Establish and maintain inventory of literature, research, and studies establish and maintain a complete listing of areas closed to the on the health effects of toxic substances;
- C. Public or otherwise restricted in use because of toxic substance contamination;
- D. In cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing where appropriate, epidemiological studies, or any other assistance appropriate under the circumstances; and
- E. Either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to government hospitals and other facilities and service separated or provided by the Department of Health.

SEC. 2. List of Hazardous Substances, - (1) The Commissioner, in coordination with appropriate agencies, shall prepare a list, in order of priority, of at least 100 hazardous substances which, in his discretion, are posing the most significant potential threat to human health due to their known or suspected toxicity to humans and the potential for human exposure to such substances.

(2) Based on all available information, including information maintained under paragraph (1) and data developed and collected on the health effects of hazardous substances under this paragraph, the Commissioner shall prepare toxicological profiles of each of the substances listed. The toxicological profiles shall be prepared in accordance with guidelines developed by the Commissioner. Such profiles shall include, but not be limited to each of the following:

A. An examination, summary, and interpretation of available toxicological information and epidemiologic evaluations on a hazardous substance in order to ascertain the levels of significant human exposure for the substance and the associated acute, sub acute, and chronic health effects.

B. A determination of whether adequate information on the health effects of each substance is available or in the process of development to determine levels of exposure which present a significant risk to human health of acute, sub-acute and chronic health effects.

C. Where appropriate, an identification of toxicological testing needed to identify the types or levels of exposure that may present significant risk of adverse health effects in humans.

(3) Any toxicological profile or revision thereof shall reflect the Commissioner's assessment of all relevant toxicological testing which has been peer reviewed. The profile required to be prepared under this paragraph for those hazardous substances listed shall be completed, at a rate of no fewer than 25 per year, within 4 years after the enactment of this Act.

(4) The Commissioner shall provide consultations upon request on health issues relating to exposure to hazardous or toxic substances, on the basis of available information, to appropriate heads of agencies and department.

(5) A. For each hazardous substance listed, the Commissioner, in consultation with the Secretary of the Department of Health, the Secretary of the Department of Environment and Natural Resources and heads of other appropriate agencies, shall assess whether adequate information on the health effects of such substance is available. For any such substance for which adequate information is not available (or under development), the Commissioner shall assure the initiation of a program of research designed to determine the health effects (and techniques for development of methods to determine such health effects) of such substance. Where feasible, such program shall seek to develop methods to determine the health effects of such substance in combination with other substances with which it is commonly found. Such program shall include, to the extent necessary to supplement existing information, but shall not be limited to --

(i) laboratory and other studies to determine short, intermediate, and long-term health effects;

(ii) laboratory and other studies to determine organ specific, site-specific, and system-specific acute and chronic toxicity;

(iii) laboratory and other studies to determine the manner in which such substances are metabolized or to otherwise develop an understanding of the biokinetics of such substances; and

(iv) where there is a possibility of obtaining human data, the collection of such information.

(B) In assessing the need to perform laboratory and other studies, as required by subparagraph (A), the Commissioner shall consider --

(i) the availability and quality of existing test data concerning the substance on the suspected health effect in question;

(ii) the extent to which testing already in progress will, in a timely fashion, provide data that will be adequate to support the preparation of toxicological profiles as required by paragraph (3); and

(iii) such other scientific and technical factors as the Commissioner may determine are necessary for the effective implementation of this subsection.

SEC 3. Health Assessment. - (A) The Commissioner shall identify certain sites, facilities or business industries like factories and other manufacturing establishments, known or believed to harbor, use or contain hazardous substances and conduct health assessment for each facility which should be undertaken within one year from the enactment of this Act.

(B) The Commissioner may perform health assessments for releases or facilities where individual persons or licensed physicians provide information that individuals have been exposed to a hazardous substance, for which the probable source of such exposure is a release. In addition to other methods (formal or informal) of providing such information, such individual persons or licensed physicians may submit a petition to the Commissioner providing such information and requesting a health assessment.

(C) In determining the priority in which to conduct health assessments under this subsection, the Commissioner shall give priority to those facilities at which there is documented evidence of the release of hazardous substances, at which the potential risk to human health appears highest, and for which existing health assessment data are inadequate to assess the potential risk to human health.

(D) Where a health assessment is done, the Commissioner shall complete such assessment promptly and, to the maximum extent practicable, before the completion of the remedial investigation and feasibility study at the facility concerned.

(E) Any local government unit or political subdivision carrying out a health assessment for a facility shall report the results of the assessment to the Commissioner and shall include recommendations with respect to further activities which need to be carried out under this section. The Commissioner shall state such recommendation in any report on the results of any assessment carried out directly for such facility and shall issue periodic reports which include the results of all the assessments carried out under this subsection,

(F) For the purposes of this section, the term "health assessments" shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities, based on such factors as the nature and extent of contamination, the existence of potential pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified hazardous substances and any available recommended exposure or tolerance limits for such hazardous substances, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The Commissioner shall use appropriate data, risk assessments, risk evaluations and available studies.

(G) The purpose of health assessments under this section shall be to assist in determining whether actions should be taken to reduce human exposure to hazardous substances from a facility and whether additional information on human exposure and associated health risks is needed and should be acquired by conducting epidemiological studies, establishing a registry, establishing a health surveillance program, or through other means. In using the results of health assessments for determining additional actions to be taken under this section, the Commissioner may consider additional information on the risks to the potentially affected population from all sources of such hazardous substances including known point or non-point sources other than those from the facility in question.

(H) Whenever in the judgment of the Commissioner, it is appropriate on the basis of the results of a health assessment, the Commissioner shall conduct a pilot study of health effects for selected groups of exposed individuals in order to determine the desirability of conducting full scale epidemiological or other health studies of the entire exposed population.

(I) Whenever in the judgment of the Commissioner is appropriate on the basis of the results of such pilot study or other study or health assessment, the Commissioner shall conduct such full scale epidemiological or other health studies as may be necessary to determine the health effects on the population exposed to hazardous substances from a release or threatened release. If a significant excess of disease in a population is identified, the letter of transmittal of such study shall include an assessment of other risk factors, other than a release, that may, in the judgment of the peer review group, be associated with such disease, if such risk factors were not taken into account in the design or conduct of the study.

(J) In any case in which the results of a health assessment indicate a potential significant risk to human health, the Commissioner shall consider whether the establishment of a registry of exposed persons would contribute to accomplishing the purposes of this subsection, taking into account circumstances bearing on the usefulness of such a registry, including the seriousness or unique character of identified diseases or the likelihood of population migration from the affected area.

(K) Where the Commissioner has determined that there is a significant increased risk of adverse health effects in humans from exposure to hazardous substances based on the results of a health assessment conducted, an epidemiologic study conducted, or an exposure registry that has been established, and the Commissioner has determined that such exposure is the result of a release from a facility, the Commissioner shall initiate a health

surveillance program for such population. This program shall include but not be limited to --

(1) periodic medical testing where appropriate of population subgroups to screen for diseases for which the population or subgroup is at significant increased risk; and

(2) a mechanism to refer for treatment those individuals within such population who are screened positive for such diseases.

(L) Two years after the enactment of this Act, and every 2 years thereafter, the Commissioner shall prepare and submit to the Congress a report on the results of the activities of the Bureau regarding --

- (1) health assessments and pilot health effects studies conducted;
- (2) epidemiologic studies conducted;
- (3) hazardous substances which have been listed, toxicological profiles which have been developed, and toxicological testing which has been conducted or which is being conducted under this section;
- (4) registries established; and
- (5) an overall assessment, based on the results of activities conducted by the Commissioner, of the linkage between human exposure to individual or combinations of hazardous substances due to releases from facilities covered by this section and any increased incidence or prevalence of adverse health effects on humans.

(M) If a health assessment or other study carried out under this subsection contains a finding that the exposure concerned presents a significant risk to human health, the President shall take such steps as:

(1) may be necessary to reduce such exposure and eliminate or substantially mitigate the significant risk to human health. Such steps may include the use of any authority under this chapter, including, but not limited to --

(2) provision of alternative water supplies, and permanent or temporary relocation of individuals.

In any case in which information is insufficient, in the judgment of the Commissioner or the President to determine a significant human exposure level with respect to a hazardous substance, the President may take such steps as may be necessary to reduce the exposure of any person to such hazardous substance to such level as the President deems necessary to protect human health.

(N) In any case which is the subject of a petition, a health assessment or study, or a research program under this section, nothing in this section shall be construed to delay or otherwise affect or impair the authority of the President to exercise any authority vested in the President, under any other provision of law or the response and abatement authorities of this section.

(O) All studies and results of research conducted under this section (other than health assessments) shall be reported or adopted only after appropriate peer review. Such peer review shall be completed, to the maximum extent practicable, within a period of 60 days. Such peer review shall be conducted by panels consisting of no less than three nor more than seven members, who shall be disinterested scientific experts selected for such purpose by the Commissioner, as appropriate, on the basis of their reputation for scientific

objectivity and the lack of institutional ties with any person involved in the conduct of the study or research under review.

(P) In the implementation of this Section, the Commissioner shall assemble, develop as necessary, and distribute and upon request to medical colleges, physicians, and other health professionals, appropriate educational materials (including short courses) on the medical surveillance, screening, and methods of diagnosis and treatment of injury or disease related to exposure to hazardous substances.

(Q) If the Commissioner determines that it is appropriate for purposes of this Section to treat a pollutant or contaminant as hazardous substance, such pollutant or contaminant shall be treated as a hazardous substance for such purpose.

SEC. 4. Technical and Support Assistance. - In cases of disaster where hazardous substances caused by environmental spills or negligence, requiring immediate action and attention, the Commissioner shall coordinate with appropriate agencies in order for the Bureau to participate in rescue operations or disaster control management by sending experts who shall assist in determining the extent of damage and what must be done technically to abate any possible damage that the incident might further cause.

SEC. 5. Composition. - The Bureau shall be headed by a Commissioner which shall have a term of four (4) years, and shall be constituted by the President of the Philippines from among the list of nominees submitted by environmental and health organizations. The Commissioner shall have the rank and privileges of an assistance secretary.

SEC. 6. Powers of the Bureau. - The Bureau shall have the following powers:

(a) To appoint the officers and other personnel of the Bureau and fix their compensation, allowances and other emoluments, subject to the civil service and other existing applicable laws, rules and regulations;

(b) To suspend, dismiss, or otherwise discipline for cause, any employee, and/or to approve or disapprove the appointment, transfer or detail of employees subject to the provisions of existing laws and regulations;

(c) To enter into contracts;

(d) To acquire, use and control any land, building, facilities, equipment, instrument, tools and rights required or otherwise necessary for the accomplishment of the objectives of the Commission;

(e) To acquire, own, possess and dispose of any real or personal property;

(f) To accept donations, gifts, bequests, and grants;

(g) To ensure the implementation by various government departments and agencies of their youth developmental projects and activities as indicated in their respective annual budgets;

(h) To issue rules and regulations in pursuance of the provisions of this Act, and

(i) To perform any and all other acts incident to or required by virtue of its creation.

SEC. 7. *The Secretariat and the Executive Director.* - The Bureau shall organize a Secretariat to be headed by an executive director who shall serve as chief operating officer. The Executive Director shall be appointment by the President of the Philippines for a term of three (3) years with reappointment for another term. He must not be more than forty-five (45) years of age during his incumbency, and must possess executive and management experience of at least three (3) years.

The Staffing pattern and compensation schedule of the Secretariat shall be drawn up in accordance with existing laws, rules and regulations.

SEC. 8. *Duties and Responsibilities of the Secretariat.* - The Secretariat shall be responsible for:

- (a) Ensuring an effective and efficient performance of the functions of the Commission and prompt implementation of the programs;
- (b) Proposing specific allocation of resources for projects instated under approved programs;
- (c) Submitting periodic reports to the Bureau on the progress and accomplishment of programs and projects;
- (d) Preparing an annual report on all activities of the Bureau;
- (e) Providing and performing general administrative and technical staff support; and
- (f) Performing such other functions as the Bureau may deem necessary.

SEC. 9. *Repealing Clause.* - All laws, decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,