

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2469**



INTRODUCED BY REP. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

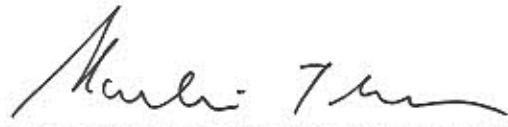
The Constitution, Article II, Section 16, provides:

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.

The beaches and coastal recreation waters of our country are valuable public resources that are used for recreation by millions of people annually.

Unfortunately, encroachment of watershed areas by increased population and urbanization have contributed to the decline in the environmental quality of coastal waters. Unless concrete measures are taken, our beaches and coastal recreation waters will continue to deteriorate.

This bill seeks to improve the quality of beaches and coastal recreation waters by adopting consistent criteria that would enhance public health and safety.


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**AN ACT TO IMPROVE THE QUALITY OF BEACHES AND
COASTAL RECREATION WATERS**

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

SECTION 1. Short Title. – This Act shall be known as the "Beaches Environmental Assessment, Closure, and Health Act."

SEC. 2. Purposes. - The purpose of this Act is to require uniform criteria and procedures for testing, monitoring, and notifying users of public coastal recreation waters and beaches –

- a) To protect public safety; and
- b) To improve environmental quality.

SEC. 3. Definition of Terms. - For the purposes of this Act, the term:

- a) "Coastal recreation waters" means waters adjacent to public beaches and marine coastal waters including bays, lagoon mouths, and coastal estuaries within the tidal zones used by the public for-
 - 1. Swimming;
 - 2. Bathing;
 - 3. Surfing; or
 - 4. Other similar body contact purposes.
- b) "Floatable materials" means any foreign matter that may float or remain suspended in water, including-
 - 1. Plastic;
 - 2. Aluminum cans;
 - 3. Wood;
 - 4. Bottles;
 - 5. Paper products; and
 - 6. Fishing gear.

SEC. 4. Adoption of Coastal Recreational Water Quality Criteria.-

- a) *In General.* - Not later than three (3) years and one hundred eighty (180) days after the date of enactment of this Act, the Secretary of the Department of Environment and Natural Resources shall adopt water quality criteria for coastal recreation waters.
- b) *Development of Criteria.* - Water quality criteria described in paragraph (a) shall be developed and promulgated in accordance with existing environmental laws and policies.

SEC. 5. Water Quality Criteria Revision. –

- a) *Studies* - Not later than three (3) years after the date of enactment of this Act, and after consultation with appropriate officials, including local health officials, and other interested persons, the Secretary shall conduct studies to provide new information for use in developing -
 - 1. A more complete list of potential human health risks from inhalation, ingestion, or body contact with coastal recreation water, including effects on the upper respiratory system;
 - 2. Appropriate and effective indicators for improving direct detection of the presence of pathogens found harmful to human health in coastal recreational waters;
 - 3. Appropriate, accurate, and expeditious methods (including predictive models) for detecting the presence of pathogens in coastal recreation waters that are harmful to human health; and
 - 4. Guidance for the application of the criteria issued under subsection (2) to account for the diversity of geographic and aquatic conditions throughout the country.
- b) *Revised Criteria*. - Not later than five (5) years after the date of enactment of this Act, based on the results of the studies conducted under paragraph (a), the Secretary, after consultation with appropriate officials, including local health officials, and other interested parties, shall -
 - 1. Issue revised water quality criteria for pathogens in coastal recreation waters that are harmful to human health, including a revised list of indicators and testing methods; and
 - 2. Not less than once every five (5) years thereafter, review and revise the water quality criteria.

SEC. 6. Coastal Beach Water Quality Monitoring. –

- a) *Monitoring*. –
 - 1. *In General*. - Not later than one (1) year and one hundred eighty-(180) days after the date of enactment of this Act, the Administrator shall promulgate regulations requiring monitoring by the department of public coastal recreation water and beaches for:
 - a. Compliance with applicable water quality criteria; and
 - b. Maintenance of public safety.
 - 2. *Contents of Requirements*. - Monitoring requirements established under this section shall specify, at a minimum –
 - a. Available monitoring methods to be used; and
 - b. The frequency and location of monitoring based on –
 - i. The periods of recreational use of coastal recreation waters and beaches;
 - ii. The extent and degree of recreational use during the periods described in clause (i);
 - iii. The proximity of coastal recreation water to known or identified point and non-point sources of pollution; and

- iv. The relationship between the use of public recreation water and beaches to storm events;
- c. Methods for -
 - i. Detecting levels of pathogens that are harmful to human health; and
 - ii. Identifying short-term increases in pathogens that are harmful to human health in coastal recreation waters, including the relationship of short-term increases in pathogens to storm events.
- d. Conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Secretary from the monitoring requirements under this subsection, if the Secretary determines that an exemption will not -
 - i. Impair compliance with the applicable water quality criteria for that water; and
 - ii. Compromise public safety.
- b) *Notification Requirements.* -
 - 1. *In General.* - Regulations promulgated under subsection (1) shall require provinces to provide notification of a failure or the likelihood of a failure to meet applicable water quality criteria for provincial coastal recreation water, to:
 - a. Local governments;
 - b. The public; and
 - c. The Secretary.
 - 2. *Information Included in Notification.* - Notification under this subsection shall require, at a minimum -
 - a. The prompt communication of the occurrence, nature, extent, and location of, and substances, including pathogens, involved in, a failure or immediate likelihood of a failure to meet water quality criteria, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation water for which the failure or imminent failure to meet water quality criteria is identified; and
 - b. the posting of signs, during the period in which water quality criteria are not met continues, that are sufficient to give notice to the public -
 - i. of a failure to meet applicable water quality criteria for the water; and
 - ii. the potential risks associated with water contact activities in the water.
- c) *Review and Revision of Regulations.* - Periodically, but not less than once every five (5) years, the Secretary shall review- and make any necessary revisions to regulations promulgated under this section.
- d) *Implementation.* -
 - 1. *In General.* - Not later than three (3) years and one hundred eighty (180) days after the date of enactment of this Act, each province shall implement a monitoring and notification program that conforms to the regulations promulgated under subsections (1) and (2).

2. *Revision of Program.* - Not later than two (2) years after the date of publication of any revisions by the Secretary under subsection (3), each province shall revise the program established under paragraph (a) to incorporate the revisions.

e) *Guidance; Delegation of Responsibility.* -

1. *In General.* - Not later than one (1) year and one hundred eighty (180) days after the date of enactment of this title, the Secretary shall issue guidance establishing -

- a. Core performance measures for testing, monitoring, and notification programs under this section; and
- b. The delegation of testing, monitoring, and notification programs under this section to the local government authorities.

2. *Delegation of Responsibility to Local Governments.* - If a responsibility described in the above paragraph is delegated by a province to a local government authority, or is delegated to a local government authority before the date of enactment of this section, resources, including grants made, shall be made available to the delegated authority for the purpose of implementing the delegated program in a manner that is consistent with the guidance issued by the Secretary.

f) *Floatable Materials Monitoring; Technical Assistance.* - Not later than one (1) year and one hundred eighty (180) days after the date of enactment of this Act, the Secretary shall-

1. Provide technical assistance for uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and
2. Specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

g) *Occurrence Database.* - The Secretary shall establish, maintain, and make available to the public by electronic and other means -

1. A national coastal recreation water pollution occurrence database using reliable information, including the information reported under paragraph (a); and
2. A listing of communities conforming to the regulations promulgated under paragraph (a) and (b).

SEC. 7. Report to Congress. - Not later than four (4) years after the date of the enactment of this title and periodically thereafter, the Secretary shall submit to Congress a report that contains -

- a) Recommendations concerning the need for additional water quality criteria and other actions that are necessary to improve the quality of coastal recreation waters; and
- b) An evaluation of efforts to implement this Act.

SEC. 8. Separability Clause. - Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

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

SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,