

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Zuczon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6225



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

**AN ACT CREATING A PHILIPPINE
POLLUTANT RELEASE AND TRANSFER REGISTRY**

Explanatory Note

This bill seeks to institutionalize a national Pollutant Release and Transfer Registry (PRTR), a tool used by governments to ensure that the environment, natural resources, and people are safe from the harmful effects of chemical pollutants released by industries and manufacturing plants to the air, water and soil, as well as wastes transported to treatment and disposal sites.

A PRTR serves as a database or an inventory of potentially harmful pollutants and substances released as an off-shoot of production. It enables the government to monitor the effectivity of its environmental policies, and allows the State to identify potential environmental issues, the areas that may be affected, and the magnitude of the outcome in a cost-effective, timely and accurate manner. Meanwhile, industries are mandated to report their releases and transfers which should encourage a more efficient use of chemical substances, better housekeeping measures, and self-policing schemes for more responsible emissions. The general public may use PRTR system to aid in their environmental decision-making.

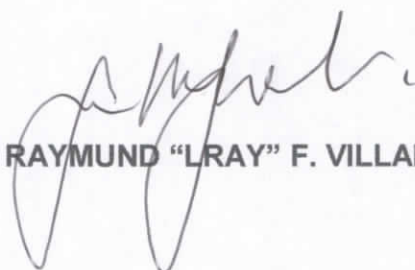
Globally, there are treaties and agreements on environmental protection bearing provisions on the registration and monitoring of chemical substances released and/or transferred to the environment. Numerous Organization for Economic Co-operation and Development (OECD) member countries have already adapted the PRTR system, and customized the same based on their needs,

conditions, environmental objectives and national priorities. In fact, Netherlands started a voluntary emissions inventory way back in 1974, and is now transitioning to mandatory reporting.

To this day, the Philippines does not have its own PRTR database. Recent disasters have reminded us yet again of the country's dire need to closely scrutinize the presence and abundance of harmful chemical substances in environment.

Twenty years ago, the Canadian Marcopper Mining Corporation's drainage tunnels ruptured and spilled tons of mine waste which resulted to the displacement of thousands of Marinduque residents, and the death of the Boac River including all marine life therein. Later, it was discovered that Marcopper had already been dumping mine tailings into bodies of water without government intervention. Meanwhile in 2015, 74 factory workers were roasted alive in the infamous Kentex fire after sparks from a welder's tool touched the nearby pile of combustible chemicals.

The bill seeks to prevent the occurrence of similar disasters in the future by proposing the urgent adoption of a Philippine Pollutant Release and Transfer Registry (PPRTR), as well as the creation of the PPRTR Office for the efficient implementation of this Act. It is the duty of the State to protect the health and safety of its citizens, and to preserve the environment. In pursuit of this end, the swift approval of this bill is earnestly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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

SECTION 1. Short Title. – This Act shall be known as the "*Philippine Pollutant Release and Transfer Registry Act.*"

SECTION 2. Declaration of Policy. – It shall be the policy of the State to:

- a) Protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and to protect and promote the people's right to health, and to attain and maintain a balance between development and environmental protection;
- b) Maintain a quality of air that protects human health and welfare;
- c) Pursue economic growth in a manner consistent with the protection, preservation, and revival of the quality of our fresh, brackish and marine waters;
- d) Regulate, restrict, or prohibit the importation, manufacture, processing, sale and distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment;

- e) Adopt a systematic, comprehensive and ecological solid waste management program which shall ensure the protection of public health and the environment;
- f) Adopt and implement full public disclosure of all its transactions involving public interest, and to promote a transparent, open, and participatory environmental management regime; and
- g) Ensure that information on the health and safety of humans and the environment shall not be regarded as confidential, but shall protect trade secrets and other confidential information.

SECTION 3. *Applicable and Related Laws, Rules, and Regulations.* – The following laws and their pertinent rules and regulations shall be applicable and taken into account in the implementation of the Philippine Pollutant Release and Transfer Registry (PPRTR):

- a) Republic Act No. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990;
- b) Republic Act No. 8749 otherwise known as the Philippine Clean Air Act of 1999;
- c) Republic Act No. 9275 otherwise known as the Philippine Clean Water Act of 2004;
- d) Republic Act No. 9003 otherwise known as the Ecological Solid Waste Management Act of 2000; and
- e) All other environmental laws, rules, and regulations as may be relevant to the implementation of the PPRTR, including, but not limited to multilateral and bilateral health and environmental agreements to which the Philippines is a party to;

SECTION 4. *Scope and Coverage.* – The PPRTR shall cover all forms of pollutants and hazardous and toxic chemicals, and all forms of emissions and discharges in the environment, whether in the air, water, or soil by all facilities and industries operating in the Philippines, subject to the guidelines and procedures of the PPRTR on the disclosure requirement for facilities and industries.

SECTION 5. *Objectives.* – The objectives of the PPRTR are:

1. To provide timely, relevant, accessible, and comprehensible data to the general public to support the identification and assessment of possible risks to humans and the environment by indicating sources and amounts of potentially harmful releases and transfers to the environment and to minimize its effects on the environment;
2. To simplify and rationalize information gathering about the emission and transfer of individual chemicals and wastes to different media, as well as the reporting requirements which the industry has to comply;
3. To prevent pollution and the release of pollutants from various sources by encouraging the implementation of cleaner technologies and to help the private sector comply with environmental rules and regulations;
4. To evaluate the progress of government environmental policies on pollution control and prevention and to assess to what extent national environmental goals can be achieved;
5. To increase the involvement of the private sector in pollution control and prevention, in research and development of clean production and green chemistry, and in environmental management to achieve sustainable development; and
6. To improve the quality of air, water, and land resources through the use of data and information collected in the system.

SECTION 6. *Definition of Terms.* – As used in this Act, the following terms shall mean:

a) “*Pollutant release and transfer registry*” (PRTR) - are catalogues or registries of potentially harmful pollutant releases or transfers to the environment from a variety of sources, including information on the nature and quantity of such releases and transfers. It includes information about releases or transfers to air, water and soil as well as about wastes transported to treatment and disposal sites. It is a means for obtaining regular, periodic information about releases and/or transfers of chemical substances of interest and for making this information accessible to those who may be interested and/or affected by it; it is a tool for promoting efficient and effective policies for environmental protection and sustainable development.

b) “*Emission*” - emission of a substance to the environment whether in pure form or contained in other matter and whether in solid, liquid or gaseous form. It includes emissions from landfills, incinerators, waste management and other disposal facilities, concrete kilns, sewerage systems, tailings dams, and other industrial facilities.

c) “*Air pollution*” - any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substance that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety and welfare or which will adversely affect their utilization for domestic, commercial or industrial, agricultural, recreational or other legitimate purposes.

d) “*Water pollution*” - any alteration of the physical, chemical, biological, radiological properties or a body of water resulting in the impairment or its purity or quality, or is hazardous or potentially hazardous to health.

e) *"Hazardous wastes"* - substances that are without any safe commercial, industrial, agricultural or economic usage and by-products, side-products, process residues, spent reaction, media, contaminated plant or equipment or other substances from manufacturing operations, and as consumer discards from manufactured products.

f) *"Hazardous substances/ chemicals"* - are substances which present either: 1) short term acute hazards, such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire or explosion; or 2) long term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some cases result from acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors. It is a chemical for which there is statistically significant evidence (based on at least one study conducted according to established scientific principles) that acute or chronic health effects may occur.

g) *"Solid waste"* - all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous and non-toxic waste.

h) *"Green chemistry"* - also known as sustainable chemistry, is the design of chemical products and processes that reduce or eliminate the use of generation of hazardous substances.

i) *"Clean production"* - is a preventive, integrated, continuous strategy for modifying products, processes, and services, to enhance efficiency which improves environmental performance and reduces costs.

SECTION 7. Lead Implementing Agency. – The Environmental Management Bureau (EMB) shall be the lead/ implementing agency for the PPRTR. The EMB shall create a special unit, the PPRTR Office (PPRTRO), whose sole function shall implement the provisions of this Act.

The PPRTRO shall be headed by an Executive Director and shall be assisted by competent staff to be determined based on the exigency of the circumstances. The PPRTRO shall be created and established within three (3) months from the effectivity of this Act.

SECTION 8. *Powers and Functions of the PPRTR Office.* – The PPRTRO shall have the following powers and functions:

- a) Conduct an assessment of existing infrastructure for the full implementation of the PPRTR;
- b) Conduct information and dissemination campaigns as regards the PPRTR, from inception to its implementation stages;
- c) Collect, manage, sort and make available to the general public the data and information collected in the system in an effective, efficient, accessible and timely manner;
- d) Maintain a database of covered industries, facilities, and establishments;
- e) Issue reports and updates regarding the PPRTR for the general public;
- f) Conduct research and studies on pollution control, prevention, and mitigation and on green chemistry and clean production;
- g) Coordinate with other government agencies and the private sector for the effective and efficient implementation of the PPRTR;
- h) Issue guidelines for the implementation of the PPRTR;
- i) Conduct periodic assessments of the PPRTR system and make recommendations for the improvement of the same; and

- j) Perform such other powers and functions as may be designated by the Secretary of Environment and Natural Resources.

SECTION 9. *Guidelines and Procedure Implementing the PPRTR.* – The guidelines and procedure implementing the PPRTR shall be issued by the Secretary of Environment and Natural Resources within six (6) months from the date of the effectivity of this Act.

A Technical Working Group (TWG) is hereby constituted to formulate the guidelines and procedure to establish the PPRTR. The TWG shall be supported by the PPRTRO. The necessary Special Orders (SO) shall be issued to constitute the TWG.

The TWG shall be composed of at least seven (7) members representing various government agencies such as the Department of Health (DOH), Department of Labor and Employment (DOLE), Department of Trade and Industry (DTI), Department of Transportation and Communication (DOTC), Department of the Interior and Local Government (DILG), and Department of Agriculture (DA) among others, the private sector and industries, non-government and civil society organizations, local government units (LGUs), and the academe, who shall be designated and appointed by the Secretary of Environment and Natural Resources.

The Secretary shall ensure that sufficient environment and health experts, and frontline community members, are represented in the TWG.

SECTION 10. *Contents of the Guidelines and Procedure Implementing the PPRTR.* – The guidelines and procedure shall contain, but not be limited to the following information:

- a) List and schedule of covered substances, chemicals and pollutants, and their classification;
- b) List of covered facilities, establishments and industries;

- c) Procedure and method of obtaining, reporting, and disseminating information;
- d) Procedure for citing non-compliant and violating facilities; and
- e) Guidelines to ensure accessible, timely, relevant and accessible public access to information on the PPRTR, taking into account the right of businesses and industries to the protection of trade secrets and other intellectual property and related rights.

The information indicated in this provision shall be modified accordingly in consonance with international developments and evolving practices related but not limited to pollution control, prevention and mitigation, green chemistry, and clean production, based on researches, studies, international laws, treaties and conventions, jurisprudence, and the like.

SECTION 11. *Pilot Test of the PPRTR.* – The Department of Environment and Natural Resources (DENR) and the EMB shall identify areas where the PPRTR shall first be implemented for the first reporting year. The areas shall be chosen on the basis of the availability of current pollution data and information, private sector cooperation and participation, and availability of needed infrastructure.

The pilot areas shall be as far as practicable in different regions and locations and which would be representative of the general conditions in the rest of the country.

The pilot test shall be conducted within three (3) months from compliance with Section 9 of this Act.

SECTION 12. *Penalties.* – Businesses that fail to comply with the requirements of this Act shall suffer a fine of not less than FIFTY THOUSAND PESOS (P50,000.00) but not more than ONE MILLION PESOS (P1,000,000.00) and suspension of their license to operate for one (1) month for the first offence and and their license to operate may also be revoked.

SECTION 13. *Transitory Provisions.* – Existing inventories, records and listings of pollutants, chemicals, and substances as provided for in other laws, rules and regulations, such as but not limited to the Priority Chemicals List (PCL) of the DENR, shall be taken into consideration in the formulation of the list and schedules or the PPRTR.

Data and information in existing inventories, records, and listings shall be included in the initial list of the PPRTR, provided that all the chemicals in the PCL of the DENR shall be used as the initial list of the system. The consolidation shall be completed within one (1) year from the date of effectivity of this Act.

Monitoring, data collection and listing, and inventories, conducted and managed by other units and offices of the DENR and other relevant government agencies shall continue, subject to the guidelines and procedure as prescribed by Section 9 of this Act, on the mandatory sharing and forwarding of information to the PPRTR system.

SECTION 14. *Funding.* – Upon the effectivity of this Act, the EMB shall allocate from their existing funds such amounts as may be necessary for the additional funding requirements that may be needed by the PPRTR, subject to the usual government accounting and auditing rules and regulations.

In the year following the effectivity of this Act and in subsequent years thereafter, the operational funds and expenses of the PPRTR shall be provided for in the annual budget of the DENR. *Provided that*, the Secretary of Environment and Natural Resources may allocate additional funding for the PPRTR as the circumstances and exigencies may require.

SECTION 15. *Separability Clause.* – If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 16. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary

to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,