

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. **8465**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Asbestos is a naturally occurring mineral substance that can be pulled into a fluffy consistency. Its fibers are soft and flexible yet resistant to heat, electricity and chemical corrosion. Pure asbestos is an effective insulator, and it can also be mixed into cloth, paper, cement, plastic and other materials to make them stronger. These qualities once made asbestos a “magic mineral,” but now it has increasingly become a public health concern.

Microscopic asbestos fibers cannot be seen, smelled or tasted, and asbestos exposure does not cause any immediate symptoms, so it is easy for a person to inhale or swallow asbestos dust without realizing it.

Once asbestos fibers are in the body, they never dissolve, and the body has extreme difficulty expelling them. Over years of time, trapped asbestos fibers can cause inflammation, scarring and eventually genetic damage to the body’s cells.

Occupational exposure is the primary cause of asbestos-related illnesses, followed by secondhand asbestos exposure. Asbestos-related illnesses can also develop in people who lived in a contaminated environment or used asbestos-containing consumer products on a regular basis.

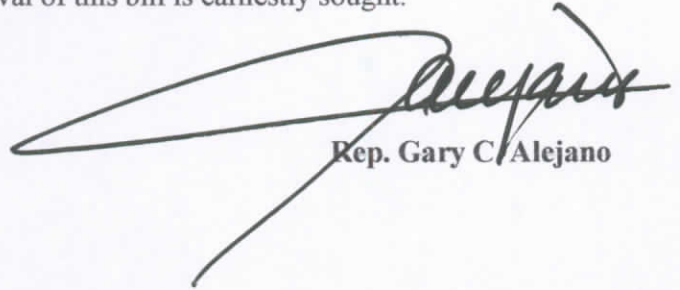
No amount of asbestos exposure is safe, but asbestos generally has the worst effects when a person is exposed to an intense concentration of it, or they are exposed on a regular basis over a long period of time. More asbestos accumulates in the body with every exposure, and there is no known way to reverse the cellular damage it causes.

Asbestos fibers most often accumulate in lung tissue and in the membrane lining the lungs called the pleura. Benign asbestos-related diseases include asbestosis, pleuritis and chronic obstructive pulmonary disease (COPD), which make it difficult for patients to breathe. It also

causes malignant diseases such as lung cancer, pleural mesothelioma and peritoneal mesothelioma, and it is the No. 1 cause of occupational cancer in the world.

It is in this sense, that this bill is proposed. This representation is convinced that the inimical consequences attributed directly to asbestos shall be avoided with the outright prohibition on all forms of this particular product. The Government must ensure that the health and safety of the people, in all places, whether it is the home, workplace, or elsewhere, should be the primary directive of this Congress.

In view of the foregoing, immediate approval of this bill is earnestly sought.



Rep. Gary C. Alejano

1 d. **Bio-persistent durable fiber** means a silicate fiber that occurs naturally in the
2 environment; and is similar to asbestos in resistance to dissolution; leaching; and other
3 physical, chemical, or biological processes expected from contact with lung cells and other
4 cells and fluids in the human body.

5 The term **bio-persistent durable fiber** includes richterite, winchite, erionite, and
6 non- asbestiform varieties of amosite, crocidolite, anthophyllite, tremolite, and actionolite.

7 e. **Contaminant-asbestos product** means any product that contains asbestos as a
8 contaminant of any mineral or other substance, in any concentration.

9 f. **Distribute in commerce** means an action taken with respect to an asbestos-
10 containing product in connection with the end use of the asbestos-containing product by a
11 person that is an end-user; or distribution of an asbestos-containing product by a person
12 solely for the purpose of disposal of the asbestos-containing product in compliance with applicable
13 laws;

14 g. **Fiber** means an acicular single crystal or similarly elongated polycrystalline
15 aggregate particle with a length to width ratio of 3 to 1 or greater; and

16 h. **Person** means any individual, corporation, company, association, firm,
17 partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity
18 (including any manufacturer, importer, distributor, or processor); or any government
19 department, agency, or instrumentality.

20 **SEC. 4. Research and Reporting.**—The Department of Health shall conduct a study and,
21 not later than eighteen (18) months after the date of enactment of this Act, submit to Congress, and
22 government departments and agencies, as appropriate:

23 a. A report containing a description of the current state of the science relating to the
24 disease mechanisms and health effects of exposure to asbestos and other bio-persistent
25 durable fibers; and methods for measuring and analyzing asbestos;

26 b. Recommendations for proper medical surveillance of exposed workers, including
27 continuing monitoring after exposure has ceased, a national registration system for exposed
28 workers that is accessible or open to the public and a national health service system for
29 asbestos;

1 c. A description of the current status of labeling practices relating to asbestos-
2 containing material;

3 d. A description of the current usage, handling and disposal of asbestos and asbestos-
4 containing products in Philippine industry and in construction;

5 e. Recommendations for the development of the framework for the identification,
6 management, and removal of asbestos raw materials, installed products and wastes.

7 f. Recommendations for the effective dissemination of information in the education
8 of all concerns with regard to health hazards due to exposure to asbestos and to methods of
9 prevention and control;

10 **SEC. 5. *Prohibition on Asbestos and Asbestos-Containing Products.***—The importation,
11 manufacture, processing, using, and distribution of any and all asbestos and asbestos-containing
12 products shall be prohibited; *Provided*, that such ban shall be effective not later than two (2) years
13 from the date of effectivity of this Act.

14 As provided for in Section 15 hereof, the Secretary of Health shall promulgate rules and
15 regulations for the implementation of this ban; *Provided*, that in no case shall it allow the two-year
16 period mentioned in the preceding paragraph be extended.

17 **SEC. 6. *Demolition of Buildings.***—Demolition of Buildings containing asbestos, and
18 removal of asbestos from buildings in which asbestos is liable to become airborne, shall be
19 undertaken only by employers or demolition contractors as certified in accordance with existing
20 laws and regulations.

21 No demolition shall be allowed without safety measures formulated by the employer or
22 contractor. The employer or contractor shall specify measures to be taken, including measures to
23 provide all necessary protection to the workers, limit the release of asbestos dust into the air, and
24 provide for the disposal of waste containing asbestos. Workers involved in demolition shall be
25 subject to regular monitoring as to exposure to asbestos.

26 The disposal of waste containing asbestos shall conform to safety standards established in
27 accordance with this Act and shall take into account the health risk to the workers concerned,
28 including to the population in the vicinity of the building.

1 **SEC. 7. Public Education and Safety Program.**—Not later than one (1) year after the date
2 of enactment of this Act, the Secretary of Health, in consultation with the Secretary of Trade and
3 Industry and the Secretary of Labor and Employment, shall establish a plan and implementing
4 programs and activities to:

5 a. Increase awareness of the dangers posed by asbestos-containing products and
6 contaminants in homes and workplaces; and asbestos-related diseases;

7 b. Ensure that work involving potential exposure to asbestos and asbestos-containing
8 products are carried out only by accredited employers or contractors and whose workers
9 have prior instruction or training regarding the health risks and work methods;

10 c. Provide information about safer asbestos substitutes, alternative technologies and
11 technical solutions and introduce incentives for conversion to non-asbestos products and
12 technologies;

13 d. Provide guidelines for safe use, handling, cleaning, and maintenance of protective
14 clothing and equipment and management of asbestos-related health risks in work processes;

15 e. Provide and update occupational exposure limits of asbestos, e.g., establish
16 resources for determining the mineralogical form of asbestos and for measuring and
17 monitoring its concentration in the air, introduce practical tools for assessment and
18 management of the risk from potential exposure;

19 f. Provide an effective system of inspection and enforcement of technical standards
20 and safety measures involving labor and working conditions, building maintenance and
21 construction, environment, public health, accreditation, and standardization;

22 g. Provide current and comprehensive information to asbestos-related disease
23 patients, family members of patients, and front-line health care providers on the dangers of
24 asbestos exposure; asbestos-related labeling information; health effects of exposure to
25 asbestos; symptoms of asbestos exposure; and available and developing treatments for
26 asbestos-related diseases, including clinical trials;

27 h. Encourage asbestos-related disease patients, family members of patients, and
28 frontline healthcare providers to participate in research and treatment endeavors relating to
29 asbestos;

1 i. Encourage health care providers and researchers to provide to asbestos-related
2 disease patients and family members of patients information relating to research, diagnostic,
3 and clinical treatments relating to asbestos; and

4 j. Provide for the consideration of asbestos-related diseases as under the category of
5 catastrophic illness and therefor eligible for additional compensation and/or increased
6 benefits under the PHIC and ECC.

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

10 **SEC. 8. *Research on Asbestos-Related Diseases; Asbestos-Related Disease Registry;***
11 ***Registry of Workers Exposed to Asbestos.***—The Secretary of Health shall expand, intensify, and
12 coordinate programs for the conduct and support of research on diseases caused by exposure to
13 asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

14 Not later than one (1) year after the date of enactment of this Act, the Secretary of Health
15 shall establish a mechanism by which to obtain, coordinate, and provide data and specimens from
16 cancer registries; public and private hospitals; and entities participating in the asbestos-related
17 disease research and treatment network in Section 10. The data and specimens obtained shall form
18 the basis for establishing a national clearinghouse for data and specimens relating to asbestos-
19 related diseases, with a particular emphasis on mesothelioma.

20 A central registry of all workers exposed to asbestos, including past exposures shall be
21 established and maintained in coordination with appropriate government agencies. The registry
22 shall contain information about the company, occupation, form of asbestos, level, and duration of
23 exposure. The registry shall be accessible to the public and unions.

24 **SEC. 9. *Asbestos-Related Disease Research and Treatment Network.***—

25 a. For each fiscal year in the next five years from the effectivity of this Act, the
26 Secretary of Health, in collaboration with other applicable government agencies and
27 instrumentalities, shall establish and maintain an asbestos-related disease research and
28 treatment network (hereinafter referred to as the Network) to support the detection,
29 prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on
30 malignant mesothelioma.

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

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

14 **c. Requirements.**—Each center selected under paragraph B above shall be chosen
15 by the Secretary of Health after competitive peer review; the conduct of laboratory and clinical
16 research, including clinical trials, relating to mechanisms for effective therapeutic treatment
17 of asbestos-related diseases; early detection and prevention of asbestos-related diseases;
18 palliation of asbestos-related disease symptoms; and pain management with respect to
19 asbestos-related diseases; offer to asbestos-related disease patients travel and lodging
20 assistance as necessary to accommodate the maximum number of patients practicable; and
21 to serve a number of patients at the center sufficient to conduct a meaningful clinical trial;
22 coordinate the research and treatment efforts of the center with other entities included in the
23 Network.

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

27 **d. Grants.**—The Secretary of Health shall provide to each center selected for
28 inclusion in the Network for the fiscal year a financial grant to support the detection,
29 prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on
30 malignant mesothelioma.

31 **SEC. 10. Inter-Agency Technical Advisory Council.**—

1 a. There is hereby created an inter-agency technical advisory council attached to the
2 Department of Health which shall be composed of the Secretary of Health or his or her
3 representative as chairperson and the following officials or their duly authorized
4 representatives as members:

- 5 1. Secretary of Labor and Employment;
- 6 2. Secretary of Environment and Natural Resources;
- 7 3. Secretary of Trade and Industry;
- 8 4. Secretary of Science and Technology;
- 9 5. Secretary of Finance;
- 10 6. Secretary of Interior and Local Government;
- 11 7. Representative from Philippine Health Insurance Corporation;
- 12 8. Representative from Employees' Compensation Commission;
- 13 9. Representatives from the workers' organized sector;
- 14 10. Representative from a non-governmental organization on health and
15 safety;
- 16 11. Representative from the employers' sector; and
- 17 12. Representative from the civil society.

18 The representatives from the private sector shall be appointed by the President for a
19 term of three (3) years.

20 b. The council shall have the following functions:

- 21 1. To assist the Department of Health in the formulation of the pertinent rules
22 and regulations for the effective implementation of this Act;

1 2. To assist the Department of Health in the preparation and conduct of the
2 research and reporting, the public education and safety program, and other
3 requirements that fall within the coverage of this Act; and

4 3. To perform such other functions as the Secretary of Health may, from time
5 to time, require.

6 **SEC. 11. Issuance of Cease and Desist Orders by the Department.**—Immediately upon
7 receipt of a report of violation of this Act, whether written or verbal, the Department of Health shall
8 conduct an ex parte examination of the evidence presented. If a prima facie case is established, a
9 Cease and Desist Order (CDO) shall be issued by the Secretary of Health or the DOH Regional
10 Director, as the case may be.

11 Non-compliance with the CDO shall be ground for the imposition of administrative
12 sanctions. The issuance of the CDO shall be without prejudice to the imposition of the appropriate
13 administrative sanction, if so warranted, after due notice and hearing.

14 **SEC. 12. Citizen Suits.**—For purposes of enforcing the provisions of this Act or its
15 implementing rules and regulations, any citizen may file an appropriate civil, criminal, or
16 administrative action, including one for damages for any harm suffered as a result of a violation of
17 any provision of this Act, in the proper courts against:

18 a. Any person who violates or fails to comply with the provisions of this Act or its
19 implementing rules and regulations;

20 b. Any public officer who willfully or grossly neglects the performance of an act
21 especially required as a duty by this Act or its implementing rules and regulations; or abuses
22 his authority in the performance of his duty; or, in any manner, improperly performs his
23 duties under this Act or its implementing rules and regulations: Provided, however, That no suit
24 can be filed until thirty (30) days from the notice given to the concerned public officer and the
25 alleged violator or violators, and no appropriate action has been taken thereon.

26 The court shall exempt such action from the payment of filing fees, except fees for
27 actions not capable of pecuniary estimation, and shall, likewise, upon prima facie showing
28 of the non-enforcement or violation complained of, exempt the plaintiff from the filing of an
29 injunction bond for the issuance of a preliminary injunction.

1 Within thirty (30) days, the court shall make a determination if the complaint filed
2 herein is malicious and baseless and shall accordingly dismiss the action and ward
3 attorney's fees and damages, as it may deem appropriate.

4 **SEC. 13. *Independence of Action.***—The filing of an administrative suit against any person
5 or entity under the preceding section does not preclude the right of any other person to file any
6 criminal or civil action. Such civil and/or criminal action shall proceed independently.

7 **SEC. 14. *Penal Provisions.***—Any person who violates the provisions of this Act or its rules
8 and regulations shall, upon conviction, be punished by a penalty of six (6) months to two (2) years
9 imprisonment or a fine of not less than One Hundred Thousand Pesos (P100,000.00) nor more than
10 One Million Pesos (P1,000,000.00) or both. Should the offense be committed by a juridical person,
11 the Chairman of the Board of Directors, the president, general manager, or the partners and/or the
12 persons directly responsible therefore, shall be penalized.

13 **SEC. 15. *Implementing Rules and Regulations.***—The Secretary of Health shall promulgate
14 not later than six (6) months after the date of enactment of this Act, rules and regulations for its
15 implementation.

16 **SEC. 16. *Appropriations.***—Such sums as may be necessary for the initial implementation
17 of this Act shall be taken from the current appropriations of the Department of Health. Thereafter,
18 the funds necessary to carry out the provisions of this Act shall be included in the annual General
19 Appropriations Act.

20 **SEC. 17. *Repealing Clause.***—All laws, decrees, executive orders or parts thereof
21 inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

22 **SEC. 18. *Separability Clause.***—If any part or provision of this Act is declared invalid or
23 unconstitutional, the other parts not otherwise affected shall remain in full effect and force.

24 **SEC. 19. *Effectivity.***—This Act shall take effect fifteen days after its publication in the
25 Official Gazette or in at least two newspapers of general circulation.

Approved,