Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4901**

Introduced by **HON. GUS S. TAMBUNTING**

AN ACT CREATING A PHILIPPINE POLLUTANT RELEASE AND TRANSFER REGISTRY

EXPLANATORY NOTE

Taking care of our environment is directly associated with our health. This is momentous legislation that our country needs to prevent the transmission of contagions and be wary of pollution and other toxic substances that may be emitted into our ecosystem. The creation of this Registry is to tally and study the scientific nature and details of pollutants, toxic chemicals, and substances so that they can be eliminated or confined to avoid harming our health and our environment.

The 1987 Constitution is explicit in stating that “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.” Thus, the passing of this legislation that promotes the quality of air and prevention of destructive effects of pollution is supported by the supreme law of the land.

On behalf of the people of Parañaque City’s Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.

REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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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."

SEC. 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, protect and promote the people's right to health, and 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 that 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 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.

Sec. 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;

Sec. 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.

Sec. 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.

Sec. 6. Definition of Terms. – As used in this Act, the following terms shall mean:
a) Pollutant release and transfer registries (PRTR) –catalogs 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, or radiological properties of a body of water resulting in the impairment of its purity or quality, or is hazardous or potentially hazardous to health.

e) Hazardous wastes – substances that arc 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 that 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 processes 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 the 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.

Sec. 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 effectiveness of this Act.

Sec. 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, mitigation and 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.

Sec. 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.

Sec. 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 research, studies, international laws, treaties, and conventions, jurisprudence, and the like.

Sec. 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 based on 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.

Sec. 12. Penalties. – Businesses that fail to comply with the requirements of this Act shall suffer a fine of not less than FIFTY THOUSAND PESOS (PS0,000.00) but not more than ONE MILLION PESOS (P 1,000,000.00) and suspension of their license to operate for one (1) month for the first offense and their license to operate may also be revoked.

Sec. 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.

Sec. 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 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.

Sec. 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.

Sec. 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.

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

Approved,