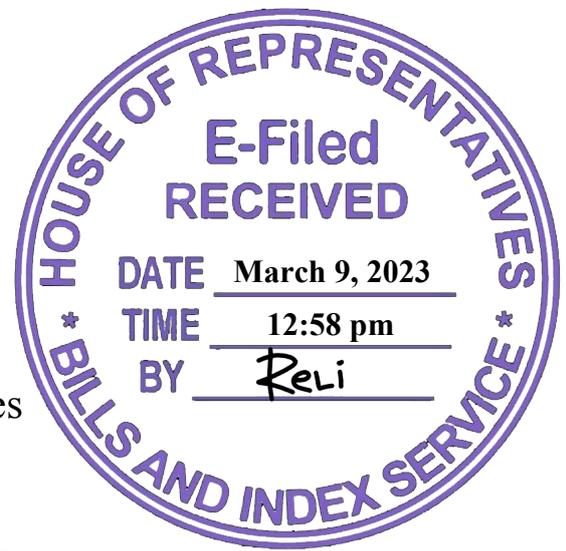




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



NINETEENTH CONGRESS
First Regular Session

House Bill No. 7563

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
BANNING THE IMPORTATION, MANUFACTURE, PROCESSING, USE OR
DISTRIBUTION IN COMMERCE OF ASBESTOS AND ASBESTOS-
CONTAINING PRODUCTS

EXPLANATORY NOTE

Asbestos is the generic commercial designation for a group of naturally occurring mineral silicate fibres that have been used in a wide variety of products and various uses over the years. It is known for its heat-resistant properties and durability, which made it a popular material in various industries such as construction, automotive, and shipbuilding. However, recent studies show that prolonged exposure to asbestos fibers can lead to severe respiratory illnesses such as asbestosis, lung cancer, and mesothelioma. These diseases are often fatal and have a long latency period, meaning that symptoms may only manifest after several years of exposure. The International Agency for Research on Cancer even considers asbestos a known human carcinogen.

Worldwide, several countries have already prohibited and/or regulated the manufacture, export, and import of asbestos and asbestos containing materials, particularly, friable asbestos materials and low density products. In the Philippines, the use of asbestos and asbestos-containing products has remained widespread in various industries, including construction, automotive, and manufacturing. According to the Department of Environment and Natural Resources (DENR), there are still several asbestos-containing materials in use in the country, including roofing sheets, cement pipes, and brake pads.

In 2000, the DENR issued Administrative Order No. 2000-02, a Chemical Control Order (CCO) for Asbestos meant to control and regulate the use and disposal of asbestos into the environment to avoid the aforesaid adverse consequences.

In 2019, the Food and Drug Administration (FDA) issued FDA Advisory 2019-394 in response to the safety alert warning by the United States Food and Drug Administration (USFDA) for consumers not to use certain cosmetic products that tested positive for asbestos. Included in these products were Johnson's Baby Powder, a product of Johnson and Johnson Consumer Inc. (JJCI). While the Philippine FDA was informed by JJCI that the products in question were distributed only in the United States, among the few public health interventions of the FDA was to advise the general public to use cosmetic products cautiously and required a warning in the product label – *“keep powder away from children’s nose and mouth.”*

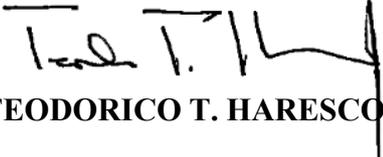
With thousands of lawsuits against JJCI, they have announced that it would end the worldwide sale of talc-based Johnson's Baby Powder in 2023. The company had already discontinued the sale of the talc-based version of its baby powder in the U.S. and Canada in 2020.¹

The risks associated with exposure to asbestos have been well-documented, and various international organizations, including the World Health Organization (WHO), have recommended that the use of asbestos be banned. With such health risks posed by asbestos and asbestos-containing products, at least 69 countries have instituted a National Asbestos Ban policy.²

The enactment of this act in the Philippines is a significant step in protecting the health and safety of the public, particularly workers who may be exposed to asbestos fibers in their workplaces.

This bill seeks to prohibit the importation, manufacturing, processing, use, and distribution of asbestos and asbestos-containing products in commerce within the Philippines. It is the hope of this measure to address the significant health risks associated with exposure to asbestos, and to protect the public from its harmful effects. The ban on the use of asbestos and asbestos-containing products is necessary to ensure the health and safety of workers and the public, and to prevent the incidence of asbestos-related diseases.

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


TEODORICO T. HARESCO, JR

¹ <https://www.asbestos.com/news/2022/08/15/johnson-johnson-talc-worldwide-sales/>

² http://ibasecretariat.org/alpha_ban_list.php



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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the "*Asbestos Ban Act.*"

2
3 **SECTION 2. *Declaration of Policy.*** - It is the policy of the State to promote the general
4 welfare of the people and to assure the rights of workers to just, humane and healthful
5 working conditions in all places of work. Pursuant to this policy, this Act shall ban the
6 importation, manufacture, processing or use of all types of asbestos and asbestos-containing
7 products whether for commercial or non-commercial purposes.

8
9 **SECTION 3. *Definition of Terms.*** – For the purposes of this Act, the term:

- 10 (a) "Asbestos" means the fibrous form of mineral silicates belonging to rock-forming
11 minerals of the serpentine group, i.e. chrysotile (white asbestos), and of the amphibole
12 group, i.e. actinolite, amosite (brown asbestos, cummingtonite-grunite) anthophyllite,
13 crocidolite (blue asbestos), tremolite, or any mixture containing one or more of these;
14 (b) "Asbestos-containing product" means any product (including any part) to which
15 asbestos is deliberately or knowingly added or in which asbestos is deliberately or
16 knowingly used in any concentration;
17 (c) "Asbestos dust" means airborne particles of asbestos or settled particles of asbestos
18 which are liable to become airborne in the working environment.
19 (d) "Biopersistent durable fiber" means a silicate fiber that occurs naturally in the
20 environment; and is similar to asbestos in resistance to dissolution; leaching; and
21 other physical, chemical, or biological processes expected from contact with lung
22 cells and other cells and fluids in the human body. This term includes: richterite;
23 winchite; erionite; and non-asbestiform varieties of amosite, crocidolite,
24 anthophyllite, tremolite, and actinolite.

- 25 (e) “Contaminant-asbestos product” means any product that contains asbestos as a
26 contaminant of any mineral or other substance, in any concentration.
- 27 (f) “Distribute in commerce” means an action taken with respect to an asbestos-
28 containing product in connection with the end use of the asbestos-containing product
29 by a person that is an end user; or distribution of an asbestos-containing product by a
30 person solely for the purpose of disposal of the asbestos-containing product in
31 compliance with applicable laws;
- 32 (g) “Fiber” means an acicular single crystal or similarly elongated polycrystalline
33 aggregate particle with a length to width ration of 3 to 1 or greater; and
- 34 (h) “Person” means any individual, corporation, company, association, firm, partnership,
35 joint venture, sole proprietorship, or other for-profit or nonprofit business entity
36 (including any manufacturer, importer, distributor, or processor); or any government
37 department, agency, or instrumentality.
- 38

39 **SECTION 4. *Research and Reporting.*** - The Department of Health (DOH) shall conduct a
40 study and, not later than eighteen (18) months after the date of enactment of this Act, submit
41 to Congress, and government departments and agencies, as appropriate, the following:
42

- 43 (a) A report containing a description of the current state of the science relating to the
44 disease mechanisms and health effects of exposure to asbestos and other biopersistent
45 durable fibers; and methods for measuring and analyzing asbestos;
- 46 (b) Recommendations for proper medical surveillance of exposed workers, including
47 continuing monitoring after exposure has ceased, a national registration system for
48 exposed workers that is accessible or open to the public and a national health service
49 system for asbestos;
- 50 (c) A description of the current status of labeling practices relating to asbestos-containing
51 material;
- 52 (d) A description of the current usage, handling and disposal of asbestos and asbestos-
53 containing products in Philippine industry and in construction;
- 54 (e) Recommendations for the development of the framework for the identification,
55 management and removal of asbestos raw materials, installed products, and wastes;
- 56 (f) Recommendations for the effective dissemination of information in the education of
57 all concerns with regard to health hazards due to exposure to asbestos and to methods
58 of prevention and control;
- 59 (g) Recommendations for a national program on occupational safety and health for the
60 protection of workers;
- 61 (h) Recommendations for the establishment of a compliance monitoring program to
62 enforce the provisions of this Act;
- 63 (i) Recommendations for future asbestos-related disease research and exposure
64 assessment practice needs; and
- 65 (j) Recommendations for the development of a reporting mechanism on the presence of
66 asbestos in buildings and in construction materials.
- 67

68 **SECTION 5. *Prohibition on Asbestos and Asbestos-containing Products.*** – The Secretary
69 of Health, in coordination with the member agencies of the Inter-Agency Technical Advisory
70 Council, shall promulgate not later than one (1) year after the date of enactment of this Act,
71 regulations that prohibit persons from importing, manufacturing, processing, using or
72 distributing in commerce asbestos-containing products; and provide for implementation of
73 paragraphs (b) to (j) of Section 4. Not later than two (2) years after the date of enactment of
74 this Act, the Secretary of Health shall also issue final regulations that, effective beginning
75 sixty (60) days after the date of promulgation, prohibit persons from importing,
76 manufacturing, processing, using or distributing in commerce asbestos and asbestos
77 containing-products.

78
79 **SECTION 6. *Exemptions.*** – Any person may petition the Secretary of Health for, and the
80 Secretary may grant, an exemption from the requirements set forth in the preceding Section,
81 if the Secretary determines that the exemption would not result in an unreasonable risk of
82 injury to public health or the environment; and there is no alternative to the asbestos-
83 containing product that is the subject of the petition as certified by the Secretary of Science
84 and Technology.

85
86 An exemption granted under this Section shall be in effect for such period, not to exceed one
87 (1) year, and subject to such terms and conditions as the Secretary of Health may prescribe.
88

89 The Secretary of Health shall provide an exemption from the requirements of Section 5, only
90 to the extent necessary for critical functions described in a certification provided under
91 subparagraph (a), if:

- 92
- 93 (a) The exemption for an asbestos-containing product is sought by the Secretary of
94 National Defense and the Secretary of National Defense certifies, and provides a copy
95 of that certification to Congress, that the use of the asbestos-containing product is
96 necessary to the critical functions of the Department of National Defense;
 - 97 (b) No reasonable alternatives to the asbestos-containing product exist for the intended
98 purpose;
 - 99 (c) The use of the asbestos-containing product will not result in an unreasonable risk to
100 health or the environment; and
 - 101 (d) The use of the product is in compliance with applicable laws and regulations.
- 102

103 A certification required under subparagraph (a) shall include a description of the critical
104 functions, and shall identify any authorized manufacturer, importer, distributor, or contract-
105 authorized user of the exemption on behalf of the Department of National Defense.

106
107 A certification under this Section shall not be effective for more than three (3) years, unless
108 the Secretary of National Defense recertifies within three (3) years after a prior certification.

109
110 Except as provided in the next preceding paragraph, and not later than two (2) years after the
111 date of enactment of this Act, each person that possesses an asbestos-containing product that

112 is subject to the prohibition established under this Section shall dispose of the asbestos-
113 containing product, by a means that is in compliance with applicable national and local
114 requirements.

115
116 Nothing in this Section applies to an asbestos-containing product that is no longer in the
117 stream of commerce; or is in the possession of an end user; or requires that an asbestos-
118 containing product be removed or replaced.

119
120 Notwithstanding the aforementioned sections, a total ban on asbestos and asbestos-containing
121 materials shall be in place three (3) years after the enactment of this law.

122
123 **SECTION 7. Demolition of Buildings.** – Demolition of buildings containing asbestos, and
124 removal of asbestos from buildings in which asbestos is liable to become airborne, shall be
125 undertaken only by employers or demolition contractors as certified in accordance with
126 existing laws and regulations.

127
128 No demolition shall be allowed without safety measures formulated by the employer or
129 contractor. The employer or contractor shall specify measures to be taken, including
130 measures to provide all necessary protection to the workers, limit the release of asbestos dust
131 into the air, and provide for the disposal of waste containing asbestos. Workers involved in
132 demolition shall be subject to regular monitoring as to exposure to asbestos.

133
134 The disposal of waste containing asbestos shall conform to safety standards established in
135 accordance with this Act and shall take into account the health risks to the workers
136 concerned, including to the population in the vicinity of the building.

137
138 **SECTION 8. Public Education and Safety Program.** – Not later than one (1) year after the
139 date of enactment of this Act, the Secretary of Health, in consultation with the Secretary of
140 Environment and Natural Resources, the Secretary of Labor and Employment, and the
141 Secretary of Trade and Industry, shall establish a plan and implementing programs and
142 activities to:

- 143
144 (a) Increase awareness of the dangers posed by asbestos-containing products and
145 contaminants in homes and workplaces; and asbestos-related diseases;
146 (b) Ensure that work involving potential exposure to asbestos and asbestos-containing
147 products are carried out only by accredited employers or contractors and whose
148 workers have prior instruction or training regarding health risks and work methods;
149 (c) Provide information about safer asbestos substitutes, alternative technologies and
150 technical solutions and introduce incentives for conversion to non-asbestos products
151 and technologies;
152 (d) Provide guidelines for safe use, handling, cleaning and maintenance of protective
153 clothing and equipment, and management of asbestos-related health risks in work
154 processes;
155 (e) Provide and update occupational exposure limits of asbestos, e.g., establish resources

156 for determining the mineralogical form of asbestos and for measuring and monitoring
157 its concentration in the air, introduce practical tools for assessment and management
158 of the risk from potential exposure;

- 159 (f) Provide an effective system of inspection and enforcement of technical standards and
160 safety measures involving labor and working conditions, building maintenance and
161 construction, environment, public health, accreditation and standardization;
- 162 (g) Provide current and comprehensive information to asbestos-related disease patients,
163 family members of patients, and front-line health care providers on the dangers of
164 asbestos exposure; asbestos-related labeling information; health effects of exposure to
165 asbestos; symptoms of asbestos exposure; and available and developing treatments for
166 asbestos-related diseases, including clinical trials;
- 167 (h) Encourage asbestos-related disease patients, family members of patients, and frontline
168 health care providers to participate in research and treatment endeavors relating to
169 asbestos;
- 170 (i) Encourage health care providers and researchers to provide to asbestos-related disease
171 patients and family members of patients information relating to research, diagnostic,
172 and clinical treatments relating to asbestos; and
- 173 (j) Provide for the consideration of asbestos related diseases as under the category of
174 catastrophic illness and therefore eligible for additional compensation and / or
175 increased benefits under PHIC/ECC.

176
177 In establishing the program, the Secretary of Health shall give priority to asbestos-
178 containing products and contaminant-asbestos products used by consumers and workers
179 that pose the greatest risk of injury to human health.

180
181 **SECTION 9. *Research on Asbestos-related Diseases; Asbestos-related Disease Registry;***
182 ***Registry of Workers Exposed to Asbestos.*** – The Secretary of Health shall expand, intensify,
183 and coordinate programs for the conduct and support of research on diseases caused by
184 exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

185
186 Not later than one (1) year after the date of enactment of this Act, the Secretary of Health
187 shall establish a mechanism by which to obtain, coordinate, and provide data and specimens
188 from cancer registries; public and private hospitals; and entities participating in the asbestos-
189 related disease research and treatment network in Section 10. The data and specimens
190 obtained shall form the basis for establishing a national clearinghouse for data and specimens
191 relating to asbestos-related diseases, with a particular emphasis on mesothelioma.

192
193 A central registry of all workers exposed or potentially exposed to asbestos, including past
194 exposures shall be established and maintained in coordination with appropriate government
195 agencies. The registry shall contain information about the company, occupation, form of
196 asbestos, level and duration of exposure. the registry shall be accessible to the public and
197 labor unions.

198
199 **SECTION 10. *Asbestos-related Disease Research and Treatment Network.*** –

- 200
201 (a) For each of fiscal years 2017 through 2021, the Secretary of Health, in collaboration

202 with other applicable government agencies and instrumentalities, shall establish and
203 maintain an asbestos-related disease research and treatment network (hereinafter,
204 Network) to support the detection, prevention, treatment, and cure of asbestos-related
205 diseases, with particular emphasis on malignant mesothelioma.

206
207 The Network, shall include intramural research initiatives of the Department of
208 Health; and at least ten (10) extramural asbestos-related disease research and
209 treatment centers, as selected by the Secretary of Health in accordance with the
210 immediately succeeding paragraph.

211
212 (b) *Extramural Asbestos-Related Disease Research and Treatment Centers.* - For each
213 fiscal year during which the Network is operated and maintained, the Secretary of
214 Health shall select for inclusion in the Network not less than ten (10) nonprofit
215 hospitals, universities, or medical or research institutions incorporated or organized in
216 the Philippines that, as determined by the Secretary of Health, have exemplary
217 experience and qualifications in research and treatment of asbestos-related diseases;
218 access to an appropriate population of patients with asbestos-related diseases; and are
219 geographically distributed throughout the Philippines, with special consideration
220 given to areas of high incidence of asbestos-related diseases.

221
222 (c) *Requirements.* - Each center selected under paragraph (b) above shall be chosen by
223 the Secretary of Health after competitive peer review; the conduct of laboratory and
224 clinical research, including clinical trials, relating to mechanisms for effective
225 therapeutic treatment of asbestos-related diseases; early detection and prevention of
226 asbestos-related diseases; palliation of asbestos-related disease symptoms; and pain
227 management with respect to asbestos-related diseases; offer to asbestos-related
228 disease patients travel and lodging assistance as necessary to accommodate the
229 maximum number of patients practicable; and to serve a number of patients at the
230 center sufficient to conduct a meaningful clinical trial; coordinate the research and
231 treatment efforts of the center with other entities included in the Network.

232
233 A center selected by the Secretary of Health shall be included in the Network for the
234 one (1) year period beginning on the date of selection of the center; or such longer
235 period as the Secretary of Health determines to be appropriate.

236
237 (d) *Grants.* - The Secretary of Health shall provide to each center selected for inclusion
238 in the Network for the fiscal year a financial grant to support the detection,
239 prevention, treatment, and cure of asbestos-related diseases, with particular emphasis
240 on malignant mesothelioma.

241
242 **SECTION 11. *Inter-Agency Technical Advisory Council.* -**

243
244 (a) There is hereby created an Inter-Agency Technical Advisory Council attached to the
245 Department of Health which shall be composed of the Secretary of Health or his or
246 her representative as chairperson and the following officials or their duly authorized
247 representatives as members:

- 248 (1) Secretary of Labor and Employment;
- 249 (2) Secretary of Environment and Natural Resources;
- 250 (3) Secretary of Trade and Industry;
- 251 (4) Secretary of Science and Technology;

- 252 (5) Secretary of Finance;
- 253 (6) Secretary of National Defense;
- 254 (7) Secretary of Interior and Local Government;
- 255 (8) Representative from Philippine Health Insurance Corporation (PHIC);
- 256 (9) Representative from Employees' Compensation Commission (ECC);
- 257 (10) Representative from the workers' organized sector; and
- 258 (11) Representative from the employers' sector.

259
260 The representatives from the private sector shall be appointed by the President for a
261 term of three (3) years.

262
263 (b) The Council shall have the following functions:

- 264 (1) To assist the Department of Health in the formulation of the pertinent rules
265 and regulations for the effective implementation of this act;
- 266 (2) To assist the Department of Health in the preparation and conduct of the
267 research and reporting, the public education and safety program and other
268 requirements that fall within the coverage of this act; and
- 269 (3) To perform such other functions as the Secretary of Health may, from time to
270 time, require.

271
272
273 **SECTION 12. Issuance of Cease and Desist Orders by the Department.** – Immediately
274 upon receipt of a report of violation of this Act, whether written or verbal, the Department of
275 Health shall conduct an ex parte examination of the evidence presented. If a prima face case
276 is established, a Cease and Desist Order (CDO) shall be issued by the Secretary of Health or
277 the DOH Regional Director, as the case may be.

278
279 Non-compliance with the CDO shall be ground for the imposition of administrative
280 sanctions. The issuance of the CDO shall be without prejudice to the imposition of the
281 appropriate administrative sanction, if so warranted, after due notice and hearing.

282
283 **SECTION 13. Citizen Suits.** – For purposes of enforcing the provisions of this Act or its
284 implementing rules and regulations, any citizen may file an appropriate civil, criminal, or
285 administrative action, including one for damages for any harm suffered as a result of a
286 violation of any provision of this Act, in the proper courts against:

- 287 (a) Any person who violates or fails to comply with the provisions of this Act or its
288 implementing rules and regulations;
- 289 (b) Any public officer who willfully or grossly neglects the performance of an act
290 especially required as a duty by this Act or its implementing rules and regulations; or
291 abuses his authority in the performance of his duty; or, in any manner, improperly
292 performs his duties under this Act or Its implementing rules and regulations:
293 *Provided, however,* That no suit can be filed until after thirty (30) days from notice
294 given to the concerned public officer and the alleged violator or violators, and no
295 appropriate action has been taken thereon.

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

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

SECTION 14. *Independence of action.* – The filing of an administrative suit against any person or entity under the preceding section does not preclude the right of any other person to file any criminal or civil action. Such civil and/or criminal action shall proceed independently.

SECTION 15. *Penalties.* – Any violation of the provisions of this Act shall be punished with a fine of not less than One Hundred Thousand Pesos (P100,000.00) and not more than One Million Pesos (P1,000,000.00) or imprisonment of not less than three months and not more than three years, or both such fine and imprisonment at the discretion of the court. In addition to such penalty, any alien found guilty shall be summarily deported upon completion of service of sentence.

If the violation is committed by a corporation, trust, firm, partnership, association or any other entity, the penalty shall be imposed upon the officer or officers directly responsible therefore.

SECTION 16. *Appropriations.* - Such sums as may be necessary for the initial implementation of this Act shall be taken from the current appropriations of the Department of Health. Thereafter, the fund necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SECTION 17. *Separability Clause.* – If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 18. *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 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,