

CONGRESS OF THE PHILIPPINES }
ELEVENTH CONGRESS }
First Regular Session }

*

SENATE

S. No. 1255

PREPARED JOINTLY BY THE COMMITTEES ON ENVIRONMENT AND NATURAL RESOURCES, FINANCE AND WAYS AND MEANS WITH SENATORS FLAVIER, JAWORSKI, LEGARDA-LEVISTE, HONASAN, OSMENA J., ENRILE, AQUINO-ORETA, REVILLA, CAYETANO, DRILON, GUINGONA, JR., MAGSAYSAY, JR., OSMENA III, PIMENTEL, JR., ROCO, TATAD AND FERNAN AS AUTHORS THEREOF

AN ACT PROVIDING FOR A COMPREHENSIVE AIR POLLUTION CONTROL POLICY, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* - "Philippine Clean Air Act of 1999".

2 SEC. 2. *Declaration of Principles.* - The State shall protect and
3 advance the right of the people to a balanced and healthful ecology
4 in accord with the rhythm and harmony of nature.

5 The State shall promote and protect the global environment to
6 attain sustainable development while recognizing the primary
7 responsibility of local government units to deal with environmental
8 problems.

9 The State recognizes that the responsibility of cleaning the
10 habitat and environment is primarily area-based.

1 The State also recognizes the principle that "polluters must pay".

2 Finally, the State recognizes that a clean and healthy environment
3 is for the good of all and should therefore be the concern of all.

4 SEC. 3. *Recognition of Rights.* - Pursuant to the above-declared
5 principles, the following rights of citizens are hereby sought to be
6 recognized and the State shall seek to guarantee their enjoyment:

7 a) The right to breathe clean air;

8 b) The right to utilize and enjoy all natural resources according
9 to the principle of sustainable development;

10 c) The right to participate in the formulation, planning,
11 implementation and monitoring of environmental policies and programs
12 and in the decision-making process concerning development projects or
13 activities that may have an adverse impact on the environment;

14 d) The right to be informed of the nature and extent of the potential
15 hazard of any activity, undertaking or project and to be served timely
16 notice of any significant rise in the level of pollution and the accidental
17 or deliberate release into the atmosphere of harmful or hazardous
18 substances; and

19 e) The right of access to public records which a citizen may need
20 to exercise his or her rights effectively under this Act.

21 SEC. 4. *Mandate for the Department of Environment and Natural*
22 *Resources.* - The Department of Environment and Natural Resources
23 consistent with the principle of sustainable development shall pursue a
24 policy of balancing environmental protection with the real needs of
25 development. The Department of Environment and Natural Resources

1 is hereby mandated:

2 a) To formulate a holistic national program on how to prevent,
3 manage, control and reverse air pollution from city to countryside using
4 both regulatory and market-based instruments that involve the
5 participation of all sectors and relying mainly on the effective
6 dissemination of correct and useful information among citizens; and

7 b) To set up a mechanism for the proper identification and
8 indemnification of victims of any damage or injury resulting from the
9 adverse environmental impact of any project, activity or undertaking.

10 SEC. 5. *Definitions.* - As used in this Act:

11 a) Air pollutant - refers to any matter found in the atmosphere
12 that is detrimental to health or the environment or which constitutes
13 offensive odors, or unwanted sounds and radio-active substances;

14 b) Air pollution - means any alteration of the physical, chemical
15 and biological properties of the atmospheric air, or any discharge
16 thereto of any liquid, gaseous or solid substances that will or is likely
17 to create or to render the air resources of the country harmful,
18 detrimental, or injurious to public health, safety or welfare;

19 c) Best available technologies - refers to all ecologically safe and
20 non-burn technologies, methods and techniques of dealing with
21 municipal, medical and hazardous waste; such technologies include
22 waste segregation at source, composting and recycling for municipal
23 solid waste;

24 d) Ambient air quality - is the general amount of pollution
25 present in a broad area; and refers to the atmosphere's average

1 purity as distinguished from discharge measurements taken at the
2 source of pollution;

3 e) Ambient air quality guideline values - means the concentration
4 of air over specified periods classified as short-term and long-term
5 which are intended to serve as goals or objectives for the protection
6 of health and/or public welfare. These values are not necessarily inten
7 ded for direct enforcement but only for air quality management
8 purposes such as determining time trends, evaluating stages of
9 deterioration or enhancement of the air quality and, in general, use as
10 basis for taking positive action in preventing, controlling, or abating air
11 pollution;

12 f) Certificate of conformity - means a certificate issued by the
13 Department of Environment and Natural Resources to a vehicle
14 manufacturer/assembler or importer certifying that a particular new
15 vehicle or vehicle type meets the requirements provided under this Act
16 and its rules and regulations;

17 g) Department - refers to the Department of Environment and
18 Natural Resources;

19 h) Eco-profile - refers to geographic-based instrument for
20 planners and decision-makers which present an evaluation of the
21 environmental quality and carrying capacity of an area. It is the result
22 of the integration of primary and secondary activities on the land which
23 are evaluated by various environmental risk assessment and
24 forecasting methodologies that enable the Department to anticipate the
25 type of development control necessary in the planning area;

1 i) Emission - refers to any air contaminant, pollutant, gas
2 stream or unwanted sound from a known source which is passed into
3 the atmosphere;

4 j) Hazardous substances - refer to those substances which
5 present either: (1) short-term acute hazards such as acute toxicity by
6 ingestion, inhalation, or skin absorption, corrosivity or other skin or eye
7 contact hazard or the risk of fire explosion; or (2) long-term toxicity
8 upon repeated exposure, carcinogenicity (which in some cases result in
9 acute exposure but with a long latent period), resistance to
10 detoxification process such as biodegradation, the potential to pollute
11 underground or surface waters;

12 k) Incineration - refers to the process by which waste, garbage,
13 refuse and other materials are burned or rapidly oxidized into ashes to
14 reduce the volume of solid wastes chemically which includes pyrolysis,
15 gasification and electro-chemical oxidation;

16 l) Infectious waste - refers to that portion of medical waste
17 that could transmit an infectious disease;

18 m) Medical waste - refers to materials generated as a result of
19 patient diagnosis, treatment, or immunization of human beings or
20 animals;

21 n) Municipal waste - refers to the waste materials generated
22 from communities within a specific locality;

23 o) A new vehicle - shall refer to a vehicle constructed entirely
24 from new parts that have never been sold or registered with the DOTC
25 or with the appropriate agency or authority, and operated on the

1 highways of the Philippines, any foreign state or country;

2 p) Octane Rating or the Anti-Knock Index (AKI) - refers to the
3 rating of the anti-knock characteristics of a grade or type of automotive
4 gasoline as determined by dividing by two (2) the sum of the Research
5 Octane Number (RON), plus the Motor Octane Number (MON); the
6 octane requirement, with respect to automotive gasoline for use in a
7 motor vehicle or a class thereof, whether imported, manufactured, or
8 assembled by a manufacturer, shall refer to the minimum octane rating
9 of such automotive gasoline which such manufacturer recommends for
10 the efficient operation of such motor vehicle, or a substantial portion
11 of such class, without knocking.;

12 q) Persistent Organic Pollutants (POPs) - refers to organic
13 compounds that persist in the environment, bioaccumulate through the
14 food web, and pose a risk of causing adverse effects to human health
15 and the environment. These compounds resist photolytic, chemical
16 and biological degradation. Example of POPs include dioxin, furan,
17 Polychlorinated Biphenyls (PCBs), organochlorine pesticides such as
18 aldrin, dieldrin, DDT, hexachlorobenzene, lindane, toxaphere and
19 chlordane;

20 r) Pollution control device - refers to any device or apparatus
21 used to prevent, control or abate the pollution of air caused by
22 emissions from identified pollution sources at levels within the air
23 pollution control standards established by the Department;

24 s) Pollution control technology - refers to pollution control
25 devices, production processes, fuel combustion processes or other

1 means that effectively prevent or reduce emissions or effluent;

2 t) Standard of performance - refers to a standard for emissions
3 of air pollutant which reflects the degree of emission limitation
4 achievable through the application of the best system of emission
5 reduction, taking into account the cost of achieving such reduction and
6 any non-air quality health and environment impact and energy
7 requirement which the Department determines, and adequately
8 demonstrates; and

9 u) Stationary source - refers to any building or immobile
10 structure, facility or installation which emits or may emit any air
11 pollutant.

12 SEC. 6. *Air Quality Monitoring and Information Network.* -

13 The Department shall prepare an annual National Air Quality Status
14 Report which shall be used as a basis in formulating an Air Quality
15 Improvement Framework Plan, as provided for in Section 7. The said
16 report shall include, but shall not be limited to the following issues:

17 a) extent of air pollution in the country, per type of pollutant and
18 per type of source, based on the reports of the Department's
19 monitoring stations;

20 b) analysis and evaluation of the current state, trends and
21 projections of air pollution on the national, regional, provincial and
22 municipal levels;

23 c) identification of critical areas, activities, or projects which will
24 need closer monitoring or regulation;

25 d) recommendations for necessary executive and legislative

1 action; and

2 e) other pertinent qualitative and quantitative information
3 concerning the extent of air pollution and the environmental
4 performance rating of industries in the country.

5 The Department, in cooperation with the National Statistical
6 Coordination Board (NSCB), shall design and develop an information
7 network for data storage, retrieval and exchange.

8 The Department shall serve as the central depository unit of all
9 data and information related to air quality.

10 SEC. 7. *Integrated Air Quality Improvement Framework Plan.*

11 - The Department shall establish the policy framework for a
12 comprehensive air pollution management and control program and shall
13 formulate and implement an integrated Air Quality Improvement Action
14 Plan for the prevention, control and abatement of air pollution. The
15 action plan shall:

16 a) include enforceable emission limitations and other control
17 measures, means, or techniques, as well as schedules and time tables
18 for compliance, as may be necessary or appropriate to meet the
19 applicable requirements of this Act;

20 b) provide for the establishment and operation of appropriate
21 devices, methods, systems, and procedures necessary to monitor,
22 compile, and analyze data on ambient air quality;

23 c) include a program to provide for the following: (1)
24 enforcement of the measures described in subparagraph (a), (2)
25 regulation of the modification and construction of any stationary

1 source within the areas covered by the plan, in accordance with land
2 use policy, and as necessary to assure that ambient air quality
3 standards are achieved;

4 d) contain adequate provisions, consistent with the provisions of
5 this Act, prohibiting any source or other types of emissions activity
6 within the country from emitting any air pollutant in amounts which will
7 contribute significantly to the non-attainment or will interfere with the
8 maintenance by the Department of any such ambient air quality
9 standard required to be included in the implementation plan to prevent
10 significant deterioration of air quality or to protect visibility;

11 e) include control strategies and control measures to be
12 undertaken within a specified time period, including cost effective use
13 of economic incentives, management strategies, collection action, and
14 environmental education and information;

15 f) designate air quality control zones; and

16 g) include all other measures necessary for the effective control
17 and abatement of air pollution.

18 In addition to direct regulations, the plan shall be characterized
19 by a participatory approach to the pollution problem. The involvement
20 of private entities in the monitoring and testing of emissions from
21 mobile and/or stationary sources may be considered.

22 The integrated air quality improvement framework plan shall be
23 adopted as the official blueprint with which all government agencies
24 must comply with to attain and maintain ambient air quality standards.

25 The plan shall be formulated within six (6) months after the

1 effectivity of this Act with the participation of local government
2 units (LGUs), nongovernment organizations (NGOs), people's
3 organizations (POs), the academe and other concerned entities from the
4 private sector.

5 SEC. 8. *Air Quality Control Zones.* - Pursuant to Section 7 of
6 this Act, the designation of the Air Quality Control Zones (AQCZs)
7 shall be on the basis of, but not limited to, areas with similar climate,
8 meteorological and topology which affect the interchange and diffusion
9 of pollutants in the atmosphere, or areas which share common interest
10 or face similar development programs, prospects or problems.

11 For a more effective air quality management, a system of planning
12 and coordination shall be established and a common action plan shall
13 be formulated for each AQCZ.

14 To effectively carry out the formulated action plans, a Governing
15 Board is hereby created, hereinafter referred to as the Board.

16 The Board shall be headed by the Secretary of the Department
17 of Environment and Natural Resources as chairman. The members shall
18 be as follows:

- 19 a) Provincial Governors from areas belonging to AQCZ;
- 20 b) City/Municipal Mayors from areas belonging to AQCZ;
- 21 c) A representative from government agencies;
- 22 d) A representative from people's organization;
- 23 e) A representative from non-government organizations; and
- 24 f) A representative from the private sector.

25 The Board shall perform the following functions:

- 1 a) Formulation of policies;
- 2 b) Preparation of a common action plan;
- 3 c) Coordination of functions among its members; and
- 4 d) Preparation and publication of an annual air quality status
- 5 report of the AQCZ.

6 The Department shall, from time to time and by utilizing eco-
 7 profiling techniques and undertaking scientific studies, and upon
 8 consultation with the appropriate local government authorities, revise
 9 the designation of the AQCZs.

10 SEC. 9. *Air Quality Control Action Plan.* - Within six (6) months
 11 after the formulation of the Framework Plan, local government units
 12 (LGUs) with the assistance from the Department shall prepare and
 13 develop an air quality control action plan consistent with the
 14 integrated air quality improvement framework plan to attain and
 15 maintain the ambient air quality standards within their respective air
 16 quality control zones as provided in Section 7.

17 The local government units shall develop and submit to the
 18 Department a procedure for carrying out the action plan for their
 19 jurisdiction. The Department, however, shall maintain its authority
 20 to independently inspect the enforcement procedure adopted. The
 21 Department shall have the power to closely supervise all or parts
 22 of the air quality action plan until such time the local government unit
 23 concerned can assume the function to enforce the standards set by
 24 the Department.

A multi-sectoral monitoring team with broad public

1 representation shall be convened by the Department for each LGU to
 2 conduct periodic inspections of air pollution sources to assess
 3 compliance with the emission limitations contained in their permits.

4 SEC. 10. *Management of Nonattainment Areas.* - The Department
 5 shall designate areas where specific pollutants have already exceeded
 6 ambient air quality standards as nonattainment areas. The
 7 Department shall prepare and implement a program that will prohibit
 8 new sources of exceeded air pollutants and reduce discharges from
 9 existing sources. The LGUs, in coordination with other appropriate
 10 government agencies, shall likewise prepare and implement a program
 11 and other measures including relocation, whenever necessary, to
 12 protect the health and welfare of residents in the area.

13 For those designated as nonattainment areas, the Department,
 14 after consultation with local government authorities, nongovernment
 15 organizations (NGOs), quasi nongovernment organizations
 16 (QUANGOs), people's organizations (POs) and concerned sectors
 17 may revise the designation of such areas and expand its coverage to
 18 cover larger areas depending on the condition of the areas.

19 SEC. 11. *Air Quality Control Techniques.* - Simultaneous with
 20 the issuance of the guideline values and standards, the Department,
 21 through the research and development program contained in this Act
 22 and upon consultation with the appropriate advisory committees,
 23 government agencies and LGUs, shall issue, and from time to time,
 24 revise information on air pollution control techniques. Such information
 25 shall include:

1 a) best available technology and alternative methods of
2 prevention, management and control of air pollution;

3 b) best available technology economically achievable which
4 shall refer to the technological basis/standards for emission limits
5 applicable to existing, direct industrial emitters of non-conventional and
6 toxic pollutants; and

7 c) alternative fuels, processes and operating methods which will
8 result in the elimination of significant reduction of emissions.

9 Such information may also include data relating to the cost of
10 installation and operation, energy requirements, emission reduction
11 benefits, and environmental impact of the emission control technology.

12 The issuance of air quality guideline values, standards and
13 information on air quality control techniques shall be made available to
14 the general public: *Provided*, That the issuance of information on air
15 quality control techniques shall not be construed as requiring the
16 purchase of certain pollution control devices by the public.

17 SEC. 12. *Ambient Air Quality Guideline Values and*
18 *Standards.* - The Department, after public consultations and hearings,
19 shall establish ambient air quality guideline values and standards, either
20 on a national or AQCZ level. The Department, in coordination with
21 other concerned government agencies, shall review and/or revise and
22 publish annually a list of hazardous air pollutants with corresponding
23 guideline values and/or standards necessary to protect public health,
24 safety and general welfare. The initial list and the values of the
25 hazardous air pollutants are included and made an integral part of

1 this Act as Annex "A".

2 The basis in setting-up the ambient air quality guideline values
3 and standards shall reflect, among others, the latest scientific
4 knowledge including information on:

5 1) Variable factors, including atmospheric conditions, which of
6 themselves or in combination with other factors may alter the effects
7 on public health or welfare of such air pollutant;

8 2) The other types of air pollutants which may interact with such
9 pollutant to produce an adverse effect on public health or welfare; and

10 3) The kind and extent of all identifiable effects on public health
11 or welfare which may be expected from the presence of such pollutant
12 in the ambient air, in varying quantities.

13 The Department shall base such ambient air quality standards on
14 WHO standards, but shall not be limited to nor be less stringent than
15 such standards.

16 SEC. 13. *Air Pollution Research and Development Program.*
17 - The Department, in coordination with the Department of Science and
18 Technology (DOST), other government agencies, the private sector,
19 the academe, NGOs and POs, shall establish a National Research
20 and Development Program for the prevention and control of air
21 pollution. The Department shall give special emphasis to research on
22 and the development of improved methods having industry-wide
23 application for the prevention and control of air pollution.

24 Such a research and development program shall develop air
25 quality guideline values and standards in addition to internationally-

1 accepted standards. It shall also consider the socio-cultural, political
2 and economic implications of air quality management and pollution
3 control.

4 SEC. 14. *Lead Agency.* - The Department, unless otherwise
5 provided herein, shall be the primary government agency responsible
6 for the implementation and enforcement of this Act. As such, it shall
7 have the following functions, powers and responsibilities:

8 a) Establish air quality standards after due consultation with the
9 concerned sectors;

10 b) Prepare and implement an integrated framework plan and action
11 plans for air quality management;

12 c) Exercise jurisdiction over all aspects of air pollution, determine
13 its location, magnitude, extent, severity, causes, effects and other
14 pertinent information, and to take necessary measures or direct the
15 proper party to take measures, using available methods and
16 technologies to prevent and abate such pollution;

17 d) Update itself on the advanced/modern methods of other
18 countries in combating and minimizing air pollution;

19 e) Coordinate with the Department of Science and Technology
20 (DOST) and the Department of Energy (DOE) on finding alternative
21 sources of energy for industries and mass transport systems that would
22 rely less on fossil fuel;

23 f) Establish a cooperative effort among the national
24 government, local government units, state and local universities,
25 nongovernmental organizations, people's organizations, and the

1 private sector in order to implement the air pollution control and
2 management program;

3 g) Issue rules and regulations, guidelines or procedures, design
4 criteria governing the preparation of plans and specifications for
5 pollution control device;

6 h) Call on any government agency, department, corporation,
7 institution, state universities and other instrumentalities of the
8 government for assistance in the form of personnel, facilities, and other
9 resources, as the need arises in the discharge of its functions;

10 i) Formulate policies that will serve as guidelines on the use,
11 transport, storage, disposal, regulation or prohibition of elements
12 proven hazardous to human health, and ecological balance;

13 j) Accept assistance, whether financial or otherwise, from any
14 public or private organization: *Provided*, That such assistance shall
15 not result to a conflict of interest;

16 k) Disseminate information and conduct educational awareness
17 campaigns on the effects of air pollution on health and environment;

18 l) Encourage, participate in and conduct continuing studies,
19 investigations, researches and demonstrations on the effective means
20 of controlling, preventing and managing air pollution including
21 improvement in the implementation strategy, technology or
22 instrumentation; to rationalize the basis of air quality standards;

23 m) Encourage the enactment of improved and, as far as
24 practicable, uniform national and local laws relating to air pollution
25 management and control;

1 n) Issue order against any person or entity and impose fines,
2 penalties and other administrative or penal sanctions provided by law
3 to compel compliance with air quality regulations and the provisions of
4 this Act; and

5 o) Exercise such powers and perform such other functions as may
6 be necessary to carry out its duties and responsibilities under this Act.

7 SEC. 15. *Linkage Mechanism.* - The Department shall consult,
8 participate, cooperate and enter into agreements with other government
9 agencies, or with affected NGO's or PO's, or private enterprises in the
10 furtherance of the objectives of this Act.

11 SEC. 16. *Role of Local Government Units.* - Local government
12 units shall share the responsibility in the management and maintenance
13 of air quality within their territorial jurisdiction. Consistent with
14 Sections 7 and 9 of this Act, LGUs shall implement local air quality
15 standards set by the Department and/or by the Board in areas within
16 their jurisdiction.

17 The Department may delegate to the local government units the
18 authority to administer all or some aspects of air quality management
19 and regulation, including but not limited to permit issuance, monitoring,
20 and imposition of administrative penalties, when, upon the
21 Department's determination, the LGU has demonstrated the technical
22 and financial capability to undertake such functions. The Department
23 shall provide the LGUs with technical assistance and trainings and
24 launch a continuing capability-building program to prepare them to
25 undertake full administration of the air quality management and

1 regulation within their territorial jurisdiction. The exercise of such
2 delegated authority shall be under the supervision, review and control
3 of the Department.

4 SEC. 17. *Environment and Natural Resources Office.* - There
5 shall be established an Environment and Natural Resources Office in
6 every province, city or municipality which shall be headed by the
7 environment and natural resources officer and shall be appointed by
8 the chief executive of every province, city or municipality in
9 accordance with the provisions of Section 484 of Republic Act No.
10 7160. Its powers and duties, among others, are:

11 a) To prepare comprehensive air quality management programs,
12 plans and strategies within the limits set forth in Republic Act No. 7160
13 and this Act which shall be implemented within its territorial jurisdiction
14 upon the approval of the sanggunian;

15 b) To provide technical assistance and support to the governor
16 or mayor, as the case maybe, in carrying out measures to ensure the
17 delivery of basic services and provision of adequate facilities relative
18 to air quality;

19 c) To take the lead in all efforts concerning air quality protection
20 and rehabilitation;

21 d) To recommend local air quality standards which shall not
22 exceed the maximum permissible standards set by the national laws;

23 e) To coordinate with other government agencies and non-
24 governmental organizations in the implementation of measures to
25 prevent and control air pollution; and

1 f) Exercise such other powers and perform such duties and
2 functions as may be prescribed by law or ordinance.

3 SEC. 18. *Record-keeping, Inspection, Monitoring and Entry*
4 *by the Department of Environment and Natural Resources (DENR).*

5 - The Department or its duly accredited entity shall, after proper
6 consultation and notice, require any person who owns or operates any
7 emission source or who is subject to any requirement of this Act to (a)
8 establish and maintain such records, (b) make such reports, (c) install,
9 use and maintain such monitoring equipment or method, (d) sample
10 such emission, in accordance with such method, at such location, at
11 such interval, and in such manner as the Department shall prescribe by
12 regulation, (e) keep records on control equipment parameters,
13 production variables or other indirect data when direct monitoring of
14 emissions is impractical and, (f) provide such other information as the
15 Department may reasonably require.

16 Upon application and the issuance of a search warrant signed by
17 a judge upon his determination of the existence of probable cause that
18 a violation of this Act has been committed or is being committed, the
19 Department, through its authorized representatives, shall have a right
20 of entry or access to any premises including documents and relevant
21 materials of such person or establishment, inspect any pollution
22 or waste source, control device, monitoring equipment or method
23 required, and test any emission which such person is required to
24 sample.

25 SEC. 19. *Report to Congress.* - The Department shall report

1 to Congress, not later than March 30 of every year following the
2 approval of this Act, the progress of the pollution control efforts and
3 make the necessary recommendations in areas where there is need for
4 legislative action.

5 SEC. 20. *Public Education and Information Campaign.* - A
6 continuing air quality information and education campaign shall be
7 promoted by the Department, the Department of Education, Culture and
8 Sports (DECS), the Department of the Interior and Local Government
9 (DILG), the Department of Agriculture (DA) and the Philippine
10 Information Agency (PIA). Consistent with Section 7, such campaign
11 shall encourage the participation of other government agencies and the
12 private sector including NGOs, POs, the academe, the environmental
13 groups and other private entities in a multi-sectoral information
14 campaign.

15 SEC. 21. *Permits.* - Consistent with the provisions of this Act,
16 the Department shall have the authority to issue permits as it may
17 determine necessary for the prevention and abatement of air pollution.

18 Said permits shall cover emission limitations for the regulated air
19 pollutants to help attain and maintain the ambient air quality
20 standards. These permits shall serve as management tools for the
21 LGUs in the development of their action plan.

22 SEC. 22. *Emission Charge System.* - The Department shall,
23 based on environmental valuation techniques design, impose and
24 collect regular and reasonable emission fees on industrial dischargers
25 as part of the emission permitting system. The system shall encourage

1 the industries to abate, reduce, neutralize, recycle, reuse, minimize, or
2 prevent pollution. The basis of the fees include, but is not limited to,
3 the volume and toxicity of emitted pollutant. Industries, which shall
4 install pollution control devices or retrofit their existing facilities with
5 mechanisms that reduce pollution shall be entitled to tax incentives
6 such as tax credits or accelerated depreciation deductions and the like.

7 SEC. 23. *Emission Quotas.* - The Department may allow each
8 regional industrial center that is designated as special zone to allocate
9 emission quotas to pollution sources within the jurisdiction that qualify
10 under an environmental impact assessment system programmatic
11 compliance program as provided in the implementing rules and
12 regulations of Presidential Decree No. 1586.

13 SEC. 24. *Financial Liability for Environmental*
14 *Rehabilitation.* - As part of the environmental management plan
15 attached to the environmental compliance certificate pursuant to P.D.
16 No. 1586 and rules and regulations set therefore, the Department may
17 require program and project proponents to put up financial guarantee
18 mechanisms to respond to the needs for emergency response, clean- up
19 or rehabilitation of areas that may be damaged during the program or
20 project's actual implementation. Liability for damages shall continue
21 even after program or project termination, where such damages are
22 clearly attributable to the program or project and for a definite period
23 to be determined by the Department and incorporated into the
24 environmental compliance certificate.

25 Financial liability instruments may be in the form of a trust fund,

1 environmental insurance, surety bonds, letters of credit, as well as self-
2 insurance. The choice of the guarantee instrument or combinations
3 thereof shall depend, among others, on the assessment of the risks
4 involved. Proponents required to put up guarantee instruments shall
5 furnish the Department with an evidence of availment of such
6 instruments.

7 SEC. 25. *Pollution from Stationary Sources.* - The Department
8 shall establish emission standards for all stationary sources of air
9 pollution, based on mass rate of emission, within one (1) year from the
10 date of enactment of this Act. The standards shall set a limit on the
11 acceptable level of pollutants emitted from a stationary source for the
12 protection of public health and welfare.

13 As provided in Section 7 of this Act, the Department shall
14 prepare a detailed action plan setting the emission standards or
15 standards of performance for any stationary source, the procedure for
16 testing emissions for each type of pollutant, and the procedure for
17 enforcement of said standards. The emission standards for stationary
18 sources of air pollution will be reviewed and/or revised and published
19 every two (2) years, or as the need arises.

20 Existing industries, which are proven to exceed emission
21 rates established by the department after a thorough, credible and
22 transparent measurement process shall be allowed a grace period
23 of eighteen (18) months for the establishment of an environmental
24 management system and the installation of an air pollution control
25 device acceptable to both the Department and the owners

1 concerned: *Provided*, That an extension of not more than twelve (12)
2 months may be allowed by the Department on meritorious grounds.

3 SEC. 26. *Illegal Garbage Disposal*. - Open burning, dumping
4 and incineration for garbage disposal by any person or institution are
5 hereby declared illegal activities. This prohibition shall not apply to
6 traditional small-scale method of community/neighborhood sanitation
7 "siga" and traditional agricultural health or food preparation.

8 Local government units are hereby mandated to promote,
9 encourage and implement in their respective jurisdiction a
10 comprehensive ecological waste management that includes waste
11 segregation, recycling and composting.

12 Likewise, the construction and operation of incinerators including
13 combustion-based waste-to-energy facilities dealing with municipal,
14 medical and hazardous wastes are hereby prohibited. Instead, long-term
15 and more environmentally friendly approaches to the waste problem
16 shall be promoted. In the case of infectious and pathological wastes,
17 the development and use of safer alternatives, particularly non-burn
18 technologies shall be encouraged. With respect to existing bio-medical
19 waste incinerators such incinerators shall be phased-out within three
20 (3) years after the approval of this Act. In the interim, such units shall
21 be limited to the burning of pathological and infectious wastes, and
22 subjected to close monitoring by the Department.

23 The Department shall promote the use of approaches to prevent
24 the generation of hazardous waste including, but not limited to, source
25 reduction, clean production, toxics-use-reduction, and waste elimination

1 in production processes.

2 In lieu of incineration, the department shall encourage the use of
3 safer and state-of-the-art technologies for the treatment, destruction,
4 and disposal of hazardous wastes, including storage under the highest
5 universally accepted standards of toxic wastes.

6 SEC. 27. *Pollution from Smoking*. - Smoking inside a public
7 building or an enclosed public place including public vehicles and
8 other means of transport or in any enclosed area outside of one's
9 private residence, private place of work or any duly designated
10 smoking area is hereby prohibited under this Act.

11 SEC. 28. *Pollution from Motor Vehicles*. - a) The Department
12 shall set emission standards for all vehicles. It shall consider the
13 maximum limits for all major pollutants to ensure substantial
14 improvement in air quality for the health, safety and welfare of the
15 general public.

16 b) The Department of Transportation and Communications
17 (DOTC), in collaboration with the Department and the LGUs, shall
18 develop an action plan for the control and management of air pollution
19 from mobile sources consistent with the Integrated Air Quality
20 Improvement Framework Plan. As further outlined in its regulations, or
21 through its duly accredited entities, the DOTC shall enforce compliance
22 with the emission standards for motor vehicles set by the Department.
23 The DOTC may deputize other law enforcement agencies and the LGUs
24 for this purpose. To this end, the DOTC shall have the power to:

25 (1) Inspect and monitor the emissions of all mobile sources of

1 pollution such as motor vehicles, trains, ships, airplanes and other
2 similar sources;

3 (2) Prohibit or enjoin the use of motor vehicles or a class of motor
4 vehicles in any area or street at specified times; and,

5 (3) Authorize private emission testing centers duly accredited by
6 the Department of Environment and Natural Resources (DENR).

7 c) The DOTC, together with the DTI and the Department, shall
8 establish the procedures for the inspection of mobile sources of
9 pollution, including gasoline and diesel-fueled vehicles, and the testing
10 of their emissions for the purpose of determining the concentration
11 and/or rate of emission of pollutants discharged by said sources. The
12 DOTC shall also authorize private inspection centers.

13 d) In order to ensure the substantial reduction of emissions from
14 motor vehicles the DOTC, together with the DTI and the Department,
15 shall formulate and implement a national motor vehicle inspection and
16 maintenance program that will promote efficient and safe operation of
17 all vehicles. In this regard, the DTI shall develop and implement
18 standards and procedures for the certification of training institutions,
19 instructors and facilities and the licensing of qualified private service
20 and repair centers and their technicians as prerequisite for performing
21 the testing, servicing, repair and the required adjustment to the vehicle
22 emission system. The DOTC shall likewise prescribe regulations
23 requiring the disclosure of odometer readings and the use of tamper-
24 resistant odometers for all motor vehicles including tamper-resistant
25 fuel management systems for the effective implementation of the

1 inspection and maintenance program.

2 SEC. 29. *Pollution from Other Mobile Sources.* - The
3 Department, in coordination with the appropriate agencies, shall
4 formulate and establish the necessary standards for all other mobile
5 sources other than those referred to in Section 28 of this Act. The
6 imposition of the appropriate fines and penalties from these sources for
7 any violation of emission standards shall be under the jurisdiction of
8 the DOTC.

9 SEC. 30. *Second-Hand Engines.* - The importation and
10 distribution of second-hand engines for all vehicles that do not meet
11 the emission standards as set by the Department of Environment and
12 Natural Resources is hereby banned.

13 SEC. 31. *Regulation of All Motor Vehicles and Engines.* - Any
14 imported new vehicle or engine shall not be registered unless it
15 complies with the emission standards set pursuant to this Act, as
16 evidenced by a Certificate of Conformity (COC) issued by the DOTC
17 or any authorized emission testing facility.

18 In case of non-compliance, the importer or consignee may be
19 allowed to modify or rebuild the vehicle or engine so that it will be in
20 compliance with applicable emission standards.

21 Any imported new motor vehicle as well as locally assembled new
22 motor vehicle shall not be registered and operated on any public
23 highway or sold until the importer/assembler can present a COC.

24 No in-use vehicle shall be re-registered unless it passes the
25 emission testing requirement conducted by the DOTC or its authorized

1 inspection centers valid within sixty (60) days to the date of
2 registration.

3 Such report shall certify that the vehicle met the emission
4 requirements of this Act and the rules and regulations promulgated
5 therefor.

6 The regulations shall prescribe the useful life of vehicles and
7 engines including devices in order to ensure that such vehicles will
8 conform to the emissions which they were certified to meet. This
9 regulations shall include provisions for ensuring the durability of
10 emission devices.

11 SEC. 32. *Aircraft Noise.* - Community noise standards around
12 airports shall be implemented by the Air Transportation Office in
13 coordination with the Department.

14 SEC. 33. *Standards for Noise, Vibration and Odor Levels.*
15 - The Department shall, in coordination with the concerned
16 government agencies establish, monitor and regulate acceptable levels
17 of noise, vibration and odor based on scientific criteria from all sources
18 to protect public health and welfare.

19 SEC. 34. *Fuels and Additives.* - In order to further support the
20 emission reduction objective of the inspection and maintenance
21 program and other control measures, the Department, in consultation
22 with the Bureau of Product Standards (BPS) of the DTI, the DOE, the
23 DOST, the representatives of the fuel and automotive industries and
24 the consumers, shall set the specifications for all types of fuel and fuel-
25 related products with the objective of improving fuel composition in

1 terms of increased efficiency and reduced emissions.

2 The Department, shall also specify the allowable content of
3 additives in all types of fuels and fuel-related products. Such standards
4 shall be based primarily on threshold levels of health and research
5 studies. On the basis of such specifications, the Department, through
6 the EMB, shall likewise limit the content or begin the phase-out of
7 contaminants and additives in all types of fuels and fuel-related
8 products as it may deem necessary. Other agencies involved in
9 the performance of this function shall be required to coordinate with
10 the Department and transfer all documents and information necessary
11 for the implementation of this provision.

12 It is, therefore, declared that:

13 a) no later than eighteen (18) months after the effectivity of this
14 Act, no person shall manufacture, sell, supply, offer for sale, dispense,
15 transport or introduce into commerce unleaded gasoline fuel with a
16 regular anti-knock index (AKI) below 87.5 maximum Reid vapor pressure
17 of 9 PSI. Upon effectivity of this Act, unleaded gasoline fuel should
18 contain aromatics not to exceed forty-five percent (45%) and benzene
19 not to exceed four percent (4%);

20 b) no later than eighteen (18) months after the effectivity of this
21 Act, no person shall manufacture, sell, supply, offer for sale, dispense,
22 transport or introduce into commerce automotive diesel fuel which
23 contains a concentration of sulphur in excess of 0.20%, (by weight) and
24 for which fails to meet the minimum cetane number of 47 or minimum
25 cetane index of 47, and not later than January 1, 2005, the content of

1 sulfur in automotive diesel fuel shall be limited to 0.05%;

2 c) no later than eighteen (18) months after the effectivity of this
3 Act, no person shall manufacture, sell, supply, offer for sale, dispense,
4 transport or introduce into commerce industrial diesel fuel which
5 contains a concentration of sulfur in excess of 0.30% (by weight).

6 No later than eighteen (18) months thereafter, the specifications
7 of unleaded gasoline and of automotive and industrial diesel fuels shall
8 be reviewed for further improvement in formulation and in accordance
9 with the provisions of this Act.

10 The fuels characterized above shall likewise be the reference fuels
11 and be commercially available with regard to emission and testing
12 procedures to be established in accordance with the provisions of this
13 Act.

14 After the date of the enactment of this Act, any person proposing
15 to register any gasoline additive or to use any previously registered
16 additive may elect to register the additive as a lead substitute gasoline
17 additive for reducing the valve seat wear by providing the Department
18 with such relevant information regarding product identity and
19 composition as the Department deems necessary for conducting tests
20 to determine the potential public health effects of such additive and
21 furnishing the description of the analytical technique that can be used
22 to detect and measure it in any fuel, and the recommended range of
23 concentration and purpose in the use of the additive. No organo-
24 metallic additive shall be allowed.

25 Any proposed additive shall not in any way increase emissions

1 of any of the regulated gases: carbon monoxide, hydrocarbons, and
2 oxides of nitrogen, including particulate matter, in order to be approved
3 and certified by the Department.

4 SEC. 35. *Regulation of Fuels.* - The Department of Energy
5 (DOE), in coordination with the Department and the BPS, shall regulate
6 the use of any fuel or fuel additive. No manufacturer or processor of
7 any such fuel or additive may sell, offer for sale, or introduce into
8 commerce such fuel or additive unless these agencies have registered
9 such fuel or additive. The regulations shall specify registration and
10 testing requirements and a description of analytical techniques to be
11 used.

12 SEC. 36. *Misfueling.* - In order to prevent the disabling of
13 catalytic converters by lead contamination, no person shall introduce
14 or cause or allow the introduction of leaded gasoline into any motor
15 vehicle which is labeled "unleaded gasoline only", which is equipped
16 with a gasoline tank filler inlet designed for the introduction of
17 unleaded gasoline, or which such person knows or should know is a
18 vehicle designed solely for the use of unleaded gasoline.

19 SEC. 37. *Prohibition on Manufacture, Import and Sale of*
20 *Leaded Gasoline and of Engines and/or Components Requiring*
21 *Leaded Gasoline.* - Effective not later than eighteen (18) months after
22 the enactment of this Act, no person shall manufacture, import, sell,
23 offer for sale and introduce into commerce, convey or otherwise
24 dispose of in any manner leaded gasoline and engines and
25 components requiring the use of leaded gasoline. The DTI shall

1 formulate standards and procedures that would allow non-
2 conforming engines to comply with the use of unleaded fuel.

3 SEC. 38. *Ozone-Depleting Substances.* - Consistent with the
4 terms and conditions of the Montreal Protocol on Substances that
5 Deplete the Ozone Layer and other international agreements and
6 protocols to which the Philippines is a signatory, the Department
7 shall phase-out ozone-depleting substances.

8 Within sixty (60) days after the enactment of this Act, the
9 Department, through the EMB, shall publish a list of substances which
10 are known to cause harmful effects on the stratospheric ozone layer. An
11 initial list of the aforementioned substances, including their year of
12 phaseout is attached to this Act as "Annex B" and is made an integral
13 part hereof. The Department shall periodically review and/or revise the
14 said list.

15 SEC. 39. *Greenhouse Gases.* - The Philippine Atmospheric,
16 Geophysical and Astronomical Service Administration (PAGASA) shall
17 monitor regularly meteorological factors affecting environmental
18 conditions including ozone depletion and greenhouse gases and
19 coordinate with the Department in order to effectively guide air
20 pollution monitoring and standard-setting activities.

21 The Department, together with concerned agencies and LGUs,
22 shall prepare an action plan consistent with international conventions
23 and agreements on the reduction of greenhouse gas emissions in the
24 country.

25 SEC. 40. *Persistent Organic Pollutants.* - The Department shall

1 develop a long-term national government program on the reduction and
2 elimination of Persistent Organic Pollutants (POPs) such as dioxins and
3 furans. The Department shall, within a period of two (2) years after the
4 enactment of this Act, establish an inventory list of all sources of
5 POPs in the country.

6 SEC. 41. *Radioactive Emissions.* - All projects which will
7 involve the use of atomic and/or nuclear energy and would entail
8 release and emission of radioactive substances into the environment,
9 incident to the establishment or possession of nuclear energy facilities
10 and radioactive materials, handling, transport, production, storage, and
11 use of radioactive materials shall be regulated by the Philippine Nuclear
12 Research Institute (PNRI), in coordination with the Department and
13 other appropriate government agencies.

14 SEC. 42. *Court Action.* - Any person may institute an
15 appropriate civil action in court with an application for the issuance
16 of a temporary restraining order and/or preliminary mandatory
17 injunction as the case may be against any person, whether natural or
18 juridical, and/or public official who violates, fails or neglects to comply
19 with the provisions of this act or its implementing rules. Such civil
20 action may proceed independently and shall be without prejudice to
21 any administrative or criminal action that may be filed under the
22 circumstances.

23 SEC. 43. *Independent Civil Action.* - The fines imposed herein
24 by the appropriate agency shall not preclude the filing of claims in court
25 for the payment by the violator of damages to the affected communities

1 for the pollution of the environment and its attendant effects,
2 foreseeable or otherwise. Such civil action shall proceed independent
3 of any administrative and/or criminal action.

4 SEC. 44. *Administrative Action.* - Without prejudice to the right
5 of any affected person to file an administrative action, the Department,
6 in the exercise of its powers and functions under this Act, shall institute
7 administrative proceedings against any person who violates the:

- 8 a) Standards or limitation provided under this Act; or
- 9 b) Any order, rule or regulation issued by the Department with
10 respect to such standard or limitation.

11 The filing of an administrative suit against such person/entity
12 does not preclude the right of any other person to file any criminal or
13 civil action for damages arising from the same act.

14 SEC. 46. *Lien Upon Personal and Immovable Properties of*
15 *Violators.* - Fines and penalties imposed pursuant to this Act shall
16 be liens upon personal and immovable properties of the violator. Such
17 lien shall, in case of insolvency of the respondent violator, enjoy
18 preference subsequent to laborer's wages under Articles 2241 and 2242
19 of Republic Act No. 386, otherwise known as the New Civil Code of the
20 Philippines.

21 SEC. 45. *Penalties for Violation by Stationary Sources.* - For
22 actual or imminent exceedance of any pollution or air quality standards
23 under this Act or its rules and regulations, the Pollution Adjudication
24 Board (PAB) shall, in consultation with the concerned government
25 agencies, local government units, nongovernment organizations,

1 people's organization and concerned private sectors impose the
2 following fines:

3 a) a fine of not more than One hundred thousand pesos
4 (P100,000.00) for every day of violation against the owner or operator
5 of a stationary source until such time that the standards have been
6 complied with; and

7 b) the fine shall be doubled in cases where the violation by a
8 stationary source is made in a residential area.

9 For purposes of the application of the fines, the Pollution
10 Adjudication Board shall prepare a fine rating system to adjust the
11 maximum fine based on the violator's degree of willfulness or
12 negligence, and history of noncompliance: *Provided*, That in case of
13 negligence, the first time offender's ability to pay may likewise be
14 considered by the Pollution Adjudication Board: *Provided, further*,
15 That in the absence of any extenuating or aggravating circumstances,
16 the amount of fine for negligence shall be equivalent to one-half of the
17 fine for willful violation.

18 The fines herein prescribed shall be increased by at least ten
19 percent (10%) every three (3) years to compensate for inflation and to
20 maintain the deterrent function of such fines.

21 In addition to the fines, the PAB shall order the closure,
22 suspension of development construction or cessation of, or
23 operations of the stationary sources until such time that proper
24 environmental safeguards are put in place: *Provided*, That an
25 establishment found liable for a third offense shall suffer permanent

1 closure immediately. This paragraph shall be without prejudice to the
2 immediate issuance of an *ex parte* order for such closure,
3 suspension of development or construction, or cessation of
4 operations during the pendency of the case upon *prima facie* evidence
5 that there is imminent threat to life, public health, safety or general
6 welfare, or to plant or animal life, or whenever there is an exceedance
7 of the emission standards set by the Department and/or the Board and/
8 or the appropriate LGU.

9 SEC. 47. *Violation of Standards for Motor Vehicles.* - No motor
10 vehicle shall be registered with the DOTC unless it meets the emission
11 standards set by the Department for motor vehicles as provided for in
12 Section 28 of this Act.

13 If any vehicle that has been apprehended for violation of
14 emission standards or for smoke-belching is caught on the road, the
15 vehicle shall be impounded immediately and shall so remain in custody.
16 Should it be shown that there was no violation of the emission
17 standards, the vehicle shall be immediately released. Otherwise, a
18 testing result indicating an exceedance of the emission standards
19 would warrant the continuing custody of the impounded vehicle
20 unless the appropriate penalties are fully paid, and the license plate is
21 surrendered to the DOTC pending the fulfillment of the undertaking by
22 the owner/operator of the motor vehicle to make the necessary repairs
23 so as to comply with the standards. A pass shall herein be issued by
24 the DOTC to authorize the use of the motor vehicle within a specified
25 period that shall not exceed seven (7) days for the sole purpose of

1 making the necessary repairs on the said vehicle. The owner/operator
2 of the impounded vehicle shall be required to correct its defects and
3 show proof of compliance to the appropriate pollution control office
4 before the vehicle can be allowed to be driven on any public or
5 subdivision roads. The license plate shall only be released by the
6 DOTC or the duly authorized testing center upon a final determination
7 that the vehicle is in compliance with the standards.

8 Any passenger vehicle apprehended for violation of emission
9 standards or for smoke belching shall proceed within a reasonable time
10 to his garage or repair facility and shall remain grounded until the
11 deficiency has been corrected.

12 For violations under this provision, the following penalties shall
13 apply:

14 a) First offense - a fine not to exceed Two thousand pesos
15 (P2,000.00);

16 b) Second offense - a fine not less than Two thousand pesos
17 (P2,000.00) and not to exceed Four thousand pesos (P4,000.00); and

18 c) Third offense - one (1) year suspension of the Motor Vehicle
19 Registration Receipt (MVRR) and a fine of not less than Four thousand
20 pesos (P4,000.00) and not more than Six thousand pesos (P6,000.00).

21 Any violation of the provisions of Section 27, paragraph (d)
22 with regard to the national inspection and maintenance program,
23 including technician and facility compliance shall be penalized with a
24 fine of not less than Thirty thousand pesos (P30,000.00) or
25 cancellation of license of both the technician and the center, or both,

1 as determined by the DTI.

2 SEC. 48. *Gross Violations.* - In case of gross violation of this Act,
3 the PAB shall recommend to the proper government agencies to file the
4 appropriate criminal charges against the violators. The PAB shall assist
5 the public prosecutor in the litigation of the case. Gross violation shall
6 mean: (a) three (3) or more specific violation within a period of one (1)
7 year; (b) three (3) or more specific offenses within any given three (3)
8 year period; (c) blatant disregard of the orders of the PAB, such as but
9 not limited to the breaking of seal, padlocks and other similar devices,
10 or operating despite the existence of an order for closure,
11 discontinuance or cessation of operation; and (d) irreparable or grave
12 damage to the environment as a consequence of any violation or
13 omission of the provisions of this Act.

14 Offenders shall be punished with imprisonment of not less than
15 six (6) years but not more than ten (10) years at the discretion of the
16 court. If the offender is a juridical person, the president, manager or
17 the pollution control officer shall suffer the penalty herein provided.

18 SEC. 49. *Award of Damages.* - The PAB may also award such
19 amount that is necessary for clean-up and rehabilitation of the area.

20 SEC. 50. *Air Quality Management Fund.* - An Air Quality
21 Management Fund to be directly administered by the Department as a
22 special account in the National Treasury is hereby established to
23 finance containment, removal, and clean-up operations of the
24 Government in air pollution cases, guarantee restoration of ecosystems
25 and rehabilitate areas affected by the acts of violators of this Act, to

1 support research, enforcement and monitoring activities and
2 capabilities of the relevant agencies, as well as to provide technical
3 assistance (to the relevant agencies).

4 The Fund shall be sourced from the fines imposed and damages
5 awarded to the Republic of the Philippines by the Pollution
6 Adjudication Board, proceeds of licenses, and permits issued by the
7 Department under this Act, emission fees and from donations,
8 endowments and grants in the form[s] of contributions. Contributions
9 to the Fund shall be exempted from donor taxes and all other taxes,
10 charges or fees imposed by the Government.

11 SEC. 51. *Potential Loss or Shifts of Employment.* - The
12 Secretary of labor shall conduct continuing evaluation of potential loss
13 or shifts of employment which may result from the administration or
14 enforcement of the provisions of this Act, including, where appropriate,
15 investigating threatened plant closure or reductions in employment
16 allegedly resulting from such administration or enforcement.

17 An employee, or any representative of such employee, who is
18 discharged or laid off, threatened with discharge or layoff, or whose
19 employment is otherwise adversely affected or threatened to be
20 adversely affected because of the alleged results of any requirement
21 imposed under this Act, may request the Secretary of Labor to
22 conduct the full investigation of the matter. Any such request shall be
23 reduced to writing, shall set forth with reasonable particularity the
24 grounds for the request, and shall be signed by the employee or
25 representative of such employee making the request. The Secretary

1 of Labor shall thereupon investigate the matter and at the request of
2 any party, shall hold public hearings in not less than five (5) days
3 notice. At such hearings, the Secretary shall require the parties,
4 including the employer involved, to present information relating to the
5 actual or potential effect of such requirements on employment and the
6 detailed reasons or jurisdiction therefor.

7 If the Secretary determines that there are no reasonable grounds
8 for conducting a public hearing, he shall notify in writing the party
9 requesting such hearing of such determination and reasons therefor. If
10 the secretary does convene such hearing, the hearings shall be on
11 record. Based on the report of such investigation, the Secretary of
12 Labor shall make findings of the fact as to the effect of such
13 requirements on employment on the alleged actual or potential
14 discharge, layoff, or other adverse effect on employment, and shall
15 make such recommendations as he deems appropriate. Such report,
16 findings and recommendations shall be available to the public.

17 SEC. 52. *Appropriations.* - The amount of Four hundred twenty
18 million pesos (P420,000,000.00) shall be appropriated to the Department
19 for the procurement of air quality monitoring equipment necessary for
20 the implementation of this Act. This amount shall be taken from the
21 revenues of annual registration of vehicles in the DOTC. The amount
22 of Two hundred million pesos (P200,000,000.00) shall likewise be
23 appropriated to the DTI. This amount shall be in addition to the annual
24 appropriations of the DTI.

25 Thereafter, the amount necessary to carry out the provisions of

1 this Act shall be included in the General Appropriations Act of
2 subsequent years.

3 SEC. 53. *Implementing Rules and Regulations.* - The
4 Department shall promulgate the implementing rules and regulations for
5 this Act, including those covered within one (1) year after the
6 enactment of this Act: *Provided*, That rules and regulations issued by
7 other government agencies and instrumentalities for the prevention
8 and/or abatement of pollution not inconsistent with this Act shall
9 supplement the rules and regulations issued by the Department,
10 pursuant to the provisions of this Act.

11 The draft of the implementing rules and regulations shall be
12 published and be the subject of public consultations with affected
13 sectors. There shall be a mandatory review of the implementing rules
14 and regulations of, and standards set pursuant to the provisions of this
15 Act, where proposals from affected sectors shall be reviewed and
16 considered.

17 SEC. 54. *Separability of Provisions.* - If any provision of
18 this Act or the application of such provision to any person or
19 circumstances is declared unconstitutional, the remainder of the Act or
20 the application of such provision to other persons or circumstances
21 shall not be affected by such declaration.

22 SEC. 55. *Repealing Clause.* - P.D. No. 1181, P. D. No. 1160,
23 LOI 551 and Executive Order No. 16 are hereby repealed. The pertinent
24 provisions of R. A. No. 3931, P. D. Nos. 1152, 1586, 984 are
25 hereby modified. All other laws, decrees, executive orders, Letters of

1 Instructions, executive issuances, rules and regulations inconsistent
2 with the provisions of this Act are hereby repealed, amended or
3 modified accordingly.

4 SEC. 5. *Effectivity Clause.* - This Act shall take effect fifteen
5 (15) days from the date of its publication in the *Official Gazette* or in
6 at least two (2) newspapers of general circulation.

Approved,

INITIAL LIST OF HAZARDOUS AIR POLLUTANTS				
Industrial Sources/Operations			National Ambient Air	
Pollutant	Maximum Allowable Concentration ug/Ncm	Averaging Time (min)	Maximum Allowable Concentration ug/Ncm	Averaging Time (min)
Ammonia	200	30		
Carbon Disulfide	30	30		
Chlorine and		5		
Chlorine	100			
compounds expressed as Cl-2	100 50	30 30		
Formaldehyde	200	30		
Hydrogen Chloride	100	30		
Hydrogen Sulfide	20	30	1.5	3 months
Lead	375	60	150	24 hours
Nitrogen Dioxide	260	30		
	100	30		

Phenol	470	60	180	24 hours
Sulfur Dioxide	340			
Suspended Matter	300	60	230	24 hours
Particulate Matter	200	60	150	24 hours
TSP				
PM-10				

TSP - refers to total suspended particulates in the air.

PM 10 - refers to particulate matters ten (10) microns or less in diameter.

LIST OF OZONE DEPLETING SUBSTANCES
AND THE PHASE OUT SCHEDULE

	Substances	Year of Phaseout
Trichlorofluoromethane (CFC-11)	(new)* (service)**	1998 2010
Dichlorofluoroethane (CFC-12)	(new)* (service)**	1998 2010
Trichlorofluoroethane (CFC-113)		1996
Dichlorotetrafluoroethane (CFC-114)		1998
Hexafluoroethane (CFC-15)		1998
Bromochlorodifluoromethane (Halon 1211)		1998
Bromotrifluoromethane (Halon 1301)		1998
Carbon Tetrachloride (CCI-4)		1996
Methylchloroform (CHCI-3)		1996

*refers to CFCs being used in the production of new equipment/appliances.

**refers to CFCs being used in servicing old equipment containing the said substance.