HOUSE OF REPRESENTATIVES
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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 339

Introduced by AKBAYAN Representative Tomasito S. Villarin

Aerial spraying of pesticides is an agricultural practice by big banana plantations to kill insects and fungi considered pests to bananas. The practice of aerial spraying is resorted to by big banana plantations in order to cut costs in administering the pesticides. The campaign of farmers in Davao entitled *"Stop deadly shower, Dili kami peste"* shows the negative impacts to the life and property of the affected communities. Many studies have been conducted and the most significant one was that of the Department of Health (DOH) which showed the negative health effects to the communities hit by the aerial spray. Among the significant findings were the trace of the pesticides in the blood of the affected population and the slow mental development of children which can be attributed to the continued exposure to pesticides being sprayed aerially. The mist from aerial spray cannot be controlled to just hit the bananas. The wind carries it beyond the banana plantation, where residents live and communities are present.

The communities in Davao appealed to the government to ban aerial spraying. The Department of Health (DOH) and the Commission on Human Rights (CHR) issued a position paper recommending the ban of aerial spraying due to the adverse health effects, a violation of the right to life and healthy environment. Aside from the health of the communities, the crops like coconuts and durian of some small farmers are affected by aerial spray because the fruit trees do not bear fruit anymore when hit by the pesticides. Water sources of the residents outside of the plantation are also contaminated with the spray drift going beyond its target areas. At present there is no rule or law regulating aerial spraying. Thus, this proposal is being filed to regulate the practice.

The proposal to ban aerial spraying as a method of administering pesticides and provide heavy penalties to the pilots and aircraft owners who do aerial spray will save the thousands of lives and properties of many communities in Mindanao particularly in Davao city, Davao del Norte, Compostela Valley, South Cotabato, Surigao del Sur, among others. The precautionary principle is the main justification for banning aerial spray because it endangers public health and general welfare. The right to life and health is higher than the right to property as guaranteed by the Constitution which must be realized by the law.

Section 15, Article II of the 1987 Philippine Constitution mandates that the "State shall protect and promote the right to health of the people." A similar directive is also found in Section 16, Article II, which states that the "State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

The Supreme Court recently decided on a case banning GMO in the Philippines using the Writ of Kalikasan (environment) — a legal environmental remedy found only in the Philippines. The Court is also the first in the world to adopt the precautionary principle—which holds that it is best to err on the side of caution in the absence of scientific consensus—regarding GMO products in its decision.

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

TOMASITO S. VILLARIN

Republic of the Philippines
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AN ACT
PROHIBITING AERIAL SPRAYING AS A METHOD OF APPLYING CHEMICALS AND SIMILAR SUBSTANCES ON AGRICULTURAL CROPS

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

SECTION 1. TITLE. – This Act shall be known as the "Aerial Spraying Prohibition Act of 2016".

SECTION 2. DECLARATION OF STATE PRINCIPLES AND POLICIES. – Pursuant to *Section 15, Article II of the Philippine Constitution,* which declares that the State shall protect and promote the right to health of the people and instill health consciousness among them, as well as, *Section 16, Article II of the Philippine Constitution* which further declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, it is hereby declared the policy of the State:

1. To ensure protection and promotion of these Constitutionally guaranteed rights to health and balanced ecology of the people, including the generations yet to be born;
2. To protect the people from the hazards of this environmentally degrading and health threatening agricultural practice; and
3. To adopt the precautionary principle in assessing projects which are environmentally critical.

SECTION 3. DEFINITION OF TERMS. – For the purpose of this Act, the following terms shall be understood as follows:

a.) ***"Aerial Spraying"*** shall refer to the to the application of substances, including, but not limited to, pesticides and any hazardous substances, through the use of any aircraft in order to dispense the substances into the air.

b.) ***"Agricultural Activity"*** shall refer to the cultivation of the soil, planting of crops, growing of fruit trees, and shall include the following activities: land preparation, seeding, planting, cultivation, harvesting, bagging, and other activities and practices performed in conjunction with farming operations.

c.) ***"Agricultural Entity"*** shall refer to any person, whether natural or juridical, who is involved in agricultural activities.

d.) ***"Buffer Zone"*** shall refer to an identified area/zone within and around the boundaries of farms and plantations that need special monitoring to avoid or minimize harm to the environment and inhabitants from the use of hazardous substances. It must be planted with diversified trees.

e.) ***"Global Positioning System Survey"*** shall refer to a survey plan to be made with the aid of Global Positioning System showing the metes and bounds of each agricultural farm/plantation that shall be submitted to the Office of the Mayor of the municipality/city which has jurisdiction over concerned agricultural farms/plantations.

f.) ***"Hazardous Substances"*** shall refer to substances which present either:

a. Short-term acute hazards, such as acute toxicity by indigestion, inhalation or skin absorption, or other skin or eye contact hazards, or the risk of fire or explosion; or
b. Long-term hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some cases result from acute exposure but with a long latent period), resistant to detoxification process, such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors; or
c. Those substances which the Fertilizer and Pesticides Authority (FPA) under the Department of Agriculture and other government agencies concerned will identify as hazardous.

g.) ***"Imminent Hazard"*** shall mean a situation which exists when the continued use of a pesticide will likely result in unreasonable adverse effects on the public and/or the environment or will involve unreasonable hazards to the survival of a species declared endangered by the appropriate authorities.

h.) ***"Persistent Organic Pollutant"*** shall refer to the organic compounds, which resist photolytic, chemical and biological degradation, that persist in the environment, bio-accumulate through the food web, and pose a risk of causing adverse effects to human health and the environment. *"Persistent Organic Pollutants"* include,