

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3480



Introduced by **Rep. MARIO VITTORIO "MARVEY" A. MARIÑO**
5th District, Batangas

EXPLANATORY NOTE

It is notable that the government, led by the National Disaster Risk Reduction and Management Council (NDRRMC), has been conducting disaster preparedness programs particularly for earthquakes, fire, and other natural calamities and/or disasters to enhance our resiliency and preparedness in facing these catastrophes. It cannot be denied, however, that disasters are not limited to earthquakes, fire or natural calamities. It includes hazardous phenomena involving hazardous materials (*HazMat*) such as toxic chemicals, poisonous substances, or chemical, biological and radiological agents.

The 1984 Bhopal disaster in India, for instance, demonstrated the dangers of *HazMat* releases not only to the facility workers, but also to neighboring communities. In this 1984 incident, a Union Carbide plant released approximately forty tons of Methyl Isocyanate (MIC) into the air killed about 5,000 people and injured 50,000 more. The danger of storing said materials was also particularly evident in the explosion of a warehouse storing *HazMats* in Tianjin, China. This *HazMat* explosion killed hundreds of people.

The United States Congress recognized the potential risks of releases and/or accidents in *HazMats* facilities by enacting the Emergency Planning and Community Right-To-Know Act (EPCRA) to help communities plan for chemical emergencies and prepare the community from potential risks. This representation seeks to do the same.

This measure proposes to provide proper training and preparedness programs to ensure the systematic, safe, and orderly response to hazardous material releases and/or accidents particularly in industries and facilities dealing with hazardous materials, as well as nearby communities, so as to reduce the risks on their lives, limb and properties.

In view of the foregoing, the early passage of this bill is earnestly requested.¹


MARIO VITTORIO "MARVEY" A. MARIÑO

¹ References:

- "What are hazardous materials?" Institute of Hazardous Materials Management, Retrieved November 20, 2017 from <https://www.ihmm.org/about-ihmm/what-are-hazardous-materials>

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**AN ACT MANDATING THE CONDUCT OF EMERGENCY
PREPAREDNESS DRILLS IN FACILITIES HANDLING, STORING, AND
TRANSPORTING HAZARDOUS MATERIALS**

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

SECTION 1. Short Title. – This Act shall be known as “HazMat Accidents Preparedness Act”.

SECTION 2. Declaration of Policy. – It is the policy of the State to ensure systematic, safe, and orderly response to hazardous material releases and/or accidents so as to reduce the risks on the lives, limb, and properties of the people by providing education, training, and preparedness programs.

SECTION 3. Definition of Terms. –

- a. *Emergency* – refers to a serious, unexpected, and often dangerous situation requiring immediate action, such as but not limited to hazardous material releases and/or biological, chemical or radiological accidents.
- b. *Facility* – means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person).
- c. *Hazardous material (HazMat)* – any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.
- d. *Motor vehicles* - shall mean any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or

tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes.

- e. *Release* – means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or toxic chemical.

SECTION 4. *Emergency Preparedness Protocols in Facilities Handling, Storing, and Transporting HazMats.* – Facilities handling, storing, and transporting *HazMats* shall formulate emergency preparedness protocols in case of releases, accidents, and other potential risks relative to the management, storage, and transportation of *HazMats*. Drills shall likewise be conducted to properly carry out these protocols.

SECTION 5. *Conduct of Emergency Preparedness Drills in Facilities Handling and Storing HazMats.*

- a. Emergency preparedness drills on *HazMat* releases and/or accidents shall be conducted on a monthly basis in facilities handling, storing, and transporting hazardous materials, *Provided* nighttime drills shall be done at least thrice a year.
- b. The drills shall include: (i) the establishment of emergency communications system and evacuation routes and plans in case of *HazMat* releases, accidents and other hazardous phenomena (ii) practice and instruction concerning the location, use and operation of hazardous material protection suits, footwear, masks, gloves and other protective equipment, and (iii) evaluation of every concluded drill on the efficacy and efficiency of the plans, the problems/intervening threats encountered, and the potential remedies to such problems.
- c. A record of all drills shall be kept, and persons in charge of the facilities shall file quarterly written reports with the Regional Disaster Risk Reduction and Management Council (RDRRMC), giving the time and date of each drill held.

SECTION 6. *Conduct of Emergency Preparedness Drills for Motor Vehicles Transporting HazMats.*

- a. All facilities using or contracting motor vehicles for transporting *HazMats* shall conduct at least two (2) emergency preparedness, containment, and evacuation drills in a year, *Provided* nighttime drills shall be done at least once a year. The first emergency drill shall be conducted during the first quarter of the year and the second during the third quarter.
- b. Each drill shall include the practice and instruction concerning the proper evacuation of the vehicles and proper containment of *HazMats* in case of releases, accidents, and other hazardous phenomena during transportation.
- c. Facility operators and drivers shall be trained and instructed by the RDRRMC to enable them to carry out the provisions of this Act.

- d. The person(s) in charge of the facilities shall certify in writing to the RDRRMC that the drills required herein have been conducted, giving the time and date of each drill held.

SECTION 7. *Implementing Agency.* – The National Disaster Risk Reduction and Management Council (NDRRMC) and its regional and local offices shall oversee the implementation of this Act in each locality and shall keep record of the reports submitted by the facilities handling hazardous materials.

SECTION 8. *Penalties.* – Building administrators or any person in charge of the administration or management the facilities who refuse or fail to carry out the provisions of this Act shall be given a warning for the first offense; a fine of Five Thousand Pesos (Php5,000.00) for the second offense; a fine of Ten Thousand Pesos (Php10,000.00) for the third offense; and imprisonment of one (1) month and a fine of Thirty Thousand Pesos (Php30,000.00) for subsequent offenses. The fines shall go to the funds of the local NDRRMC office and shall be used for disaster prevention and mitigation programs of the locality.

SECTION 9. *Repealing Clause.* – All laws, decrees, executive orders, memorandum circulars inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SECTION 10. *Effectivity.* – This act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,