

[REPUBLIC ACT NO. 8749, June 23, 1999]

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:

CHAPTER I

GENERAL PROVISIONS

ARTICLE ONE BASIC AIR QUALITY POLICIES

SECTION 1. *Short Title.* - This Act shall be known as the "Philippine Clean Air Act of 1999."

SEC. 2. *Declaration of Principles.* - 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 State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems.

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

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

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

SEC. 3. *Declaration of Policies.* - The State shall pursue a policy of balancing development and environmental protection. To achieve this end, the framework for sustainable development shall be pursued. It shall be the policy of the State to:

- a. Formulate a holistic national program of air pollution management that shall be implemented by the government through proper delegation and effective coordination of functions and activities;
- b. Encourage cooperation and self-regulation among citizens and industries through the application of market-based instruments;
- c. Focus primarily on pollution prevention rather than on control and provide for a comprehensive management program for air pollution;

- d. Promote public information and education and to encourage the participation of an informed and active public in air quality planning and monitoring; and
- e. Formulate and enforce a system of accountability for short and long-term adverse environmental impact of a project, program or activity. This shall include the setting up of a funding or guarantee mechanism for clean-up and environmental rehabilitation and compensation for personal damages.

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

- a. The right to breathe clean air;
- b. The right to utilize and enjoy all natural resources according to the principle of sustainable development;
- c. The right to participate in the formulation, planning, implementation and monitoring of environmental policies and programs and in the decision-making process;
- d. The right to participate in the decision-making process concerning development policies, plans and programs, projects or activities that may have adverse impact on the environment and public health;
- e. The right to be informed of the nature and extent of the potential hazard of any activity, undertaking or project and to be served timely notice of any significant rise in the level of pollution and the accidental or deliberate release into the atmosphere of harmful or hazardous substances;
- f. The right of access to public records which a citizen may need to exercise his or her rights effectively under this Act;
- g. The right to bring action in court or quasi-judicial bodies to enjoin all activities in violation of environmental laws and regulations, to compel the rehabilitation and cleanup of affected area, and to seek the imposition of penal sanctions against violators of environmental laws; and
- h. The right to bring action in court for compensation of personal damages resulting from the adverse environmental and public health impact of a project or activity.

ARTICLE TWO

DEFINITION OF TERMS

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

- a. "Air pollutant" means any matter found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gases in their natural or normal concentrations, that is detrimental to health or the environment, which includes but not limited to smoke, dust, soot, cinders, fly ash, solid particles of any kind, gases, fumes, chemical mists, steam and radio-active substances;
- b. "Air pollution" means any alteration of the physical, chemical and biological properties of the atmospheric air, or any discharge thereto of any liquid, gaseous or solid substances that will or is likely to create or to render the air resources of the country harmful, detrimental, or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational, or other legitimate purposes;
- c. "Ambient air quality guideline values" mean the concentration of air over specified periods classified as short-term and long-term which are intended to

serve as goals or objectives for the protection of health and/or public welfare. These values shall be used for air quality management purposes such as determining time trends, evaluating stages of deterioration or enhancement of the air quality, and in general, used as basis for taking positive action in preventing, controlling, or abating air pollution;

- d. "Ambient air quality" means the general amount of pollution present in a broad area; and refers to the atmosphere's average purity as distinguished from discharge measurements taken at the source of pollution;
- e. "Certificate of Conformity" means a certificate issued by the Department of Environment and Natural Resources to a vehicle manufacturer/assembler or importer certifying that a particular new vehicle or vehicle type meets the requirements provided under this Act and its rules and regulations;
- f. "Department" means the Department of Environment and Natural Resources;
- g. "Eco-profile" means the geographic-based instrument for planners and decision-makers which present an evaluation of the environmental quality and carrying capacity of an area. It is the result of the integration of primary and secondary data and information on natural resources and anthropogenic activities on the land which are evaluated by various environmental risk assessment and forecasting methodologies that enable the Department to anticipate the type of development control necessary in the planning area;
- h. "Emission" means any air contaminant, pollutant, gas stream or unwanted sound from a known source which is passed into the atmosphere;
- i. "Greenhouse gases" mean those gases that can potentially or can reasonably be expected to induce global warming, which include carbon dioxide, methane, oxides of nitrogen, chlorofluorocarbons, and the like;
- j. "Hazardous substances" mean those substances which present either: (1) short-term acute hazards such as acute toxicity by ingestion, inhalation, or skin absorption, corrosivity or other skin or eye contact hazard or the risk of fire explosion; or (2) long-term toxicity upon repeated exposure, carcinogenicity (which in some cases result in acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters;
- k. "Infectious waste" means that portion of medical waste that could transmit an infectious disease;
- l. "Medical waste" means the materials generated as a result of patient diagnosis, treatment, or immunization of human beings or animals;
- m. "Mobile source" means any vehicle propelled by or through combustion of carbon-based or other fuel, constructed and operated principally for the conveyance of persons or the transportation of property or goods;
- n. "Motor vehicle" means any vehicle propelled by a gasoline or diesel engine or by any means other than human or animal power, constructed and operated principally for the conveyance of persons or the transportation of property or goods in a public highway or street open to public use;
- o. "Municipal waste" means the waste materials generated from communities within a specific locality;
- p. "New vehicle" means a vehicle constructed entirely from new parts that has never been sold or registered with the DOTC or with the appropriate agency or authority, and operated on the highways of the Philippines, any foreign state or country;
- q. "Octane Rating or the Anti-Knock Index (AKI)" means the rating of the anti-knock characteristics of a grade or type of automotive gasoline as determined by dividing by two (2) the sum of the Research Octane Number (RON), plus

the Motor Octane Number (MON); the octane requirement, with respect to automotive gasoline for use in a motor vehicle or a class thereof, whether imported, manufactured, or assembled by a manufacturer, shall refer to the minimum octane rating of such automotive gasoline which such manufacturer recommends for the efficient operation of such motor vehicle, or a substantial portion of such class, without knocking;

- r. "Ozone Depleting Substances (ODS)" mean those substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment such as, but not limited to, chlorofluorocarbons, halons, and the like;
- s. "Persistent Organic Pollutants (POPs)" mean the organic compounds that persist in the environment, bioaccumulate through the food web, and pose a risk of causing adverse effects to human health and the environment. These compounds resist photolytic, chemical and biological degradation, which shall include but not be limited to dioxin, furan, Polychlorinated Biphenyls (PCBs), organochlorine pesticides, such as aldrin, dieldrin, DDT, hexachlorobenzene, lindane, toxaphere and chlordane;
- t. "Poisonous and toxic fumes" means any emissions and fumes which are beyond internationally-accepted standards, including but not limited to World Health Organization (WHO) guideline values;
- u. "Pollution control device" means any device or apparatus used to prevent, control or abate the pollution of air caused by emissions from identified pollution sources at levels within the air pollution control standards established by the Department;
- v. "Pollution control technology" means the pollution control devices, production processes, fuel combustion processes or other means that effectively prevent or reduce emissions or effluent;
- w. "Standard of performance" means a standard for emissions of air pollutant which reflects the degree of emission limitation achievable through the application of the best system of emission reduction, taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirement which the Department determines, and adequately demonstrates; and
- x. "Stationary source" means any building or immobile structure, facility or installation which emits or may emit any air pollutant.

CHAPTER 2

AIR QUALITY MANAGEMENT SYSTEM

ARTICLE ONE GENERAL PROVISIONS

SEC. 6. *Air Quality Monitoring and Information Network.* - The Department shall prepare an annual National Air Quality Status Report which shall be used as the basis in formulating the Integrated Air Quality Improvement Framework, as provided for in Section 7. The said report shall include, but shall not be limited to the following:

- a. Extent of pollution in the country, per type of pollutant and per type of source, based on reports of the Department's monitoring stations; Analysis and evaluation of the current state, trends and projections of air pollution at the various levels provided herein;

- b. Identification of critical areas, activities, or projects which will need closer monitoring or regulation;
- c. Recommendations for necessary executive and legislative action; and
- d. Other pertinent qualitative and quantitative information concerning the extent of air pollution and the air quality performance rating of industries in the country.

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

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

SEC. 7. Integrated Air Quality Improvement Framework. - The Department shall, within six (6) months after the effectivity of this Act, establish, with the participation of LGUs, NGOs, POs, the academe and other concerned entities from the private sector, formulate and implement the Integrated Air Quality Improvement Framework for a comprehensive air pollution management and control program. The framework shall, among others, prescribe the emission reduction goals using permissible standards, control strategies and control measures to be undertaken within a specified time period, including cost-effective use of economic incentives, management strategies, collective action, and environmental education and information.

The Integrated Air Quality Improvement Framework shall be adopted as the official blueprint with which all government agencies must comply with to attain and maintain ambient air quality standards.

SEC. 8. Air Quality Control Action Plan. - Within six (6) months after the formulation of the framework, the Department shall, with public participation, formulate and implement an air quality control action plan consistent with Section 7 of this Act. The action plan shall:

- a. Include enforceable emission limitations and other control measures, means or techniques, as well as schedules and time tables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;
- b. Provide for the establishment and operation of appropriate devices, methods, systems and procedures necessary to monitor, compile and analyze data on ambient air quality;
- c. Include a program to provide for the following: (1) enforcement of the measures described in subparagraph (a); (2) regulation of the modification and construction of any stationary source within the areas covered by the plan, in accordance with land use policy to ensure that ambient air quality standards are achieved;
- d. Contain adequate provisions, consistent with the provisions of this Act, prohibiting any source or other types of emissions activity within the country from emitting any air pollutant in amounts which will significantly contribute to the non-attainment or will interfere with the maintenance by the Department of any such ambient air quality standard required to be included in the implementation plan to prevent significant deterioration of air quality or to protect visibility;