


**Philippine Environmental Impact Assessment (EIA)
Legal and Regulatory Framework for Nuclear Energy-
Related Activities**

Romelda P. Azores
Philippine Nuclear Research Institute
Manila, Philippines

Overview: Philippine EIA System

- Presidential Decree (PD) 1151 of 1977 is called as the Philippine Environmental Policy where it requires proponent of projects affecting the quality of the environment to prepare **environmental impact assessment**
- Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR) is mandated as the lead agency in the implementation of the EIA
- EIA is a process that involves predicting and evaluating the likely impacts of a project (including cumulative impacts) on the environment during construction, commissioning, operation and abandonment

EIA Process

- 
- Determine the project whether it needs EIA
 - Submit required documents to Environmental Management Bureau (EMB)
 - EMB together with the EIA review committee will conduct evaluation and recommend any of the following:
 - issuance of an Environmental Compliance Certificate (ECC) with the necessary stipulations
 - Requirement of additional information from the project proponent
 - Denial of ECC
 - Needs to submit additional information if any, will be reviewed and evaluated, and visual inspection of the project site may be conducted before the ECC is granted
 - Public hearing may be held for certain projects, in accordance with set criteria involving magnitude and controversy

Guidelines for Reviewing EIA Report

- Documentation aspect which pertains to the physical acceptance, contents, and format of the report;
- Substantive aspect which pertains to the accuracy of data and integrity of the information presented in the report;
- Assessment aspect which pertains to the quality of the analysis of impacts

Related Phil. Environmental Laws

- Republic Act 9003 Ecological Management Act of 2000
- Republic Act 9275 Phil. Clean Water Act of 2004
- Republic Act 8749 Phil. Clean Air Act
- Republic Act 6969 Toxic Substances, Hazardous and Nuclear Waste Control Act

Relevant International Environmental Treaties

- **Cartagena Protocol on Biosafety 2000**
- **Framework Convention on Climate Change 1992**
- **Kyoto Protocol to the Framework Convention on Climate Change 1997**
- **Convention on Biological Diversity 1992**
- **Vienna Convention for the Protection of the Ozone Layer 1988**
- **Montreal Protocol on Substances that deplete the Ozone Layer 1989**
- **Stockholm Convention on Persistent Organic Pollutants 2001**
- **Convention of the Law of the Sea 1982**
- **Convention to Combat Desertification 1994**

PNRI Task in the Review of EIA for an NPP Project

- PNRI will analyze in-depth, if possible, the respective roles of EMB and PNRI in the review of an EIA in the framework of licensing an NPP.
- Simultaneously, PNRI may start a draft review plan related to the issues specific to the radiological impact assessment, using the methodology applied for the “Site characteristics Review Plan” and the identified relevant PH regulation.
- Identify the main needs to be filled in before drafting an EIA review plan, based on some examples:
- Examine the PH regulatory framework Presidential decree No. 1586. (and related EMB procedure/regulation)
- Code of PNRI Regulations (Parts 3, 5 and 7) and identify the requirements
- Point which technical guidance documents could be useful (including IAEA documents)

Issues and Challenges on Philippine EIA

- processes are rigorous and complex yet do not provide in-depth analysis on critical environmental issues and impacts,
- overlapping and conflicting implementation strategies between and among interrelated agencies,
- limited participation of the LGUs that are the key units in local communities;
- lack of human resources due to limited trainings on EIA capabilities
- poor facilities for environmental analysis

Summary and Way Forward

- Laws on EIA are available
- No available EIA requirements specific for nuclear power plant projects
- Regulated nuclear related activities (storage of nuclear fuel for research reactor) are not covered with EIA regulations
- EIA rules and regulations are amended to be able to respond to the demands of the changing times and be relevant with the advent of climate change and related policies on risk reduction management.

Nuclear Related Activity

- Non-operational research reactor with stored fresh and slightly used uranium-238 fuel
- Establishment of Sub-critical facility utilizing the fresh and slightly used Uranium-238 fuel
- There is a pending Bill No. 8733 known as Nuclear Regulation Act (www.congress.gov.ph) creating an independent regulatory body for all sources of ionizing radiation, with other relevant provisions.

Nuclear Related Activity

- N.B. of the issued Radioactive Material License state that “the PNRI regulations shall prevail over the licensee’s statements in applications or letters, unless such statements are more restrictive than the regulations.
- Nothing in this license shall be construed to exempt the license from complying with requirements provided by existing laws and ordinances as may be applicable, such as those of the Bureau of foods and drugs (Department of Health) and Environmental Management Bureau (Department of Environment and Natural resources) among others

Acknowledgment

- DENR-EMB personnel, Engr. Marivic Yao, Head, Environmental Impact Assessment Section and staff Ms. Regine Martinez.
- Dr. Vangeline K. Parami, for the advice and technical support
- Cabinet Office of Japan and PNRI for granting me the opportunity to participate in the FNCA study panel

References

- Environmental Management Bureau under the Department of Environment and Natural Resources
- <http://intl.denr.gov.ph/index.php/multilateral>
- INSC Project PH/RA/01 Task 2.1



Thank You!