

**Administrative Order
No. 17
February 24, 1993**

SUBJECT : Guidelines Governing Voluntary Participation in Pollution Management Appraisals (PMAs) of the Industrial Environmental Management Project.

In the interest of the service, pursuant to the provisions of Executive Order No. 192 which mandates the Department of Environment and Natural Resources to undertake measures to control, abate and minimize the pollution of environmental resources, and Presidential Decree No. 984, and pursuant to the Grant Agreement between the governments of the United States of America and the Republic of the Philippines in implementing the Industrial Environmental Management Project (IEMP), and the following guidelines are hereby promulgated.

Section 1. Basic Policy. It is the policy of the State to implement pollution control laws to attain the goal of ensuring for its people a safe, healthy and balanced ecology in accord with the rhythm and harmony of nature. However, while cognizant of the need to immediately reduce the pollution load in the atmosphere and environmental media, the State likewise recognizes the economic realities and the difficulties attendant to the installation and establishment of pollution reduction and waste minimization measures.

The major goal of IEMP is to encourage sustained industrial growth while improving environmental quality through reduced industrial pollution. The purpose of this project is to improve industrial management of pollution at its sources, reclaims industrial wastes, when such reclamation is technically and financially feasible, and encourages cost-effective pollution abatement technologies, for pollutants that are neither avoided nor reclaimed. This three-part strategy is incorporated in the project's pollution management appraisal, a set of procedures that identify areas in a facility for cost savings and pollution reduction.

In order, therefore to realistically implement the law and attain the desired objectives through the IEMP, there is a need to develop a policy to encourage industries to participate in the IEMP's pollution management appraisal activity in order to afford industry enterprises the technical assistance to adopt waste minimization technologies and/or set up pollution control facilities, as well as time to assimilate the environmental standards into their operational procedures. Towards this end, a policy on voluntary participation of industrial firms in the pollution management appraisal activity of the Industrial Environmental Management Project is hereby adopted by the Department of Environment and Natural Resources (DENR) to address sustained economic growth and industrial environmental pollution.

Section 2. Moratorium on Compliance to Effluents and Emission Standards. To encourage the participation of industries in the conduct of pollution management appraisals, industry participants shall be granted a moratorium on the issuance of Cease and Desist Orders (CDOs). This shall, however, apply only to participating firms and establishments which show serious efforts to implement their pollution management plans recommended by PMA teams.

Industrial firms and establishments shall be given not more than twelve (12) months to implement no-cost and low-cost waste management options developed during the course of the pollution management appraisal. Those that shall require a substantial capital investment to implement waste management options shall be given ample time to raise the necessary financial requirements and time to comply with effluents and emissions standards.

Section 3. Financing for Investment Outlays for Waste Management. DENR, through the IEMP, shall assist participating volunteer firms in coordinating and matching their specific industrial targets and financing sources to fund for capital-intensive investments in industrial waste management.

Section 4. Confidential Business Information. Information collected during the PMAs shall not directly result in DENR regulatory action such as fines or cease and desists orders. Furthermore, information collected during PMAs, such as nature and quantities of raw materials and products or trade secrets shall not be made available to commercial competitors or to other government agencies.

To ensure the confidentiality of business information collected during the PMA, PMA teams are directed to submit to DENR only the name of the firm, the duration of the PMA, and the waste management options which the firm have committed to undertake.

DENR is, however, not restricted from taking action against the firm for other data sources or public complaints not related to PMA confidential data.

Section 5. Regulatory Actions or Sanctions. DENR shall impose regulatory actions or sanctions to motivate otherwise reluctant PMA participants who are known polluters that are not generally subject to public pressure. In addition, a compulsory referral of firms with pollution adjudication board (PAB) cases shall be done by DENR-EMB to the IEMP.

Section 6. Publication. The Undersecretary for Environment and Research is hereby directed to cause the publication and dissemination of these guidelines in all available media to all concerned.

Section 7. Repealing Clause. All rules and regulations found inconsistent herewith shall be superseded by this Administrative Order.

ANGEL C. ALCALA
Secretary

Recommending Approval:

BEN S. MALAYANG III

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