

A COMPARISON OF BAN AERIAL SPRAY BILLS FILED IN THE 16TH CONGRESS

House Bill No. 3381 also known as Ban Aerial Spray Bill of 2013	House Bill 3857 also known as Aerial Spraying Prohibition Act of 2014
AN ACT PROVIDING FOR THE BAN OF AERIAL SPRAYING OF PESTICIDES AND OTHER HAZARDOUS SUBSTANCES AND FOR OTHER PURPOSES	AN ACT PROHIBITING AERIAL SPRAYING AS A METHOD OF APPLYING CHEMICALS AND SIMILAR SUBSTANCES ON AGRICULTURAL CROPS
Principal Authors: Ibarra “Barry” M. Gutierrez III and Walden F. Bello Co-sponsors: Eric Olivarez, Joseller “Yeng” Guiao, Mel Senen Sarmiento, Evelina Escudero and Alfredo Vargas III	Authors: Luzviminda C. Ilagan and Emmi A. de Jesus (Gabriela); Neri J. Colmenares and Carlos Isagani T. Zarate (Banyan Muna); Antonio L. Tinio (ACT Teachers); Fernando Hicap (Anakpawis) and Terry James L. Ridon (Kabataan)
Objective: To ban aerial spraying as a method of administering pesticides in agricultural activities nationwide pursuant to the constitutional obligation of the state to protect and promote the right to health of the Filipino citizens and their right to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and in compliance to its obligation as signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which provides for the protection of the rights of citizens sprayed by poison.	Objective: To prohibit aerial spraying of chemicals and similar substances , as aerial spraying is vexatious to the peace of communities, detrimental to the health and well-being of the people, and destructive of the flora and fauna and the environment. This is pursuant to the State’s policy to promote the welfare of the people, including the succeeding generations, by protecting their well-being, health and environment from any agricultural activity, practice or method that will lead to the exposure of any person and the environment to hazardous chemicals, substances and similar materials.
KEY PROVISIONS	
The Act provides for a total ban of aerial spraying, which refers to any form of pesticide application that uses an aircraft to spray hazardous substances or persistent organic pollutants near or above an agricultural plantation, and penalizes persons found to have violated the ban with administrative fines and imprisonment.	The act prohibits aerial spraying which refers to the application of chemicals, substances, or similar materials on crops by releasing them into the air from an aircraft as hereby declared as contrary to law.
The following administrative fines shall be imposed for every day of aerial spraying: a. An administrative fine of not less than fifty thousand pesos (P50,000.00) but not more than one hundred thousand pesos (P100,000.00) upon the owner of the plantation or the person who actually commissioned the aerial spraying of pesticides. b. An administrative fine of not less than twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00) upon the aircraft owner or operator and the aircraft pilot. Immediate	Penal Provisions: a. First Offense: Fine of 50,000.00 and imprisonment of not less than 3 months but not more than 6 months b. Second Offense: Fine of 100,000.00 and imprisonment of not less than 6 months and not more than 1 year and suspension of business permit and license of 1 year; and c. Third Offense: Fine of 150,000.00 and imprisonment of not less than 1 year not more than 1 year and six months and perpetual cancellation

<p>suspension of the permit to operate, in the case of the owner or operator of the aircraft, and the professional license, in the case of the pilot of the aircraft, for a period of one (1) month or until cessation of aerial spraying of pesticides shall also be included in the penalty.</p>	<p>of business permit and license. For the pilot, cancellation of pilot's license upon third violation.</p>
<p>The following are the penal provisions: a. The penalty of <i>prision mayor</i> shall be imposed upon the owner of the plantation or the person who actually commissioned the aerial spraying of pesticides. In the case of juridical persons, corporations, partnerships or associations, the penalty will be imposed upon the directors or trustees of the corporation and upon any member who actually participated in the aerial spraying. b. The penalty of <i>prision correccional</i> shall be imposed upon the owner or operator and the pilot of the aircraft used in the aerial spraying of pesticides. The filing or a criminal action under this Act shall be without prejudice to the filing of civil and administrative cases by the person or communities affected because of the aerial spraying of pesticides</p>	<p>Corporate Violators – a fine of 50,000.00 for any violation, the penal provisions shall be applied to the president / manager of corporation, partnership or entity</p>
<p>The aircraft and other equipment used in aerial spraying shall be subject to forfeiture under Article 45 of RA 3815, also known as the Revised Penal Code.</p>	<p>Inventory of aircraft being used for aerial spraying and submission to the office of the provincial governor / mayor.</p>
<p>.</p>	<p>Provision of Buffer Zone – agricultural crops production of 50 hectares and above and use hazardous chemicals, substances or similar materials shall provide 30meter buffer zone starting from the boundaries of farms / plantations which shall be delineated through GPS. Fifty (50) meters buffer zone shall be established for three hundred (300) hectares and above. A one (1) year grace period shall be provided for the establishment of buffer zones.</p>
<p>The implementation and enforcement of this Act shall be undertaken by the Fertilizer and Pesticides Authority (FPA), an attached agency of the Department of Agriculture.</p>	<p>Monitoring and Enforcing Agency – Office of the Provincial Governor or Office of the City Mayor which shall form a municipality/city based monitoring teams composed agriculturist's office, health officer, community environment officer, chief of police, of farmers/farmworkers, advocates, and CSOs. The monitoring teams shall be deputized to make citizen's arrest and confiscate instruments of violation.</p>
<p>IRR shall be promulgated by the Fertilizers and Pesticides Authority within 60 days</p>	<p>IRR shall be crafted by DILG, DA, DENR, DOH and Bureau of Rural Works after 150 days</p>