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Rule of law, effective governance: Keys to sustaining the environment

Chief Presidential Legal Counsel Juan Ponce Enrile disclosed in a recent media interview that there was “pressure” from certain quarters on President Ferdinand R. Marcos Jr. amid his decision to suspend all Manila Bay reclamation projects so that these may be thoroughly reviewed by the Department of Environment and Natural Resources (DENR).

It may be well to recall the history and evolution of laws, rules and regulations – and the governance structure – pertaining to land reclamation in the country in order to gain vital perspectives on how government policy has evolved in response to the changing times.

The Public Estates Authority (PEA) was created on Feb. 4, 1977, by virtue of Presidential Decree No. 1084 issued by President Ferdinand E. Marcos, Sr. to implement State policy “to provide for a coordinated, economical and efficient reclamation of lands, and the administration and operation of lands belonging to, managed and/or operated by the government, with the object of maximizing their utilization and hastening their development consistent with the public interest.” Executive Order No. 525, series of 1979, designated the PEA to integrate, direct, and coordinate all reclamation projects, subject to the President’s approval.

It was not until 2006 that the regulatory set-up was modified. President Gloria Macapagal-Arroyo issued Executive Order No. 380-A that renamed the PEA as the Philippine Reclamation Authority (PRA) and delegated to its governing board the President’s approval of reclamation projects, “subject to compliance with all existing laws and rules, and subject further to the condition that reclamation contracts to be executed with any person or entity shall undergo public bidding.” Then In 2009, President Macapagal-Arroyo issued EO No. 798 transferring

the PRA from the Department of Public Works and Highways (DPWH) to the DENR.

This indicates a shift in emphasis on reclamation from being an engineering and construction activity to one that involves environmental significance and impact. It must be pointed out, however, that the Environment Impact Statement (EIS) regulation was established through PD 1586 issued in 1978, or 28 years earlier.

In 2013, President Benigno S. Aquino III, through Executive Order No. 146, transferred the delegated power to approve reclamation projects from the PRA to the National Economic and Development Authority (NEDA) Board, “while allowing the PRA to continue processing, evaluating and recommending approval of all reclamation projects.”

The NEDA Board is chaired by the President and composed of 10 Cabinet members including the Executive Secretary, the secretaries of Economic Planning, Finance, Trade and Industry, Agriculture, Environment and Natural Resources, Public Works and Highways, Budget and Management, Labor and Employment and Local Government.

President Rodrigo R. Duterte issued Executive Order No. 74 dated Feb. 1, 2019 transferring supervision over the PRA from the NEDA Board to the Office of the President (OP) and delegated, too, to the PRA Governing Board the President’s power to approve reclamation projects. Hence, the locus of decision-making was transferred from the Cabinet’s economic cluster to the Office of the President.

Environmental impact assessment and issuance of environmental compliance clearances are the processes at the heart of the governance and legal structure. The citizenry awaits the DENR’s report on the 20-plus reclamation projects whose implementation has been suspended by order of the President.



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Retailers want clear terms on single-use plastics tax

BY ANDREA E. SAN JUAN

THE Philippine Retailers Association (PRA) said imposing tax on single-use plastics (SUPs) would affect local retailers and consumers, as it highlighted the need to clarify the definition of single-use plastics in the bill.

The excise tax on single-use plastics is one of the essential measures that President Ferdinand R. Marcos Jr. asked Congress to prioritize in his State of the Nation Address (SONA) last July 2023.

PRA President Roberto S. Claudio said while imposing excise tax on single-use plastic is a "good environmental direction," the concern today lies in the definition of plastic.

"Kasi meron nang plastic na 30 percent degradable. Meron nang plastic na 50 percent degradable. So, kung nagde-degrade, iislap-an mo pang tax?"

Claudio told reporters on the sidelines of the recent National Retail Conference and Expo (NRCE) 2023.

The PRA president sought "more clarity," saying, "They need to define more what plastic means. Single use, eh. Anong ibig sabihin nung single use?"

"So, kung 'yung plastic nagamit ko sa palengke, bumili ako ng isda, pagdating ko sa bahay hinugasan ko 'yung plastic, nilinis ko, at ginamit ko ulit. Hindi na single use 'yun. So dapat wala nang tax 'yun," Claudio explained.

He also noted that it is important

to clarify the definition of single-use plastic because there might be confusion in the implementation of the law once it passes through the lower and upper house.

Under the approved version of House Bill (HB) No. 4102 or the Single-use Plastics Bags Tax Act, an excise tax of P100 will be imposed for every kilogram of SUPs removed from the place of production or released from custody of the Bureau of Customs (BOC).

Single-use plastics is defined by the bill as "secondary level plastics made of synthetic or semisynthetic organic polymer, such as 'ice,' 'labo' or 'sando' bags, with or without handle, used as packaging for goods or products."

Claudio aired the retail industry's concern, saying, "We're the ones who will be hardest hit by that tax on single-use plastic because we're the ones selling, we wrap the goods and give them to the customer."

The additional cost, he noted, will eventually be shouldered by consumers.

As an alternative solution, the head of the association of retailers in the country recommended that the gov-

ernment encourage the use of reusable or tote bags.

"So instead of taxing... pag magsabi ka sa amin, dalhin mo 'yung reusable (bag) wala kaming sisingilin sayo. Humingi ka sa akin ng plastic bag, charge kita so much. So, and then 'yun 'yung ibabayad ko kung the government decides to tax single-use plastic para may pambayad ako. But eventually, who will carry the burden? Consumers, right? Siya ang nagbayad," Claudio pointed out.

Still, the PRA chief stressed that the retailers are willing to comply. However, he said, "unless we define properly how it will be carried out, and how we will define the single-use plastic, there's confusion on the implementation."

"Implementation is tricky. But the idea of reducing plastic, yes we support that. Exactly how and who should shoulder the cost, that's the question because there are costs involved," he explained.

The House of Representatives of the Philippines approved on third reading a bill that seeks to impose excise tax on single-use plastic (SUP) on November 14, 2022.



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A win for economy, environment

The Philippines is a country that relies heavily on four-wheeled motor vehicles as the main mode of transportation for the people, and that will not change anytime soon.

For the foreseeable future, Filipinos will have to commute to work on buses, or take the jeepney to market, the tricycle to school, or, for those fortunate enough to be able to afford them, private cars to wherever it is they need to go.

For the foreseeable future, the mobility needs of the majority of our citizens can only be satisfied partially (and "partially" is a very generous term in this context) by mass transit systems which is the ideal mode of transportation for high-density urban areas of which more and more of our cities are turning into.

It is far from ideal but, for now, motor vehicles are still the way to go, literally and figuratively.

But that does not mean that we are doomed to polluting the air with the carbon monoxide from the internal combustion engines of our cars and jeepneys while we wait for the government and the private sector to get their act together and build more railways for our suffering commuters.

Technology has advanced to such a degree that electric vehicles, once thought of as novelties or niche products, are now coming into the mainstream as viable alternatives to cars, scooters, buses, and even cargo trucks that pollute the air with their fossil fuel exhaust.

To this end, President Marcos is on the right track in ordering his advisers to look at the viability of making the Philippines a production hub for electric vehicles.

If this comes to pass—and that remains a big "if," given the country's relatively poor track record in attracting investments in heavy industries like automotive manufacturing—making four-, three-, and two-wheeled vehicles powered by batteries instead of gasoline or diesel will provide the country with an economic windfall. It can potentially create thousands of new jobs and could catapult the Philippines further up the development ladder, where it has made uneven progress in climbing over the years.

At the same time, setting our sights on the production of electric vehicles, whether as complete units or even just their key components, will help the bulk of Filipinos who are still hesitant to give up their internal combustion engine-powered cars and jeepneys with the more nature-friendly, battery-powered variety.

In short, moving toward electric vehicle production and use will go a long way in helping preserve what's left of our damaged environment.

But to succeed means traveling a long road amid the challenging terrain that is the Philippines.

The top issue that policymakers will have to hurdle is the divided public opinion about the mining industry on which the production of batteries for electric vehicles will depend. At present, local mining firms are already enjoying substantial revenues thanks to global demand for nickel which is a key component of rechargeable batteries. But if the government decides to make those batteries here, mining activities will have to pick up substantially to meet that need for more raw materials. Is the administration willing to expend political capital on this to power through the inevitable opposition? And, if so, will the next president have the same resolve to see the multiyear project through? Or will succeeding leaders succumb to the old Philippine affliction of changing policies to the consternation of business and industry?

In the meantime, while these long-term policies are being decided on and crafted, there is something Mr. Marcos can do that will benefit the industry over the short term and help electric vehicles take root in the country: The Chief Executive can expand the tax breaks for this industry, especially two-wheeled scooters and three-wheeled pedicabs and tricycles that are powered by batteries. These two types are the ones that the mass market can afford the most, rather than battery-powered cars that sell at luxury prices.

To be sure, tax incentives are precious commodities in an environment where the government needs to raise more revenues. But they will be well utilized for the purpose of promoting a greener transportation system.

To this end, the Marcos administration must mobilize the government and the private sector toward these twin goals as if they were one: making the country an electric vehicle production hub and making more Filipinos use electric vehicles more.

This is one policy where we will not have to choose between the economy and the environment. It will be a win-win for both.



Japan to dump Fukushima water starting Aug. 24

Gradual release of first batch of treated radioactive water to run for 17 days

TOKYO—Japan said on Tuesday it would start releasing more than 1 million metric tons of treated radioactive water from the wrecked Fukushima nuclear power plant on Aug. 24, putting into motion a plan that has drawn strong criticism from China.

China's foreign ministry spokesperson, Wang Wenbin said Tokyo was planning to "arbitrarily dump nuclear-contaminated water" into the Pacific Ocean, which is "the common property of all humankind."

Beijing would take "necessary measures to safeguard the marine environment, food safety and public health," he added.

The plan, approved two years ago by the Japanese government as crucial to decommissioning the plant operated by Tokyo Electric Power Company (Tepco), has also faced criticism from local fishing groups, who fear reputational damage and a threat to their livelihood.

"I have asked Tepco to swiftly prepare for the water discharge in accordance with the plan approved by the Nuclear Regulation Authority, and expect the water release to start on Aug. 24, weather conditions permitting," Prime Minister Fumio Kishida said on Tuesday morning.

The announcement comes



FEAR A South Korean protester (center) holds a sign reading "Why are you throwing it in the sea?" during a protest near the Japanese embassy in Seoul on Tuesday. —AFP

a day after the government said it had won "a degree of understanding" from the fishing industry over the release of the water, even as a fishing group said it still feared the reputational damage would ruin livelihoods.

Below WHO limit

The first batch of water that will be released starting Thursday will total 7,800 cubic meters over about 17 days, Tepco said at a briefing held Tuesday.

That water will contain about 190 becquerels of tritium per liter, below the World Health Organization drinking limit of

10,000 becquerels per liter, according to Tepco.

A becquerel is a unit of radioactivity.

Japan has said that the water release is safe. The International Atomic Energy Agency (IAEA), the UN nuclear watchdog, greenlighted the plan in July, saying that it met international standards and that the impact it would have on people and the environment was "negligible."

About 56 percent of respondents to a survey conducted by Japanese broadcaster FNN over the weekend said they support-

ed the release, while 37 percent opposed.

"The IAEA and many other countries have said it's safe, so I believe it is. But fishermen are facing so many problems so the Japanese government needs to do something to convince them," said 77-year-old NGO worker Hiroko Hashimoto.

Skepticism

Despite assurances, some neighboring countries have expressed skepticism over the safety of the plan, with Beijing emerging as the biggest critic.

Foreign ministry spokesperson Wang Wenbin said in July that Japan had shown selfishness and arrogance, and had not fully consulted the international community about the water release.

China bans seafood imports from 10 prefectures in Japan, including Fukushima and the capital, Tokyo.

South Korean activists have also protested the plan, although Seoul has concluded from its own study that the water release meets international standards and said it respects the IAEA's assessment.

Kishida said on Tuesday that he believed an "accurate understanding" of the matter was spreading in the international community. —REUTERS



Fukushima water release to begin Thursday: Japan PM

TOKYO, Japan (AFP) — The release of wastewater from Japan's stricken Fukushima nuclear plant into the Pacific will begin on Thursday, Prime Minister Fumio Kishida has announced, despite opposition from fishermen and protests by China.

Japan insists the gradual release of the more than 500 Olympic swimming pools' worth of water is safe, a view backed by the UN atomic agency.

"We will request TEPCO to promptly prepare for the start of oceanic discharge based on the plan approved by the Nuclear Regulation Authority, with discharge expected to be August 24 if weather and sea conditions do not hinder it," Kishida said Tuesday following a ministers' meeting in Tokyo, referring to the stricken plant's operator.

In one of the world's worst-ever atomic disasters, the Fukushima-Daiichi nuclear plant was knocked out by a massive earthquake and tsunami that killed around 18,000 people in March 2011.

Since then, operator TEPCO has collected 1.34 million tons of water used to cool what remains of the still highly radioactive reactors, mixed with groundwater and rain that has seeped in.

TEPCO says that the water has been diluted and filtered to remove

all radioactive substances except tritium, levels of which are far below dangerous levels.

'Immense'

This water will now be released into the ocean at a maximum rate of 500,000 liters per day out off Japan's northeast coast.

Environmental pressure group Greenpeace has said the filtration process is flawed and that an "immense" quantity of radioactive material will be dispersed into the sea over the coming decades.

But Tony Hooker, a nuclear expert from the University of Adelaide, dismissed that as "fear-mongering."

"Tritium has been released (by nuclear power plants) for decades with no evidential detrimental environmental or health effects," Hooker told AFP.

The UN atomic watchdog said in July that the release would have a "negligible radiological impact on people and the environment."

Salt panic

Many South Koreans are alarmed at the prospect of the release, staging demonstrations and even stocking up on sea salt because of fears of contamination.

But President Yoon Suk Yeol's government, taking political risks at home, has sought to improve long-



Prime Minister Fumio Kishida (AFP)

frosty relations with Japan and has not objected to the plan.

Yoon last week held a first-ever trilateral summit with Kishida and US President Joe Biden at Camp David, the three united by worries about China and North Korea.

China has accused Japan of treating the ocean like a "sewer," banning imports of food from 10 Japanese prefectures even before the release and imposing strict radiation checks.

Hong Kong, an important market for Japanese seafood exports, has also threatened restrictions.

This has worried people involved in Japan's fishing industry, just as business was beginning to recover more than a decade after the nuclear disaster.



Japan to release water from stricken Fukushima facility

TOKYO—Japan will release water from the stricken Fukushima power plant into the Pacific Ocean from Thursday, 12 years after one of the world's worst nuclear disasters.

Japan insists that the gradual discharge of the more than 500 Olympic swimming pools' worth of water from the site in northeast Japan, announced by Prime Minister Fumio Kishida on Tuesday, is safe.

The Fukushima-Daiichi nuclear power station was knocked out by a massive earthquake and tsunami that killed around 18,000 people in March 2011, sending three of its reactors into meltdown.

Operator TEPCO has since collected 1.34 million tonnes of water used to cool what remains of the still highly radioactive reactors, mixed with groundwater and rain that has seeped in.

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'Immense'

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The UN atomic watchdog, the International Atomic Energy Agency (IAEA), said in July the release would have a "negligible radiological impact on people and the environment".

On Tuesday, the IAEA said its staff would be on site for the start of the discharge and beyond and will publish "real-time and near real-time monitoring data".

Japan's fisheries agency will take samples of bottom-dwelling flatfish at two designated sampling spots near the outlet of the water pipe. **AFP**



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Groups present downside of nuke power generation

ENVIRONMENTAL group Greenpeace said the radioactive water crisis in Japan is a harrowing example of how dangerous and unforgiving nuclear energy can be, describing it as an intergenerational problem rather than a solution for the energy and climate crisis.

Greenpeace issued the statement in reaction to the Japanese government's announcement that it will start releasing wastewater from the Fukushima nuclear plant into the Pacific.

"Fukushima shows us that the consequences of adopting nuclear energy are just not worth it. From construction and maintenance to having to curb a crisis with global implications, nuclear energy will cost us trillions of pesos with centuries of commitment needed without a 100 percent safety guarantee," the statement reads.

"Nuclear energy is the most complicated source of energy generation with impacts beyond its boundaries. The Philippine government should take this as a warning of what lies ahead should it continue chasing its nuclear dream: a nightmare that will haunt us for centuries. Instead, they overcomplicate our energy system and should refocus their vision on renewable energy; a much cleaner, more cost-efficient,

and safer way for us to meet our energy demand."

The Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas (Pamalakaya) expressed its opposition to the releasing of 1.3 million metric tons of treated wastewater from Japan's ailing Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean.

The group was reacting to reports that the Japanese government confirmed releasing the Fukushima-treated radioactive water at the end of August.

The report also said that the plan came shortly after Japanese Prime Minister Fumio Kishida met with U.S. President Joe Biden and South Korean President Yoon Suk Yeol to discuss the matter.

"We reaffirm our strong opposition to Japan's plan to release 1.3 million metric tons of treated radioactive water from its tsunami-wrecked Fukushima nuclear power plant. People from many East Asian nations, especially farmers and fishers, have already spoken and repeatedly expressed their concern about its environmental impacts. The Japanese government must heed the growing clamor of its neighboring countries to protect the world's largest and deepest ocean from toxic radioactive wastes," the group said. **Jonathan L. Mayuga**



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The science behind Japan's plan to empty nuclear wastewater into the Pacific Ocean

By SHOKO ODA

TWISTED sections of a reactor unit remain exposed at the Fukushima Dai-ichi nuclear plant and a crushed metal tank lies near the coastline, reminders of one of the world's worst atomic disasters in 2011 and a response that's already cost about 12 trillion yen (\$83 billion).

Huge cranes are stationed across the site of Tokyo Electric Power Co.'s wrecked facility, while some areas have been covered with giant dome-like structures as work continues to manage the removal of dangerous fuel debris.

One of the most critical components of the current stage of decommissioning is much less obvious, a 10-centimeter (4 inch) wide pipe that funnels wastewater, in part generated as the stricken reactors are cooled, through a treatment process that will lead into the Pacific Ocean.

No element of Japan's work to manage the risks from the disaster has been more contentious than its plan to start on Thursday discharging into the sea more than 1 million cubic meters of treated radioactive water — enough to fill 500 Olympic-size swimming pools — that's currently stored in about 1,000 tanks.

Japan's Prime Minister Fumio Kishida on Tuesday confirmed the process will start on Aug. 24 after a meeting of a cabinet panel. "If there are no issues with the weather and sea conditions, we expect the discharge to begin," Kishida said. "The Japanese government will take responsibility to make sure the proposal is carried out safely, even if it takes decades until all of the treated

water is discharged."

China has vociferously opposed the plans and threatened to extend curbs on imports of seafood, while Japanese companies including cosmetics brands have faced consumer boycotts. Restaurants in Hong Kong are already hurriedly seeking alternatives for the supply of some ingredients previously sourced from parts of Japan.

The ocean is "not Japan's private sewer," Chinese Foreign Ministry spokesman Wang Wenbin said in June.

Public protests have taken place in South Korea, despite the government's backing for Japan's strategy. Any problems would have "an impact not just on our three countries, but all countries around the world," President Yoon Suk Yeol said Friday at Camp David, after holding talks with Kishida and US President Joe Biden.

Releasing the vast volumes of water is necessary as storage tanks are forecast to hit capacity early next year, and because the full decommissioning of the site doesn't allow for more giant vessels to be added. Discharges of cooling water from nuclear plants are also common practice across the industry.

"Controlled, gradual discharges of the treated water" into the Pa-

cific Ocean "would have a negligible radiological impact on people and the environment," the International Atomic Energy Agency said last month, offering approval for Japan's proposal after a two-year safety review.

Radiation levels at Fukushima have fallen over the past decade to the point that regular visitors are no longer required to wear full-body protective suits. Guests must still carry a dosimeter, and cover up with long sleeves, goggles, masks and gloves. Tepco also asks those accessing the site to undergo scans to check bodily radiation before and after their visit.

A tour of the facility held last month was part of Tepco's efforts to respond to concerns about the planned releases by presenting evidence, according to Junichi Matsumoto, the company's chief officer for the advanced liquid processing system water management. "We are aware that there are people with a variety of opinions about this plan," he told reporters at the site.

The process that'll be used over about the next 30 years to release batches of the treated water about 1 kilometer (0.62 miles) off the coast breaks down into four basic steps: measurement and confirmation, transfer, dilution and discharge.

Water is pumped into the facility and used to cool the damaged reactors. About 130 cubic meters of liquid—which also includes rain and groundwater—becomes contaminated each day after contact with nuclear fuel debris. It's pumped out and processed through the advanced liquid processing system, or

ALPS, which uses a series of chemical reactions to lower concentrations of 62 radionuclides.

That process can't remove tritium, a weakly radioactive form of hydrogen. Though it can be carcinogenic at high levels, a human would need to ingest billions of units of becquerels—a measure for radioactivity—before seeing any health effects. Water released by Tepco will have a concentration of less than 1,500 becquerels per liter.

After the initial treatment, a first series of measurements of radionuclide levels are taken before the water is moved on to vessels where it's mixed and circulated for 144 hours. Independent analysis company Kaken Co. and the Japan Atomic Energy Agency then begin a further testing process that can last about two months.

China has complained the IAEA didn't evaluate the long-term effectiveness of Japan's purification equipment, and has argued that waste from a nuclear accident—rather than from the usual operation of a power plant—hasn't previously been handled in this manner.

"We hope that the public can be reassured by the fact that it takes a long time" for the treated water to clear protocols, Kenichi Takahara, a Fukushima-based risk communicator for Tepco, told reporters during last month's visit. The process is also deliberately slow, because Tepco is capable of releasing at most about 500 cubic meters of treated water a day—a fraction of the 510,000 cubic meters of seawater brought into the facility every 24 hours. *Bloomberg*