

**[DOE DEPARTMENT CIRCULAR NO. 2000-02-001,
February 18, 2000]**

**REVISED GEOTHERMAL SAFETY AND HEALTH RULES AND
REGULATIONS**

Pursuant to Section 6 of Presidential Decree No. 1442, otherwise known as the "Geothermal Act" of 1978 in relation to Section 5(a) and Section 21 of Republic Act No. 7638, otherwise known as the "Department of Energy Act" of 1992, and in order to ensure adequate safety and protection against hazards to health, life and property as well as pollution of air, land and water from geothermal operations, the following and health rules and regulations are hereby promulgated:

**RULE 1
General Provisions**

SECTION 1. Title — This issuance shall be known as the "Revised Geothermal Safety and Health Rules and Regulations of 1999" and shall be hereinafter referred to as the Rules.

SECTION 2. Scope and Coverage — The Rules shall apply to all employers, employees, and other entities engaged in geothermal operations in the Philippines, including drilling and construction activities therein.

SECTION 3. Definition of Terms — Terms and expressions that are generally defined in other existing regulations or in the Occupational Safety and Health Standards shall have the same meaning in the Rules. For purposes of this issuance, however, the following terms shall be defined as follows:

1. Authorized representative refers to any employee of the Energy Resource Development Bureau (ERDB) of the Department of Energy, or any other government official who has been authorized by the ERDB Director to enforce the provisions of the Rules.
2. Bureau refers to the Energy Resource Development Bureau.
3. Contract refers to the Department of Energy.
4. Department refers to the Department of ERDB.
5. Director refers to the Director of ERDB.
6. DOLE refers to the Department of Labor and Employment.
7. Employee refers to any person who works for wage or salary in the service of an employer.
8. refers to the service contractor referred to in a

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| Employer | Geothermal Service Contract, and other entities, whether government or private, engaged in geothermal operations, whether acting along or in consortium with others, that hires one or more persons to work for wages or salaries. |
| 9. Hotwork | refers to any activity that involves the use of heat such as welding and gas cutting, and any other activity that produces heat or sparks that could be a source of ignition in a flammable/explosive atmosphere, such as grinding, drilling or other similar activity, or any maintenance and repair work on geothermal pipelines and facilities, that is likely to affect the safety and operational condition of the facilities. |
| 10. Geothermal Operations | refers to exploration for, development, production and utilization of steam and brine from a geothermal field. |
| 11. Geothermal Field | refers to an area where the existence of geothermal resources has been proven. |
| 12. Geothermal Facilities | refers to infrastructures, wells, pipelines and roadways. |
| 13. Workplace | refers to the office, premises or worksites where the employees are situated, and shall include the office or place where the workers who have or definite worksite, regularly report for assignment in the course of their employment. |
| 14. OSHS | refers to the Occupational, Safety and Health Standards issued by the DOLE. |
| 15. Non-Lost Time Accident (NLTA) | refers to an accident that will not prevent the injured person from performing his regular work on the day following the day on injury and thereafter. |
| 16. Lost Time Accident (LTA) | refers to an accident that will prevent the injured person from performing his regular job on the next day following the day of the injury or, after reporting for work in the next working day following the day of the injury, the injured person fails to continue this normal work due to complications resulting in permanent injury and disability. |

RULE 2

Administration and Enforcement

SECTION 4. Representative

Powers and Duties of the Director or His Duly Authorized

1. Enforce the Rules and all other pertinent regulations concerning occupational safety and health.
2. Inquire into or inspect at reasonable hours of the day or night and in manner that will not impede or obstruct work or activities of the employer regarding safety of all installations within the geothermal field, and compliance with the terms and conditions of the contract.
3. Administer oaths, summon company officials, employees, or other persons having knowledge on the subject of inquiry, inspection or investigation, issue subpoena duces tecum requiring the attendance and for the taking of testimonies or witnesses or the production of such books, papers, records, and other pertinent documents as may be material to a just determination of the matter under investigation, inspection or injury.
4. Issue suspension/variation order in accordance with Rule 1012.3 and 1012.40 of OSHS, as amended.
5. Conduct separate incident/accident investigations involving fatal accident and dangerous occurrences to determine cause/s of such accidents and occurrences, and introduce remedial measures to prevent their recurrence.
6. Suspend any particular or operation when such activity or operation causes or will cause imminent danger until necessary actions are taken.

SECTION 5. Duties of Employers —

1. Every employer shall make and give effect to such arrangements as are appropriate, having regard to the nature and size of the employer's activities and undertaking, for the effective planning, organization, control, monitoring and review of the relevant preventive and protective measures.
2. For purposes of identifying the measures necessary to enable the employer to comply with the requirements and prohibitions of the Rules, every employer shall conduct and record suitable and sufficient assessment of the following:
 - a. the risk to the health and safety of its employees while they are at work; and
 - b. the risk to the health and safety of persons not under its employ as a result of or in relation to the activities of its operations.
3. The employer in any of the following instances shall review the assessment referred to in Number 2 above:
 - a. there is reasonable ground to believe that the assessment is no longer valid;
 - b. there has been a significant change in the matter to which the assessment relates; or
 - c. where, as a result of any such review, changes to the assessment are required.
4. Every employer shall provide its employees with comprehensible and relevant hazard information consisting of the following:

- a. the risk to their health and safety identified by the assessment;
- b. the preventive and protective measures;
- c. the procedures used in hazard assessment; and
- d. the identity of the persons appointed to conduct hazard assessment.

SECTION 6. Duties of Employees

1. Every employee using any machinery, equipment, dangerous substance, transport equipment, means of production or safety device supplied to him by his employer shall use it in accordance with company policies and the relevant provisions of the Rules.
2. Every employee shall inform his employer or the person with specific responsibility for the health and safety of his fellow employees:
 - a. of any work situation which a person equipped with the necessary training and instruction would reasonable consider as posing a serious and immediate danger to health and safety; and
 - b. of any matter, which a person equipped with the necessary training and instruction, would reasonably consider as a shortcoming in the employer's protection arrangements for health and safety.

SECTION 7. Cooperation and Coordination

1. Where two or more employers share a workplace, whether on temporary or permanent basis, each shall:
 - a. cooperate with the other contractor(s) concerned insofar as practicable and necessary to enable them to comply with the requirements and prohibitions imposed upon them by or under the Rules;
 - b. take all reasonable steps to coordinate the measures which are necessary to comply with the measures that the other contractor(s) concerned is/are taking; and
 - c. take all reasonable steps to inform the other employers of the risks to their employee's health and safety arising from or in connection with the conduct of their undertaking.

SECTION 8. Code of Practice — The Bureau shall make public, technical guidelines and/or code of practice for health and safety management systems for any geothermal operations, processes or methods that are deemed necessary to ensure appropriate and effective implementation of safety and health measures that the employer is required to observe under the Rules. Failure to comply with the guidelines or code of practice under the Rules could be taken as proof of violation of the Rules.

SECTION 9. Interpretation — Notwithstanding the provisions of Rule 7, Section 33, where the requirements thereof overlap or duplicate an existing regulation, compliance with a more specific regulation shall be considered substantial compliance thereof. However, where the requirements go beyond those in the more

specific regulations, additional measures shall be instituted to comply fully with the Rules. The Director shall determine such measures that are or will be at least as effective as the standards prescribed under the Rules.

SECTION 10. Administrative Penalties —

1. Any violation of the provisions of the Rules shall be subject to the following administrative penalties:

a. Failure or late submission of monthly incident/accident statistical reports and minutes of the safety meetings

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| i. | First Offense | — | Written warning |
| ii. | Second Offense | — | Fine of P5,000.00 |
| iii. | Third Offense | — | Fine of P10,000.00 |

b. Failure to register or secure/renew a permit for safety engineers/officers

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| i. | Within one (1) month after the expiration of the old permit | — | Fine of P5,000.00 |
| ii. | After one (1) month after the expiration of the old permit | — | Fine of P10,000.00 and additional fine of P10,000.00 per month on the succeeding months |

c. Failure to employ a qualified safety officer.

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| i. | Within six (6) months after the signing of service contract | — | Fine of P5,000.00 |
| ii. | After the sixth (6th) month and every succeeding month | — | an additional fine of P10,000.00 per month |

d. Failure to notify the Bureau using the fastest and efficient means of communication the occurrence of any incident/accident specified and within the period set forth in Rule 4 of

Section 16 of the Rules — Fine of P5,000.00

e. Failure to correct any unsafe condition(s) noted by the Bureau's authorized representative.

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| i. | First offense | — | Written warning |
| ii. | Second offense | — | Fine of P5,000.00 |
| iii. | Third Offense | — | and/or suspension of operation in the area affected until the unsafe condition(s) is/are affected |

f. Withholding or failure to provide pertinent data or information regarding the safety aspects of geothermal operations as required by the Bureau