

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 NOV 16 P2 :27

SENATE
S. No. 1515

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA,

AN ACT
PROHIBITING THE USE OF BPA AND PFAS IN BABY FOOD PACKAGING AND
CONTAINERS, AND OTHER CHILD CARE ARTICLES

EXPLANATORY NOTE

Article II Section 15 of the Constitution states that, "The State shall protect and promote the right to health of the people and instill health consciousness among them."

One of the concerns of health experts and mothers alike is the presence of Bisphenol A (BPA). It is defined by the World Health Organization (WHO) as "an industrial chemical that is widely used in the production of polycarbonate (PC) plastics (used in food contact materials, such as baby bottles and food containers) and epoxy resins (used as protective linings for canned foods and beverages and as a coating on metal lids for glass jars and bottles)." Studies are still underway regarding the safe level of BPA use and alternative materials for it.

According to World Health Organization (WHO) and Food and Agriculture Organization (FAO) of the United Nations in their joint report, "Toxicological and Health Aspects of Bisphenol A" published in 2010, there are "uncertainties about the possibility of adverse human health effects at low doses of BPA, especially on reproduction, the nervous system and behavioral development, and considering the relatively higher exposure of very young children compared with adults". It is certain, however, that BPA is harmful to the human body.

Per- and Polyfluoroalkyl Substances or PFAS, on the other hand, was defined by WHO as "a class of thousands of chemicals that are widely used in consumer products, industrial applications, manufacturing processes, and certain firefighting foams." Often referred to as "forever chemicals", they are extremely resistant to breakdown that remain in the human body from months to years, and in the environment for thousands of years. People may be exposed to PFAS through various ways including using consumer products that contain them. Among the health effects of PFAS are increase in total cholesterol and LDL cholesterol; decreased antibody response to vaccines in children; decreased fertility in women; increased risk of pregnancy-induced hypertension and/or pre-eclampsia; kidney and testicular cancer; thyroid disease; chronic kidney disease, elevated uric acid, hyperuricemia, and gout; liver damage; immune system disruption; and adverse developmental outcomes, including small decrease in birth weight and altered mammary gland development.

This measure seeks to ban BPA and PFAS in child care articles such as baby food or beverage packaging, container or child care article, as well as in any infant formula or baby food stored in packaging, container, or child care article. It also mandates the Food and Drug Administration (FDA) to create a public information system that will contain information about BPA, PFAS and other harmful and toxic materials in food, beverage containers and child care articles.

This measure was reported out by the Committee on Trade, Commerce and Entrepreneurship in the 18th Congress.

For the benefit of the health and safety of the Filipino children, the passage of this bill is earnestly sought.



RAMON BONG REVILLA, JR.

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* - This Act shall be known as the "*BPA and PFAS in Child*
2 *Care Articles Prohibition Act*".

3 Sec. 2. *Declaration of Policy.* - It shall be the policy of the State to protect and
4 promote the right to health of the people and instill health consciousness among them.
5 It is also the policy of the State to protect consumers, especially children, from trade
6 malpractices and substandard or hazardous products.

7 Sec. 3. *Definition of Terms.* - As used in this Act, the following terms shall
8 mean:

- 9 a. *Baby Food* - prepared food consisting of soft paste or an easily chewed food
10 that is intended for consumption by infants and children ages three (3) years
11 old and below.
- 12 b. *BPA or Bisphenol A* - an industrial chemical compound C₁₅H₁₆O₂ that is a
13 component especially of hard plastics (such as polycarbonate) and epoxy
14 resins.
- 15 c. *Baby Food or Beverage Container* - a receptacle for storing baby food or
16 beverages, including baby bottles and spill proof cups. It may be reusable and
17 disposable once used.

- 1 d. *Child Care Article* – a consumer product designed or intended by a
2 manufacturer for the feeding of children, to facilitate sleep or to help children
3 with sucking or teething. This includes baby food packaging, containers and
4 other baby products.
- 5 e. *Codex Alimentarius* – also known as “Food Code”, is a collection of international
6 standards, guidelines, and codes of practice to protect the health of consumers,
7 harmonize national food safety regulations, and ensure fair practices in the food
8 trade.
- 9 f. *Infant Formula* – breast milk substitutes formulated industrially in accordance
10 with applicable Codex Alimentarius standards to satisfy the normal nutritional
11 requirements of infants between four (4) to six (6) months of age adapted to
12 their physiological characteristics. It may be a milk-based or soy-based powder,
13 concentrated liquid or ready-to-feed substitute for human breast milk, that is
14 intended for infant consumption.
- 15 g. *Per- and Polyfluoroalkyl Substances or PFAS* – group of man-made chemicals
16 that includes Perfluorooctanoic Acid (PFOA), Perfluorooctane sulfonic acid
17 (PFOS), GenX – a synthetic, short-chain organofluorine chemical compound,
18 and many other chemicals which are used in food packaging, commercial
19 household products, drinking water, industrial facilities and living organisms.

20 Sec. 4. *Ban on Harmful Chemicals and Child Care Articles.* – No persons or
21 entity shall manufacture, sell, import or distribute in commerce:

- 22 a. Any baby food or beverage packaging, container, or child care article containing
23 BPA or PFAS; and
- 24 b. Any infant formula or baby food store in packaging, container, or child care
25 article containing BPA or PFAS.

26 Sec. 5. *Creation of Information System on BPA and other Harmful and Toxic*
27 *Chemicals.* – The Food and Drug Administration (FDA) shall create an information
28 system that can be accessed by the public containing all information about BPA, PFAS
29 and other harmful and toxic chemicals that can be found in food and beverage
30 containers, child care articles, and issuances and regulations related thereto.

31 Sec. 6. *Public Information on BPA.* – The Department of Trade and Industry
32 (DTI), in coordination with the Department of Health (DOH), and the Philippine

1 Information Agency (PIA), shall develop a public information and communication
2 campaign about BPA, PFAS and other harmful and toxic chemicals found in child care
3 articles and other baby products.

4 *Sec. 7. Penalties for Violations.* – Whenever it is found that a baby food or
5 beverage packaging, container, or child care article contains BPA or PFAS, or when an
6 infant formula or baby food is stored in a container or packaging BPA or PFAS, the
7 DTI shall, after due notice and hearing, make the appropriate order for its recall,
8 prohibition, or seizure from public sale or distribution.

9 Any person natural or juridical, who shall violate Section 4 of this Act shall be
10 subject to a fine not less than Fifty Thousand Pesos (P50,000.00) but not more than
11 Three Hundred Thousand Pesos (P300,000.00) or by imprisonment of not less than
12 one (1) year but not more than five (5) years, or both, upon the discretion of the
13 court.

14 In case the offender is a juridical person, the President, Secretary, Treasurer
15 and such other officers or persons responsible for the offense, shall be liable for the
16 penalty of imprisonment.

17 If the seller, distributor or manufacturer of the injurious baby food or beverage
18 packaging, container, or child care article containing BPA or PFAS is a foreigner, he
19 shall be deported after service of sentence and payment of fine without further
20 deportation proceedings.

21 *Sec. 8. Phase-Out Period.* – All concerned stakeholders and establishments
22 shall be given six (6) months from the effectivity of this Act, to recall from the market
23 their baby food packaging and containers, and other child care articles that contain
24 BPA or PFAS.

25 *Sec. 9. Implementing Agency.* – The DTI, as the lead agency, in coordination
26 with DOH and the Department of the Interior and Local Government (DILG), shall
27 enforce the provisions of this Act.

28 *Sec. 10. Separability Clause.* – If any provision or part hereof is held invalid or
29 unconstitutional, the remainder of the law or the provision or part not otherwise
30 affected shall remain in full force and effect.

31 *Sec. 11. Repealing Clause.* – Any law, presidential decree or issuance,
32 executive order, letter of instruction, administrative order, rule, or regulation contrary

1 to, or inconsistent with, the provisions of this Act are hereby repealed, modified, or
2 amended accordingly.

3 Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its
4 complete publication in the *Official Gazette* or in two (2) newspapers of general
5 circulation in the Philippines.

Approved,