

HOUSE OF REPRESENTATIVES

House Bill No. 321

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Phthalates are a class of multifunctional chemicals used in a variety of consumer and personal care products. They are mainly used as plasticizers for manufacturing toys and child-care articles as they make PVC more flexible and soft.

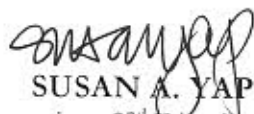
A raging debate on the scientific bases of phthalate's effects on humans raged as the European Union placed a temporary ban and regulation on the use of six phthalates [Di (2-ethylhexyl) phthalates (DEHP), Dibutyl phthalate (DBP); Benzyl butyl phthalate (BBP); Diisononyl phthalate (DINP); Diisodecyl phthalate (DIDP); and Di-n-octyl phthalate (DNOP)] in toys, childcare articles, and other products in 1999. This affected the multi-million dollar chemical industry of America and producers of phthalates. Several scientists were even used to write articles and set up websites that persuade the public that the decision to restrict the use of phthalates in children's products "is not based on science."

However, as the debate heated, the American Academy of Pediatrics issued a report in 2003 that recommends the effects of phthalates on the fetus (through pregnant mothers using cosmetics with the chemical) and infants. They argued that it is a basic error of the protagonists on the use of phthalates that "absence of data can never be used as proof of safety." This is especially true with caring for health of infants and children. One must never assume that a product is safe for children especially when there are established studies that phthalates exposure have affected adults and are proven carcinogens during animal tests.

In 2005, the EU permanently banned three types of phthalates, DEHP, DBP and BBP, which have been identified as reprotoxic, in all toys and childcare articles. Meanwhile, DINP, DIDP, DNOP will be banned from use of toys if those articles can be put in the mouth by children.

In light of these developments internationally, drastic actions must be done locally to prevent entry and sale of infant and childcare products with phthalates. Our children deserve no less from us especially regarding their health and well-being.

Hence, immediate passage of this bill is earnestly sought.


SUSAN A. YAP
Representative, 2nd District of Tarlac

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AN ACT
PROHIBITING THE SALE OF TOYS AND OTHER ARTICLES CONTAINING
HEREIN SPECIFIED PHTHALATES TO CHILDREN

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

SECTION 1. *Short Title.* - This Act shall be known as the "Phthalate-Free Toy and Other Articles Act of 2010".

SEC. 2. *Declaration of Policy.* - It is a policy of the State to protect the physical, moral and social well-being of children. Towards this end, the State shall prohibit the sale of toys containing herein specified phthalates to children.

SEC. 3. *Definition of Phthalates.* - For purposes of this Act, the following terms shall be defined as:

(a) *Phthalates* refer to esters of phthalic acid that are mainly used as plasticizers for manufacturing toys and child-care articles;

(b) *Child-care article* refers to any product intended to facilitate sleep, relaxation, hygiene, the feeding of children or sucking on the part of children; and

(c) *Toy* refers to any product or material designed or clearly intended for use in play by children less than fourteen (14) years of age.

SEC. 4. *Prohibition on the Sale of Toys and Child-care Articles Containing Phthalates.* - On or after one hundred twenty (120) days from the passage of this Act, no toys or child-care articles intended for use by children shall contain the following phthalates as a constituent of preparation in concentrations greater than zero point one percent (0.1%) by mass of the plasticized material, in toys and child-care articles:

(a) Di (2-ethylhexyl) phthalates (DEHP);

(b) Dibutyl phthalate (DBP);

(c) Benzyl butyl phthalate (BBP);

(d) Diisononyl phthalate (DINP);

(e) Diisodecyl phthalate (DIDP); and

(f) Di-n-octyl phthalate (DNOP).

SEC. 5. *Penalties.* - Any person found in violation of this Act shall be punished by a penalty of *prison correccional* or a fine ranging from Fifteen thousand pesos (P15,000.00) to One hundred fifty

1 thousand pesos (P 150,000.00), or both, at the discretion of the court, taking into consideration the
2 circumstances of the case.

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4 If the offender is a corporation, trust or firm, partnership, association or any other entity, the
5 penalty of imprisonment shall be imposed on the entity's responsible officers including, but not
6 limited to, the president, vice president, chief executive officer, general manager, managing director
7 or partner directly responsible therefor.

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9 SEC. 6. *Implementing Agency.* - The provisions of this Act and its implementing rules and
10 regulations shall be enforced by the Department of Health.

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12 SEC. 7. *Separability Clause.* - If any part hereof is held invalid or unconstitutional, the
13 remainder of the provisions not otherwise affected shall remain valid and subsisting.

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15 SEC. 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of
16 instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions
17 of this Act is hereby repealed, modified or amended accordingly.

18
19 SEC. 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at
20 least two (2) newspapers of general circulation.

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22 Approved,