

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress

First Regular Session

HOUSE BILL NO. 2340



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

EXPLANATORY NOTE

Consistent with the constitutional policy that provides for the protection and promotion of the right to health of the people and instill health consciousness among them" (Section 15, Article II), this bill seeks to ban the importation, manufacture, sale or distribution of children's food and beverage containers which contain bisphenol A (BPA) in order to protect the health of the general public.

BPA is said to be one of the most pervasive chemicals nowadays which is the chemical building block for polycarbonate plastic that can be found in food storage containers and baby bottles. Epoxy resins that coat the lining of metal food cans including infant formula cans also make use of this chemical.

BPA's chemical sticks between molecules that can be easily displaced by heat and other conditions. It may leach out of the plastic or can lining that can invade food and endanger people.

A surprising number of health problems which include prostate cancer, breast cancer, obesity, attention deficit and hyperactivity disorder (ADHD), altered brain development and immune system, lowered sperm counts and early-onset puberty are linked to BPA exposure according to scientific studies. Even diminutive amounts of BPA have been shown to traverse the placenta and disturb regular antenatal development.

Scientists are concerned about the exposure to BPA during pregnancy, infancy and childhood since this is most dangerous to children's brains and other organ systems. Any disruption to their hormonal system during this period can cause later-life diseases such as breast and prostate cancers.

A number of countries have already enacted landmark legislations restricting the use of BPA from children's products as a number of studies and reports have already indicated the detrimental health effects caused by the exposure of humans, especially children, to bisphenol A.

In view of the foregoing, early passage of this bill is earnestly sought.


Angelina "Helen" D.L. Tan, M.D.

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

AN ACT

**BANNING THE IMPORTATION, MANUFACTURE, SALE, OR DISTRIBUTION
IN COMMERCE OF CHILDREN'S FOOD AND BEVERAGE CONTAINERS
CONTAINING BISPHENOL A, PROVIDING PENALTIES THEREOF AND FOR
OTHER PURPOSES**

SECTION 1. *Short Title.* - This Act shall be known as the "*Bisphenol A Ban Act of 2010.*"

SEC. 2. *Declaration of Policy.* - It shall be the policy of the State to protect the interest of the public and to promote their general welfare. Toward this end, the State shall implement measures to achieve the provision of safety standards for consumer products by enforcing a ban on the importation, manufacture, sale or distribution of children's food and beverage containers containing bisphenol A.

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

1. "*Bisphenol A or BPA*" - The term 'bisphenol A' means the chemical compound phenol, 4,4-(1-methylethylidene)bis, propane. It is a difunctional building block of several important plastics and plastic additives and an important monomer in the production of polycarbonate used in the food industry.

2. "Children's food or beverage container"

A. **IN GENERAL-** The term 'children's food or beverage container' means any bottle (including a baby bottle), cup, bowl, plate, straw, utensil, or other container, except a metal can, that is designed or intended to be filled with any liquid, food, or beverage primarily for consumption from that container by children 3 years of age or younger and is sold or distributed at retail without containing any liquid, food, or beverage.

B. **DETERMINATION OF INTENTION FOR USE BY CHILDREN-**

In determining under subparagraph (A) whether a product is designed or intended for use by children 3 years of age or younger, the following factors shall be considered:

1. A statement by a manufacturer about the intended use of the product, including a label on the product, if such statement is reasonable.
2. Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children 3 years of age or younger.

3. Whether the product is commonly recognized by consumers as being intended for use by children 3 years of age or younger.

SEC. 4. *Prohibition on the Importation, Manufacture, Sale or Distribution in Commerce of Children's Food and Beverage Containers Containing Bisphenol A* - No containers of children's food and beverage which contains bisphenol A shall be imported, manufactured, sold or distributed in the market or retail outlets for the use of the general public.

Any person found in violation of this Act shall be punished by a penalty of *prison* correctional, or a fine ranging from Fifty Thousand Pesos (Php50,000,000) to Two Hundred Thousand Pesos (Php200,000), or both, at the discretion of the court.

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

SEC. 5. *Implementing Agency*. - The Department of Trade and Industry shall promulgate and issue the necessary rules and regulations for the effective implementation of the provisions of this Act within thirty (30) days after its effectivity. In addition, the Department of Trade and Industry shall regularly publish the list of all manufacturers who failed to comply with the requirements of this Act.

SEC. 6. *Public Education Program*. - The Department of Trade and Industry, in cooperation with the Department of Health and the Philippine Information Agency (PIA), is hereby mandated to conduct a comprehensive and nationwide information and education campaign, funding of which shall be sourced from any existing information, education and communication programs of the aforesaid agencies in order to inform the general public of the purposes and objectives envisioned under this Act and shall establish a plan to:

- (A) Increase awareness of the dangers posed by BPA-containing products and BPA-related diseases;
- (B) Provide current and comprehensive information to BPA-related disease patients, family members of patients, and front-line health care providers on the dangers of BPA to human health and available and developing treatments for BPA-related diseases, including clinical trials;
- (C) Encourage BPA-related disease patients, family members of patients, and frontline health care providers to participate in research and treatment endeavors relating to BPA; and
- (D) Encourage health care providers and researchers to provide to BPA-related disease patients and family members of patients information relating to research, diagnostic, and clinical treatments relating to BPA.

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

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

SEC. 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,