

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6902**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

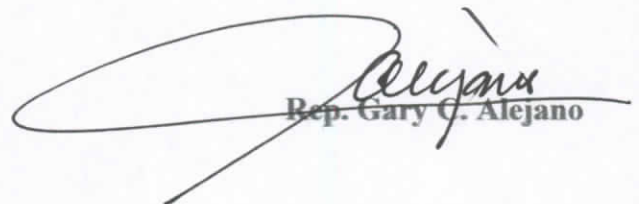
Filipinos are entitled to receive food and other consumer products that are safe. Unsafe food transportation practices endanger the general public by the usage of motor and rail vehicles used in the transportation of various hazardous substances in transporting food and other consumer products as well. The risks posed to consumers by such transportation practices are unnecessary and therefore such practices shall be terminated.

While R.A. 3720 has laid the fundamental legal framework to ensure safe and quality access to food and other consumer products, it lacks the capability of properly regulating the way these food products are transported.

Moreover, it is irresponsible to rely primarily upon voluntary compliance methods, which due to the laxity of laws, has not resulted in an acceptable level of safe food transportation practices. It is time then to enact laws for the improvement of existing legislation in order to bring about greater safety for the general population.

Under this Act, the Secretary of Transportation, in consultation with the relevant government agencies shall issue standards and regulations with respect to the transportation of food, food additives, drugs, devices, and cosmetics to ensure that the transportation of such items are safe to the health of humans and animals.

In view of the foregoing, approval of this measure is earnestly sought.


Rep. Gary C. Alejano

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House Bill No. 6902

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HON. GARY C. ALEJANO

AN ACT

**TO PROHIBIT CERTAIN FOOD TRANSPORTATION PRACTICES AND TO PROVIDE
FOR REGULATION BY THE SECRETARY OF TRANSPORTATION THAT WILL
SAFEGUARD FOOD AND CERTAIN OTHER PRODUCTS FROM CONTAMINATION
DURING MOTOR OR RAIL TRANSPORTATION, AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* – This Act can be cited as the “Sanitary Food Transportation Act.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to prohibit unsafe food transportation practices by mandating the Secretary of Transportation, in consultation of relevant government agencies, to issue regulations with respect to the transportation of food, food additives, drugs, devices, and cosmetics in motor vehicles and rail vehicles which are used to transport either refuse or other nonfood products which, when so transported, would make the food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals.

SEC. 3. *Definition of Terms.* – As used in this Act:

1) **Food, food additives, drugs, devices, or cosmetics** have the meaning given to them by the section 10 of the Food, Drug, and Cosmetic Act (R.A. 3720)

2) **Non-food product** means any material, substance, or product (including refuse and solid waste, as such term is defined in section 3 of the Ecological Solid Waste Management Act of 2000 (R.A. 9003) which is not a food, food additive, drug, device, or cosmetic. Such term includes any class of such materials, substances, or products.

3) **Refuse** means any discarded material to be transported to or disposed of in a landfill or incinerator, or required by law to be transported to or disposed of in a landfill or incinerator.

4) **Secretary** means the Secretary of Transportation.

1
2 **5) Transports or Transportation** means any movement of property in commerce
3 (including intrastate commerce) by motor vehicle or rail vehicle.
4

5 **6) National Register** means the Office of the National Administrative Register
6

7 **SEC. 4. Regulations. –**
8

9 **a) In general**
10

11 1) **Responsibility of the Secretary** – In accordance with this Act, the Secretary, in
12 consultation with the Secretary of Agriculture, the Secretary of Health, and the
13 Director General of the Food and Drug Administration, shall issue regulations,
14 pursuant to a rulemaking proceeding, with respect to the transportation of food,
15 food additives, drugs, devices, and cosmetics in motor vehicles and rail vehicles
16 which are used to transport either refuse or other nonfood products which, when
17 so transported, would make such food, food additives, drugs, devices, or
18 cosmetics unsafe to the health of humans or animals.
19

20 2) **Treatment as Non-Food Products** – If a drug, device, or cosmetic is transported
21 in a motor or rail vehicle at the same time or before a food or food additive is
22 transported in such vehicle, the Secretary shall treat such drug, device, or cosmetic
23 as a nonfood product if such transportation would make such food or food additive
24 unsafe to the health of humans or animals.
25

26 **b) Special requirements** – In issuing regulations under subsection (a)(1), the Secretary,
27 in consultation with the Secretary of Agriculture, the Secretary of Health, and the Director
28 General of the Food and Drug Administration, shall establish standards, requirements, and other
29 provisions relating to—

30 1) appropriate recordkeeping, identification, marking, certification, or other
31 means of verification required to promote compliance with the requirements of
32 sections 5, 6, and 7;

33 2) appropriate decontamination, removal, disposal, and isolation standards with
34 respect to regulations implementing sections 5 and 6; and

35 3) appropriate materials for construction of tank trucks, rail tank cars, cargo
36 tanks, and accessory equipment to comply with regulations implementing section
37 5.

1 c) Considerations – In issuing regulations under subsection (a)(1), the Secretary, in
2 consultation with the Secretary of Agriculture, the Secretary of Health, and the Director General
3 of the Food and Drug Administration, shall consider each of the following and may establish
4 standards, requirements, or other provisions relating to any or all of the following:

5 1) The extent to which packaging or similar means of protecting and isolating
6 commodities are adequate to ameliorate or eliminate the potential risks of
7 transporting food, food additives, drugs, devices, or cosmetics in motor vehicles
8 or rail vehicles used to transport nonfood products. If packaging standards are
9 found to be adequate by the Secretary, regulations issued under subsection (a)(1)
10 shall not apply to food, food additives, drugs, devices, or cosmetics or nonfood
11 products which are packaged in packages which meet such standards.

12 2) Appropriate compliance and enforcement measures for carrying out this Act.

13 3) Appropriate minimum insurance or other liability requirements for any person
14 covered by this Act.

15 d) Deadlines – The rulemaking proceeding referred to in subsection (a)(1) shall be
16 initiated within 30 days after the date of enactment of this Act. The regulations referred to
17 in subsection (a)(1) shall be issued within 270 days after such date of enactment.

18 **SEC. 5. *Tank trucks, rail tank cars, and cargo tanks.* –**

19 a) Prohibition - At a minimum, the regulations issued under section 4(a)(1) shall prohibit
20 any person from using, offering for use, or arranging for the use of a tank truck, rail tank car, or
21 cargo tank used in motor vehicle transportation or rail transportation of food, food additives,
22 drugs, devices, or cosmetics, if such tank truck, rail tank car, or cargo tank is used to transport a
23 nonfood product (other than any nonfood product which is included on a list published under
24 subsection (b)).

25 b) List of Acceptable Non-Food Products – The Secretary, in consultation with the
26 Secretary of Agriculture, the Secretary of Health, and the Director General of the Food and Drug
27 Administration, shall publish in the National Register a list of nonfood products which the
28 Secretary has determined do not make food, food additives, drugs, devices, or cosmetics unsafe
29 to the health of humans or animals as a result of transportation in a tank truck, rail tank car, or
30 cargo tank which is used to transport food, food additives, drugs, devices, or cosmetics. The
31 Secretary may periodically amend such list by publication in the National Register.

32 c) Identification – The regulations issued under section 4(a)(1) shall, at a minimum,
33 provide that—

1) no person shall use, offer for use, or arrange for the use of a tank truck or a cargo tank to provide motor vehicle transportation of only food, food additives, drugs, devices, or cosmetics or nonfood products which are included on the list published under subsection (b) unless such tank truck or cargo tank is identified, by a permanent marking on such tank truck or cargo tank, as transporting such food, food additives, drugs, devices, or cosmetics or nonfood products;

2) no person shall use, offer for use, or arrange for the use of a tank truck or a cargo tank to provide motor vehicle transportation of a nonfood product which is not included on the list published under subsection (b) if such tank truck or cargo tank is identified pursuant to paragraph (1) as a tank truck or cargo tank transporting only food, food additives, drugs, devices, or cosmetics and nonfood products included on such a list; and

3) no person shall receive, except for lawful disposal purposes, any food, food additive, drug, device, or cosmetic or nonfood product which has been transported in a tank truck or cargo tank in violation of paragraph (1) or (2).

d) Disclosure – Any person who arranges for the use of a tank truck or a cargo tank used in motor vehicle transportation for the transportation of a food, food additive, drug, device, or cosmetic or nonfood product shall in making such arrangement disclose to the motor carrier or other appropriate person if the food, food additive, drug, device, or cosmetic or nonfood product being transported is to be used—

1) as, or in the preparation of, a food or food additive, or

2) as a nonfood product which is included in the list published under subsection (b).

SEC. 6. Motor and Rail Transportation of Non-Food Products. –

a) Prohibition – At a minimum, the regulations issued under section 4(a)(1) shall prohibit any person from using, offering for use, or arranging for the use of a motor vehicle or a rail vehicle, other than a tank truck, rail tank car, or cargo tank described in section 5, to provide transportation of food, food additives, drugs, devices, or cosmetics, if such vehicle is used to transport nonfood products included on a list published under subsection (b).

b) List of Unacceptable Food Products –

1) Publication - The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and Director General of the Food and Drug Administration, shall publish in the National Register a list of nonfood products which the Secretary has determined would make food, food additives,

1 drugs, devices, or cosmetics unsafe to the health of humans or animals as a result
2 of transportation in a motor vehicle or rail vehicle which is used to transport food,
3 food additives, drugs, devices, or cosmetics. The Secretary may periodically
4 amend the list by publication in the National Register.

5 2) The list published under paragraph (1) shall not include cardboard, pallets,
6 beverage containers, and other food packaging except to the extent the Secretary
7 determines that the transportation of cardboard, pallets, beverage containers, or
8 other food packaging in a motor vehicle or rail vehicle which is used to transport
9 food, food additives, drugs, devices, or cosmetics would make the food, food
10 additives, drugs, devices, or cosmetics unsafe to the health of humans or animals.

11 **SEC. 7. *Dedicated Vehicles.*** – At a minimum, the regulations issued under section 4(a)(1) shall
12 prohibit any person from using, offering for use, or arranging for the use of a motor vehicle or rail vehicle
13 to provide transportation of asbestos, in forms or quantities determined by the Secretary to be necessary,
14 or of products which present an extreme danger to human or animal health, despite any decontamination,
15 removal, disposal, packaging, or other isolation procedures, unless such motor vehicle or rail vehicle is
16 used only to provide transportation of one or more of the following: asbestos, such extremely dangerous
17 products, refuse. The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health,
18 and the Director General of the Food and Drug Administration, shall publish in the National Register a
19 list of the products covered by this section. The Secretary may periodically amend such list by publication
20 in the National Register.

21
22 **SEC. 8. *Waiver Authority.*** – The Secretary, in consultation with the Secretary of Agriculture, the
23 Secretary of Health, and the Director General of Food and Drug Administration, may waive, in whole or
24 in part, application of any provision of this Act or any regulations issued under this Act with respect to
25 any class of persons, class of motor vehicles, class of rail vehicles, class of food, food additives, drugs,
26 devices, or cosmetics, class of refuse, or class of nonfood products, if the Secretary determines that such
27 waiver would not result in transportation of food, food additives, drugs, devices, or cosmetics that would
28 be unsafe to human or animal health and otherwise is not contrary to the public interest and this Act. Any
29 waiver under this section shall be published in the National Register, together with the reasons for such
30 waiver.

31
32 **SEC. 9. *Food Transportation Inspections.***

33
34 a) **Inspection Authority** – With respect to commercial motor vehicles, the Secretary may
35 carry out the requirements of this Act and assist in carrying out compatible laws and regulations,
36 including that of local governments through means that include inspections conducted by
37 government authorities to carry out the provisions of this Act.

38
39 b) **Assistance of other agencies** – Upon request by the Secretary, the Secretary of
40 Agriculture, the Secretary of Health, and the Director General of the Food and Drug
41 Administration, and the heads of other appropriate government agencies shall provide assistance,

1 to the extent such assistance is available, to the Secretary for the purpose of carrying out this Act,
2 including assistance in the training of personnel under a program established under subsection
3 (c).
4

5 c) **Training Program** – The Secretary, in consultation with the Secretary of Agriculture,
6 the Secretary of Health, the Director General of Food and Drug Administration, and the heads of
7 appropriate government agencies, shall develop and carry out a training program for inspectors
8 to conduct vigorous enforcement of this Act and regulations issued under this Act or compatible
9 laws and regulations. As part of such training program, the inspectors, including local government
10 inspectors or personnel, shall be trained in the recognition of adulteration problems associated
11 with the transportation of food, food additives, drugs, devices, and cosmetics and in the
12 procedures for securing the assistance of the appropriate Federal and State agencies to support
13 such enforcement.
14

15 **SEC. 10. Penalties.** –
16

17 a) **Violations, Penalties** – Civil and criminal violations of regulations or orders issued
18 under this Act shall be determined, and civil and criminal penalties for such violations shall be
19 imposed, in the same manner and to the same extent that violations are determined and penalties
20 are imposed under section 38 of the Food Safety Act of 2013 (R.A. 10611)
21

22 **SEC. 11. Coordination Procedures.** – Not later than 1 year after the date of enactment of this
23 Act, the Secretary, after consultation with appropriate local government authorities, shall establish
24 procedures to promote effective more effective coordination between the government agencies and the
25 local government units with respect to the implementation of this Act.
26

27 **SEC. 12. Unsatisfactory Safety Ratings.** –
28

29 a) **Prohibition on Transportation** – If a motor carrier receives a safety rating from the
30 Secretary which is unsatisfactory, such motor carrier shall have 45 days to take such action as
31 may be necessary to improve such safety rating to conditional or satisfactory. After the last day
32 of such 45-day period, if such motor carrier has not received a safety rating from the Secretary
33 which is conditional or satisfactory, such motor carrier shall not operate a commercial motor
34 vehicle until such motor carrier has received such a safety rating from the Secretary.
35

36 b) **Review of Rating**– If a motor carrier who has received an unsatisfactory safety rating
37 from the Secretary requests the Secretary to review the conditions and other factors which resulted
38 in such motor carrier receiving the unsatisfactory safety rating, the Secretary shall conduct such
39 review within 30 days after the date of such request.
40

41 c) **Procedures to Ensure Timely Correction of Safety Violations**—
42

1 1) Issuance of Final Rule – The Secretary shall, within 6 months after the date of
2 enactment of this Act, issue a final rule establishing procedures to ensure the
3 proper and timely correction of commercial motor vehicle safety violations noted
4 during inspections.

5
6 2) Verification Program – Such final rule shall establish a verification program for
7 inspectors participating in the motor carrier safety program to ensure that
8 commercial motor vehicles and operators thereof found in violation of safety
9 requirements have subsequently been brought into compliance with such safety
10 requirements. The final rule shall, among other things, institute—

11
12 A) a nationwide system for random reinspection of the commercial motor
13 vehicles and operators thereof that have been declared out-of-service as a
14 result of such safety violations, the main purpose of which system shall be
15 to verify that the violations have been corrected on a timely basis;

16
17 B) a program of accountability for correcting all safety violations, which
18 shall provide that—

19
20 i) the operator of a commercial motor vehicle for which a safety
21 violation has been noted shall be issued a form prescribed by the
22 Secretary;

23
24 ii) the making of the repairs necessary to correct such violation and
25 the date, location, and time of such repairs shall be certified on such
26 form by the person making such repairs;

27
28 iii) the motor carrier responsible for such commercial motor vehicle
29 or operator shall certify on such form that, based on the knowledge
30 of the carrier, the repairs necessary to correct such violation have
31 been made; and

32
33 iv) appropriate penalties shall be assessed for false statements on
34 such forms or for failure to return such forms to the appropriate
35 authorities; and

36
37 C) a system for ensuring that appropriate penalties are assessed for failure
38 to correct any such safety violation.

39
40 **SEC. 13. Implementing Rules and Regulations.** – The DOTr shall promulgate the rules and
41 regulations necessary for the successful implementation the provisions of this Act.
42

1 **SEC. 13. *Separability Clause.*** – If any provision, section or part of this Act shall be declared
2 unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other provisions,
3 sections or parts thereof.

4
5 **SEC. 14. *Appropriations.*** – The amount necessary for the implementation of this Act shall be
6 included in the budget of the Department of Transportation in the annual General Appropriations Act.

7
8 **SEC. 15. *Effectivity.*** – This Act shall take effect immediately after its publication in the Official
9 Gazette or in a newspaper of general circulation.

Approved,