

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10300



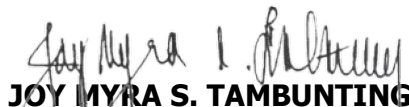
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

BPA, or bisphenol A, an industrial chemical that has been long used to make certain plastics and resins. It is commonly found in polycarbonate plastics and epoxy resins. It is a substance of very high concern which some studies suggest may interfere with normal endocrine function and with normal reproduction. Research have further found that BPA in food containers or packaging can seep into food or beverages, exposing consumers to chemicals which may brain and prostate gland of fetuses, infants, and children. Per- and polyfluoroalkyl substances (PFAS), similar to BPA, are chemicals which can be found in many consumer products like cookware, food packaging, and stain repellants. Exposure to PFAs is larger in scale than that of BPA. Aside from the exposure from the food packaging containers, PFAs can also contaminate soil and water used to grow food, and the equipment that used PFAs during food processing.

Considering the possible risks to the health of infant and children, this measure seeks to protect them by regulating the use of BPA and PFAs in baby food packaging and containers and other child care articles.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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HOUSE BILL NO. **10300**

Introduced by **HON. JOY MYRA S. TAMBUNTING**

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

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

Section 1. *Short title.* – This Act shall be known as the “BPA and PFAS in Child Care Articles Prohibition Act.”

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

Sec. 3. *Definitions.* – As used in this Act, the following terms shall mean:

- a) Baby Food – prepared food consisting of soft paste or an easily chewed food that is intended for consumption by infants and children ages three (3) years old and below.
- b) BPA or Bisphenol A – an industrial chemical compound C₁₅H₁₆O₂ that is a component especially of hard plastics (such as polycarbonate) and epoxy resins.
- c) Baby Food or Beverage Container – a receptacle for storing baby food or beverages, including baby bottles and spill proof cups. It may be reusable or disposable once used.
- d) Child Care Article – a consumer product designed or intended by a manufacturer for the feeding of children, to facilitate sleep or to help children with sucking or teething. This includes baby food packaging, containers and other baby products.
- e) Codex Alimentarius – Also known as “Food Code”, it is a collection of international standards, guidelines, and codes of practice to protect the health of consumers, harmonize national food safety regulations, and ensure fair practices in the food trade.
- f) Infant Formula – breast milk substitutes formulated industrially in accordance with applicable Codex Alimentarius standards to satisfy the normal nutritional requirements of infants between four (4) to six (6) months of age adapted to their physiological characteristics. It may be a milk-based or soy-based powder, concentrated liquid or ready-to-feed substitute for human breast milk, that is intended for infant consumption.
- g) Per- and Polyfluoroalkyl Substances or PFAS – group of man-made chemicals that includes Perfluorooctanoic Acid (PFOA), Perfluorooctane sulfonic add (PFOS), GenX - a synthetic,

short-chain organofluorine chemical compound, and many other chemicals which are used in food packaging, commercial household products, drinking water, industrial facilities and living organisms.

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

- a) Any baby food or beverage packaging, container, or child care article containing BPA or PFAS; and
- b) Any infant formula or baby food stored in packaging, container, or child care article containing BPA or PFAS.

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

Sec. 6. *Public Information on BPA.* – The Department of Trade and Industry (DTI), in coordination with the Department of Health (DOH), and the Philippine Information Agency (PIA), shall develop a public information and communication campaign about BPA, PFAS and other harmful and toxic chemicals found in child care articles and other baby products.

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

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

In case the offender is a juridical person, the President, Secretary, Treasurer, and such other officers or persons responsible for the offense, shall be liable for the penalty of imprisonment. If the seller, distributor or manufacturer of the injurious baby food or beverage packaging, container, or child care article containing BPA or PFAS is a foreigner, he shall be deported after service of sentence and payment of fine without further deportation proceedings.

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

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

Sec. 10. Separability Clause. – Should any provision or part of this Act be declared unconstitutional or invalid, the other provisions and parts hereof, insofar as they are separable from the invalid ones, shall remain in full force and effect.

Sec. 11. Repealing Clause. – All laws, decrees, orders, issuances, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 12. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* and in at least two (2) newspapers of general circulation.

Approved,