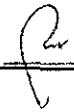


'11 MAY -9 P1:59

Senate Bill No. 2805

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

Food-borne illness is a major health problem in the country, and is a leading cause of diarrhea. For the past 20 years, diarrhoeal disease ranked as the number one cause of morbidity in the Philippines, and is among the top ten causes of death. The World Health Organization estimates that diarrhea kills around 10,000 Filipino children every year.

The globalization of food production has made the task of keeping food safe for consumption even more difficult. The transfer of raw and processed food from one jurisdiction to another has also facilitated the transfer of pathogens, harmful chemicals, and residues of antibiotics or pesticides contained in food, among others.

These factors call for a sound food regulatory system in the Philippines. Our current system is far from ideal: regulatory agencies have ill-defined mandates, which has led to over-extension and duplication of services, as well as gaps in regulation. There is also a problem with overlapping jurisdictions over specific functions and areas among local government units and various government agencies and departments. We lack a mechanism for coordination between the regulatory agencies, which could clarify the mandate of each and allow them to use their resources more effectively and efficiently.

This bill provides for a comprehensive food safety regulation system in the Philippines, and outlines the responsibilities of food business operators and all the government agencies involved. It creates a Food Safety Regulation Coordinating Board which will ensure a coordinated approach to food safety regulation, and oversee the overall effectiveness of the system and of the research and training programs for food safety.

It mandates the training of all stakeholders, including farmers, fisherfolk, small and medium scale food business operators, in understanding food safety requirements and regulations.

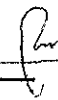
Lastly, the bill also establishes a Rapid Alert System and emergency measures in cases of direct or indirect risk to human health due to food.

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


EDGARDO J. ANGARA

'11 MAY -9 P1:59

Senate Bill No. 2805

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

**AN ACT TO STRENGTHEN THE FOOD SAFETY REGULATORY
SYSTEM IN THE COUNTRY TO PROTECT CONSUMER HEALTH AND
FACILITATE MARKET ACCESS OF LOCAL FOODS AND FOOD
PRODUCTS, AND FOR OTHER PURPOSES.**

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

ARTICLE I

Title, Declaration of Policy and Objectives

1 SECTION 1. **Title.**- This Act shall be known as the “*Food Safety Act of 2011.*”

2
3 SECTION 2. **Declaration of Policy.**- It is the policy of the State to develop and
4 maintain a food safety regulatory system that will ensure the highest level of
5 protection of human health in the consumption of food, fair practices in the food
6 trade and market access of local foods and food products.

7
8 SECTION 3. **Objectives.**- The objective of this Act is to strengthen the food safety
9 regulatory system in the country by delineating the mandates and responsibilities
10 of government agencies involved, providing a mechanism for coordination and
11 accountability in the implementation of regulatory functions, establishing policies
12 and programs for addressing food safety hazards, developing appropriate
13 standards and control measures, strengthening the scientific basis of the
14 regulatory system, and upgrading the capability of farmers, fisherfolk, industries,
15 consumers and government personnel to play their roles in ensuring food safety.

16
17 **ARTICLE II**

18 **Definition of Terms**

19
20 SECTION 4. **Definition of Terms.**- With regards to this Act, the following key
21 definitions are given:

- 22
23 (a) “*Contaminants*” refers to any substance not intentionally added to food
24 which is present in such food as a result of the production (including
25 operations carried out in crop husbandry, animal husbandry and veterinary
26 medicine) manufacturing, processing, preparation, treatment, packing,
27 packaging, transport or holding of such food as a result of environmental

1 contamination. The item does not include insect fragments, rodent hairs and
2 other extraneous matter.

3

4 (b) “*Control Measure*” refers to any action and activity that can be used to
5 prevent or eliminate a food safety hazard or to reduce it to an acceptable
6 level.

7

8

9 (c) “*Food*” refers to any substance or product whether processed, partially
10 processed or unprocessed reasonably expected to be ingested by humans.

11 “*Food*” includes drinks, chewing gum and water which is intentionally
12 incorporated into the food during its manufacture, preparation and treatment.

13 “*Food*” shall not include feeds, live animals unless they are prepared for
14 placing in the market for human consumption, plants prior to their
15 harvesting, medicinal products, cosmetics, tobacco and tobacco products,
16 narcotics or psychotropic substances

17

18 (d) “*Feed*” refers to any substance or product including additives, intended to
19 be used for oral feeding to animals.

20

21 (e) “*Food Business*” refers to any undertaking whether public or private
22 carrying out any of the activities related to or at any of the stages of the
23 food supply chain.

24

25 (f) “*Food Business Operator*” refers to the person responsible for ensuring
26 that the requirements of food law are met within the food business under
27 his/her control.

28

29 (g) “*Food Hygiene*” (hereinafter called Hygiene) refers to the measures and
30 conditions necessary to control hazards that create food safety risks and to
31 ensure fitness for human consumption of a food of plant or animal origin
32 taking into account its intended use.

33

34 (h) “*Food Law*” refers to the laws, regulations and administrative provisions
35 governing food in general and food safety in particular. They cover any
36 stage of production, processing and distribution of food and its preparation
37 for human consumption.

38

39 (i) “*Food Safety*” refers to the assurance that food will not cause harm to the
40 consumer when it is prepared and/or eaten according to its intended use.

41

42 (j) “*Food Safety Regulatory System*” refers to the combination of regulations,
43 food safety standards, inspection, testing, data collection and surveillance
44 carried out by each of the three government agencies in the implementation
45 of their responsibilities for the control of food safety risks in the food
46 supply chain.

47

48 (k) “*Food Supply Chain*” refers to all stages in the production of food from
49 primary production, postharvest handling, distribution, processing and
50 preparation for human consumption. Primary production includes farming
51 of plants and live animals, aquaculture production of seafoods, and the
52 “catching” of marine fishes at sea. Postharvest handling includes minimal

1 transformation of plant and animal foods after primary production such as
2 removal of field heat for fruits, slaughter of animals, sorting and grading,
3 icing and freezing, and the milling of grain. Distribution includes transport
4 and storage. Processing involves extensive transformation of food as
5 canning, manufacture of juices, dehydration, and the packaging of products.
6 Preparation is the cooking or other preparations to which food is subject
7 prior to its consumption.
8

- 9 (l) "*Hazard Analyses at Critical Control Points (or HACCP)*" refers to the
10 scientific and systematic method of ensuring food safety by identifying and
11 assessing potential risks critical to food safety existing at points during a
12 given stage in the food supply chain, such as points in the processing of a
13 food. It also pertains to methods of establishing permanent control methods
14 at such points. These points are known as critical control points. They are
15 points in any of the stages in the food chain (raw materials, location,
16 process, recipe of the food, transportation etc.) which should be controlled
17 to eliminate or reduce risks to an acceptable level.
18
- 19 (m) "*Hazard*" refers to a biological, chemical or physical agent in a food
20 with a potential to cause an adverse effect on health.
21
- 22 (n) "*Inspection*" refers to the examination of facilities of food business or
23 establishment and their management and production systems. This also
24 deals with: examination of these entities' documents, finished product
25 testing and feeding practices (for animal foods), and of the origin and
26 destination of production inputs and outputs. This is in order to verify
27 compliance with legal requirements in all cases.
28
- 29 (o) "*Micro, Small, Medium and Large Scale Industries*" refers to a
30 classification of industries of the Department of Trade and Industry.
31
- 32 (p) "*National Codex Organization*" refers to the organization created by a
33 Joint Department Order, Department of Agriculture Administrative Order
34 No 01 Series of 2008 and Department of Health, Administrative Order No
35 2008-0030. It establishes the policies and procedures, and defines the
36 objectives to be reached in country participation at the Codex Alimentarius
37 Commission. The latter is an organization under the aegis of the Food and
38 Agriculture Organization and the World Health Organization that develops
39 and adopts science-based food safety standards, codes of practice and other
40 texts, for the protection of consumer health and fair trade.
41
- 42 (q) "*Official Control*" refers to all types of control made by the regulatory
43 agency to verify compliance with standards, operating procedures, practices
44 and other requirements.
45
- 46 (r) "*Primary Production*" refers to the production, rearing or growing of
47 primary products including harvesting, milking and farmed animal
48 production prior to slaughter; and the rearing and growing of fish and other
49 seafoods in aquaculture ponds. It also includes fishing, and the hunting and
50 catching of wild products.
51

- 1 (s) "*Processing*" refers to any action that substantially alters the initial product
2 including heating, smoking, curing, maturing, drying, marinating,
3 extraction, extrusion and a combination of those processes.
4
- 5 (t) "*Risk*" refers to the likelihood of an adverse health effect and the severity
6 of this effect following exposure to a hazard
7
- 8 (u) "*Risk Analysis*" refers to a process consisting of three interrelated
9 components: risk assessment, risk management and risk communication.
10
- 11 (v) "*Risk Assessment*" refers to the scientific evaluation of known or potential
12 adverse health effects resulting from human exposure to food-borne
13 hazards. The scientific process consists of four phases, namely: hazard
14 identification, hazard characterization, exposure assessment and risk
15 characterization. It includes quantitative risk assessment, which emphasizes
16 reliance on numerical expressions of risk, and also qualitative expressions
17 of risks, as well as an indication of the attendant uncertainties.
18
- 19 (w) "*Risk Management*" refers to the process, distinct from risk
20 assessment, consisting of weighing policy alternatives to accept, minimize
21 or reduce assessed risks and if necessary, to select and implement
22 appropriate prevention and control measures. It is carried out in
23 consultation with interested parties, considering the results of risk
24 assessment and other possible factors.
25
- 26 (x) "*Risk Communication*" refers to the interactive exchange of information
27 and opinions during the course of risk analysis, on the hazards and risks;
28 among risk assessors and risk managers, consumers, food and feed business
29 operators, academia and other stakeholders including explaining the results
30 of risk assessment and risk management decisions and databases.
31
- 32 (y) "*Regulatory Agency*" refers to a particular agency in the Department of
33 Health or the Department of Agriculture in the Philippines, responsible for
34 verifying compliance with official measures for the control of food safety
35 risks, and for compliance with the requirements of this Act. It is also any
36 other agency to which specific powers have been assigned or delegated by
37 the regulatory agency to carry out the above tasks.
38
- 39 (z) "*Safe for Human Consumption*", in relation to food, means it has been
40 produced by applying all food safety requirements appropriate to its
41 intended use; it meets criteria for product performance and process arrived
42 at from an analysis of risks for specified hazards; it does not contain
43 hazards at levels that are harmful to human health as defined by national
44 regulations or international standards when national standards do not exist.
45
- 46 (aa) "*Traceability*" refers to the ability to trace and follow a food, feed, a food
47 producing animal or any substance intended to be or expected to be
48 incorporated into a food or feed through all stages of its production,
49 processing and distribution.
50

51 **ARTICLE III**
52 **Basic Principles of Food Safety**

1
2 SECTION 5. *Food Safety Requirements*- To ensure food safety, food should not
3 be placed in the market if it is unsafe. Food safety requirements shall also be
4 guided by the following principles:
5

6 (a) Food shall be deemed unsafe if it is determined to be injurious to health and
7 unfit for human consumption
8

9 (b) In determining whether food is unsafe, regard shall be given to the
10 following:
11

- 12 1. The normal conditions of use of the food by the consumer.
- 13 2. The normal conditions maintained at each stage of
- 14 production, processing and distribution.
- 15 3. The health of plants and animals from where the food is
- 16 derived.
- 17 4. The effect of feeds, crop protection chemicals and other
- 18 production inputs on otherwise healthy plants and animals.
- 19 5. To the information provided to the consumer. This includes
- 20 the information provided on the label or any information
- 21 generally available to the consumer. This should aid
- 22 consumers avoiding specific health effects from a particular
- 23 food or category of foods.
24

25
26 (c) In determining whether any food is injurious to health, regard shall be
27 given to the following:
28

- 29 1. The probable immediate, short term or long term effects on
- 30 subsequent generations, of that food on health.
- 31 2. The probable cumulative effects.
- 32 3. The particular health sensitivities of a specific category of
- 33 consumers where the food is intended for that category.
34

35 (d) In determining whether any food is unfit for human consumption, regard
36 shall be given to determining unacceptability of the food according to its
37 intended use due to contamination by extraneous matter, or through
38 putrefaction, deterioration or decay.
39

40 (e) Where unsafe food is part of a batch, lot or consignment of food of the
41 same class or description, it shall be presumed that all food in that batch, lot
42 or consignment is also unsafe
43

44 (f) Food that complies with specific national provisions governing food safety
45 shall be deemed safe in so far as the aspects covered by national law and
46 regulations are concerned.
47

48 (g) Compliance of a food product with specific provisions applicable to that
49 food shall not prejudice the competent authorities to take appropriate
50 measures to impose restrictions on entry into the market or to require its
51 withdrawal from the market, where there is reason to suspect and the food
52 product shows, food safety related risks.

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ARTICLE IV
General Principles

SECTION 6. *Food Law Objectives*- Food law shall aim for a high level of protection of human life and health in the consumption of food. It shall also aim for the protection of consumer interests through fair practices in the food trade.

SECTION 7. *Use of Science and Risk Analysis*- the following principles shall serve as basis for the use of science and risk analysis:

(a) The development of food legislation and standards and the conduct of inspection and other activities shall be based on the analysis of risk, except where this approach is not feasible due to circumstances, or due to the nature of the control measure.

(b) Risk assessment shall be based on sound scientific evidence and shall be undertaken in an independent, objective and transparent manner. Scientific information as obtained from scientific literature, epidemiological and surveillance studies, other data that supports the risk assessment shall be used.

(c) Risk management shall take into account the results of risk assessment relevant to local conditions, potential for enforcement, costs of compliance and others as relevant to the situation.

(d) Risk communication shall be carried out between risk assessors and risk managers in a transparent manner. Food safety risks shall also be communicated to farmers, fisherfolk and food business operators to encourage compliance with the implementation of control measures; and to relevant sectors of society affected by the law or the risks addressed, in order to strengthen confidence in its provisions.

(e) Food business operators are encouraged to implement a HACCP-based system for food safety assurance in their operations. Training on hazard analysis and the selection and management of critical control points shall be provided to industry and government by accredited HACCP trainers.

SECTION 8. *Protection of Consumer Interests*- Consumer interest shall be a vital consideration in food safety, *thus*:

(a) Food legislation shall aim at the protection of consumer's interests by the prevention of fraudulent practices, and practices which mislead the consumer.

(b) The labelling, advertising and presentation of food, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged, the setting in which they are displayed, and the product description, information which is made available about them through whatever medium, shall not mislead consumers. Where relevant, the presentation of goods shall provide consumers a basis to make informed choices in relation to the food they purchase.

1
2 SECTION 9. *Use of International Standards*- When international standards exist
3 these shall be taken into consideration for adoption into food law in accordance
4 with the following policies:

- 5
6 (a) The standards of the Codex Alimentarius Commission shall be adopted into
7 national laws; except when these are in conflict with what is necessary to
8 protect consumers and scientific justification exists for the action taken.
9
10 (b) A body jointly organized by the DA and the DOH shall establish the
11 policies and procedures for country participation in the standards making
12 processes of the Codex Alimentarius Commission and the incorporation of
13 Codex standards into national regulations. The current National Codex
14 Organization with its Terms of Reference and Manual of Operations is
15 herein designated as this body.
16
17 (c) Participation at Codex shall be in accordance with the principles of this Act
18 and shall be financially supported by the government.
19

20 SECTION 10. *Precaution* - In specific circumstances when the available relevant
21 information for use in risk assessment is insufficient to show that a food does not
22 pose a risk to consumer health, precautionary measures shall be adopted. When
23 such precautionary measures are issued, the following rules shall govern:
24
25

- 26 (a) The adopted measure shall remain enforced pending the submission of
27 additional information for a more objective assessment of risk and after a
28 review of the measure over a reasonable period of time depending on the
29 nature of the risk and the type of scientific information needed to clarify the
30 scientific uncertainty.
31
32 (b) The measure shall be no more restrictive to trade than required and should
33 be proportionate to the level of protection required for consumers.
34

35 SECTION 11. *Transparency* - The implementing agencies shall utilize public
36 consultation and public information dissemination to ensure transparency in the
37 regulation of food.
38

- 39 (a) Public consultation - Public consultation during the preparation, evaluation
40 and revision of food legislation, shall be open, transparent and direct or
41 through representative bodies unless the urgency of the problem does not
42 allow it.
43
44 (b) Public information - In case of suspicion that food may pose a risk to
45 human health, regulatory authorities shall take appropriate steps to inform
46 the general public about the nature of the risk to health, the affected foods,
47 types of food and the necessary measures to prevent, reduce or eliminate
48 the risk
49

50 SECTION 12. *Application to Trade* - The provisions of this Act shall apply to
51 foods and food products produced, processed, distributed and prepared for the

1 domestic and export markets. Imported food must also be in compliance with this
2 Act and with international agreements to which the Philippines is party.

3
4
5
6 **ARTICLE V**
7 **Responsibilities for Food Safety**
8

9 **SECTION 13. *Principal Responsibility of Food Business Operators*** - Food
10 business operators at all stages of production, processing and distribution shall
11 ensure that food satisfies the requirements of food law relevant to their activities in
12 the food supply chain and shall verify that such requirements are met.

13
14 **SECTION 14. *Specific Responsibilities of Food Business Operators***- Food
15 business operators shall have the following responsibilities under this Act:

16
17 (a) Food business operators shall be knowledgeable of the specific
18 requirements of food law relevant to their activities in the food supply chain
19 and the activities of the government agencies that implement it. They shall
20 adopt and apply and be well informed of codes and principles for good
21 practice. Farmers and fisherfolk and micro and small industries shall be
22 assisted to adopt these in their operations.

23
24 (b) If a food business operator considers or has reason to believe that a food
25 which it produced, processed, distributed or imported is not safe or not in
26 compliance with food safety requirements, it shall immediately initiate
27 procedures to withdraw the food in question from the market and inform
28 the regulatory authority.

29 (c) Food business operators shall collaborate with the regulatory authorities on
30 action taken to avoid or reduce risks posed by a food which they supply or
31 have supplied.

32
33 (d) Where the product may have reached the consumer, the operator shall
34 effectively and accurately inform the consumers of the reason for the
35 withdrawal, and if necessary, recall from consumers products already
36 supplied to them when other measures are not sufficient to achieve a high
37 level of health protection.

38
39 **SECTION 15. *Principal Responsibilities of Government Agencies*** – Under this
40 Act, government agencies shall have the following responsibilities:

41
42 (a) The Department of Agriculture (DA), Department of Health (DOH) shall be
43 responsible for food safety in specified stages of the food supply chain, the
44 DA in the primary production and postharvest stages, the DOH in the
45 processing and packaging stages. The DILG shall supervise the Local
46 Government Units' (LGU) enforcement of food safety and sanitary rules
47 and regulations as well as the latter's inspection and compliance monitoring
48 of business establishments and facilities within its territorial jurisdiction
49 engaged in all stages of the food supply chain. It shall be jointly responsible
50 with LGU's for the safety of food produced, processed and distributed
51 within the municipalities, including restaurants and other food service
52 establishments and street vended foods.

- 1
2 (b) The DA and the DOH shall be responsible for the establishment of policies
3 and of food safety standards. In carrying out this mandate, they shall
4 coordinate with the DILG, conduct surveillance for biological, chemical
5 and physical contaminants, epidemiological studies on food borne-illness
6 and other research activities. The data from these activities will be used for
7 evaluating the nature and sources of food safety hazards in the food supply
8 chain and the analysis of risks due to these hazards.
9
- 10 (c) The DA, DOH and DILG shall verify through their relevant activities and
11 through the coordination of these activities within the FSRCB, that
12 appropriate control measures to conform with standards are enforced and
13 that all laws, standards and regulations are implemented by food business
14 operators, farmers and fisherfolks. For this purpose, the DA and the DOH
15 in compliance with their responsibilities for food safety in the food supply
16 chain shall provide training programs to food control officials of the DILG
17 and LGU's and audit through the DILG, the effectivity of training programs
18 and control measures implemented in the municipalities. A system of
19 official controls and other activities shall be maintained by each agency as
20 appropriate to the circumstances.
21
- 22 (d) Delegation of responsibilities for the performance of official controls can
23 be carried out. Provisions shall be made on the conditions under which this
24 shall take place.
25
- 26 (e) The DA and the DOH shall provide technical support to the DILG in the
27 training of manpower, on the enforcement of food safety regulations,
28 testing of product samples and others. They shall ensure through relevant
29 procedures that the DILG participates in national projects and activities on
30 food safety including those of the National Codex Organization
31

32 SECTION 16. *Specific Responsibilities of the Department of Agriculture (DA)*-
33 The Department of Agriculture shall have the following responsibilities:
34

- 35 (a) The DA shall be responsible for the development of standards and the
36 enforcement of standards and food safety regulations at the primary
37 production and postharvest handling stages of the food supply chain and of
38 the foods and food products locally produced or imported in this category.
39 Changes to this provision shall be made through the Food Safety
40 Regulation Coordinating Board (FSRCB) under Article VI of this Act.
41
- 42 (b) The primary production activities in the food supply chain as defined in this
43 Act includes among others, the farming of plants and live animals for food
44 (including its milk and eggs), farming of seafoods and the catching of
45 fishes and marine products at sea. The postharvest handling activities
46 includes but is not limited to animal slaughter and its processes, grain
47 milling and its processes, freezing and its processes; and simpler activities
48 as washing, sorting, icing and cutting of fresh plant and animal foods.
49
- 50 (c) The DA shall ensure through relevant activities and through the
51 coordination of these activities with the DOH and the DILG that the

1 standards and regulations enforced shall include but will not be limited to
2 the following :

- 3
- 4 1. The health of animals used for food.
- 5 2. The safety of the water supply in agricultural farms, aquaculture
6 farms and bodies of water where fish and marine products are
7 caught.
- 8 3. The safety of feed ingredients and feeds for animals used for food.
- 9 4. The safe use of allowed agricultural chemicals and other production
10 inputs.
- 11 5. Sanitation in production and postharvest handling facilities such as
12 facilities for dehusking, deshelling, drying of palm fruit, packing
13 houses for fruits and vegetables, animal houses, holding and
14 fattening pens, vapour heat treatment plants for fruits , grains and
15 other food warehouses, ships, fish ports, trading posts,
16 slaughterhouses and similar facilities.
- 17 6. Maximum allowed levels of contaminants as residues of pesticides
18 and of veterinary drugs in plant and animal foods, pathogenic
19 microorganisms, fungal toxins in grains and other foods and other
20 hazards in the production and post harvest handling stages of the
21 food supply chain .
- 22 7. Procedures for traceability.
- 23 8. Other components of good agricultural, animal husbandry,
24 aquaculture and manufacturing practices.
- 25

26 Specifically, the DA shall monitor and verify that the relevant
27 requirements of the law are fulfilled by farmers and fisherfolk and food
28 business operators of domestically produced and imported foods in this
29 category.

- 30
- 31 (d) The DA shall carry out surveillance studies for contaminants in plant and
32 animal foods and in the environment in coordination with other government
33 departments through the FSRCB.
- 34
- 35 (e) The DA Secretary shall designate the food safety regulatory agencies that
36 will be responsible for food safety regulatory functions at the DA and
37 clearly describe their mandates. The current regulatory agencies of the DA
38 are the following: the Bureau of Animal Industry (BAI, for live animals),
39 the National Meat Inspection Service (NMIS, for the safety of meats), the
40 Bureau of Fisheries and Aquatic Resources (BFAR, for the safety of
41 fisheries and aquaculture products particularly those exported to the EU),
42 the Bureau of Plant Industry (BPI, for plant foods), the Fertilizer and
43 Pesticide Authority (FPA, for pesticides) the Philippine Coconut Authority
44 (PCA, for coconut), the Sugar Regulatory Commission (SRC, for sugar)
45 and the National Food Authority (NFA, for rice and corn).
- 46
- 47 (f) On an *interim basis*, the Office of the Undersecretary for Policy and
48 Planning Project Development and R&D shall exercise oversight of the
49 regulatory functions of agencies designated by the Secretary in section 16e
50 to undertake the regulation of food safety. It shall be provided with the
51 needed personnel and funds to carry out this task.
- 52

1 (g) On a permanent basis, the Office of the Undersecretary for Policy and
2 Planning, Project Development and R&D shall exercise supervision over
3 codex activities, the development of food safety standards, the management
4 of food testing laboratories and the implementation of research and training
5 activities in the production and postharvest portions of the food supply
6 chain, as designated in this Act. The Office shall be the Codex Contact
7 Point. It shall be provided with the needed functional divisions, experienced
8 manpower, incremental staffing and funds for the exercise of these
9 permanent functions.

10
11 (h) As it has several agencies with food safety regulatory mandates as well as
12 other related regulatory responsibilities (as plant health and animal
13 health), the DA shall create a permanent Undersecretary and Office for
14 Regulations to include Food Safety Regulation. The *interim* functions of the
15 Office of the Undersecretary for Policy and Planning, Project Development
16 and R&D under Sec.16 (f) shall be transferred to this Office as soon as it is
17 created. The new Office shall be strengthened with appropriate functional
18 divisions, incremental personnel and funds to carry out its task.

19
20 (i) The Bureau of Agriculture and Fisheries Product Standards (BAFPS) shall
21 establish food safety standards at the primary production and postharvest
22 stages of the food supply chain and the appropriate mechanisms for
23 carrying this out. BAFPS will be under the administrative supervision of
24 the Office of the Undersecretary for Policy and Planning, Project
25 Development and R&D.

26
27 (j) The Food Development Center shall be transferred from the National Food
28 Authority to the DA as the Food Safety and Quality Development Center
29 (FSQDC) under the Office of the Undersecretary for Policy and Planning,
30 Project Development and R&D. It shall supervise food safety testing
31 laboratories at the DA and manage the training and research programs of
32 the DA as indicated in Article IX.

33
34 (k) The FSQDC shall have the following other functions:

- 35
36 1. Conduct food testing for contaminants (chemical and
37 microbiological) as the official DA laboratory for contaminants
38 testing.
39 2. Identify, establish and verify food safety control measures as
40 delegated by the DA for which the DA has no agency with a food
41 safety regulatory mandate.
42 3. Conduct training for DA personnel and the industry on HACCP and
43 other training courses within its area of expertise. Develop new
44 training courses as required.
45 4. Provide other technical services to the DA and its food safety
46 regulatory agencies in the implementation of their food safety
47 mandates.

48 The FSQDC shall be under the supervision of the Office of the
49 Undersecretary for Policy and Planning, Project Development and R&D.

50
51 (l) The services of FSQDC to the DA and other clients shall be provided on a
52 fee for service basis in accordance with its current policies. The FSQDC

1 shall continue to provide all other technical services it currently provides to
2 the industry to ensure product quality and safety.

3
4 (m) The FSQDC shall be allowed to retain the fees collected from the
5 provision of services. This shall constitute a revolving fund that FSCDC
6 can use to defray its operating expenses. This is necessary as delays in the
7 release of budgetary allocations may not make it possible for the Center to
8 provide technical services efficiently and as planned. A revolving fund
9 from retained fees shall be created for this purpose.

10
11 (n) The FSQDC shall be strengthened in terms of establishing functional
12 divisions and incremental staffing to implement this mandate including
13 upgrading of equipment and facilities as provided for in DA programs. An
14 initial budget of One Hundred Fifteen Million Philippine Pesos (Php15,
15 000, 000.00) shall be appropriated for the initial year of implementation of
16 this Act. Thereafter such amount or as may be necessary for the continuous
17 operation of the FSQDC shall be included in the General Appropriations
18 Act. The assets and facilities of the FSQDC shall be transferred to the DA.

19
20 SECTION 17. *Specific Responsibilities of the Department of Health (DOH)* -
21 The Department of Health shall have the following responsibilities:

22
23 (a) The DOH shall be responsible for the development of standards and the
24 enforcement of standards and the implementation of food safety
25 regulations at the processing and product packaging stages of the of the
26 food supply chain and of the foods and food products locally produced or
27 imported in this category. Changes to this provision shall be made through
28 the Food Safety Regulation Coordinating Board under Article VI of this
29 Act.

30
31 (b) The activities in the processing and product packaging stages of the food
32 supply chain as defined in this Act includes among others, the application
33 of pre-processing and processing techniques on plant and animal foods
34 that substantially changes the form and quality of the plant or animal used
35 as raw material. Products in this category are sold in packaged form
36 directly to the consumer, are processed before or after packaging to obtain
37 the quality and stability desired and are labelled to provide appropriate
38 information regarding the product, to the consumer.

39
40 (c) It shall ensure through relevant activities and through the coordination of
41 these activities with the DA and DILG through the FSRCB, that standards
42 and regulations in food law at the processing and pre-packaging stages of
43 the food supply chain, are enforced. This shall include but will not be
44 limited to standards for the following:

- 45
46 1. Good Hygienic and Manufacturing Practices,
47 2. Traceability,
48 3. Safety of ingredients and packaging materials ,
49 4. Adequacy of thermal and non-thermal processing procedures,
50 5. Safety of functional foods and nutraceuticals,
51 6. Safe use of allowed food additives and processing aids,
52 7. Absence of unallowed chemicals and biological contaminants,

- 1 8. Maximum levels of unavoidable chemical and biological
- 2 contaminants,
- 3 9. Proper labelling and use of label claim,
- 4 10. Others as identified.

5
6 (d) The food safety regulatory agency of the DOH is the Food and Drug
7 Administration (FDA) as defined by RA 3720 and RA 9711. It shall be
8 provided with adequate qualified personnel, functional divisions and
9 funds to implement its responsibilities as indicated in this Act.

10
11 (e) The enforcement of this mandate requires coordination with the DA in the
12 designation of responsibilities at stages in the food supply chain where
13 their mandates overlap as ensuring safety of meat (under the mandate of
14 the DA) for processing into canned meat , or fish for canned fish and
15 others.

16
17 (f) The DOH as the authority on the short and long term effects of food safety
18 hazards on human health shall conduct and document epidemiological
19 studies on food-borne illness for use in risk assessment. It shall establish
20 the food safety risk assessment bodies required for this purpose. It shall be
21 strengthened in terms of establishing functional divisions and incremental
22 staffing and funds to carry out this function.

23
24 **SECTION 18. *Specific Responsibilities of the Department of Interior and Local***
25 ***Government (DILG)*** - The DILG shall have the following responsibilities:

26
27 (a) The DILG shall be responsible for the enforcement of the Code of
28 Sanitation, the food standards developed by the DA and the DOH and the
29 enforcement of food safety regulations at the municipal level. Changes to
30 this provision shall be made through the Food Safety Regulation
31 Coordinating Board under Article VI of this Act.

32
33 (b) It shall ensure through relevant activities and through the coordination of
34 these activities with the DA and the DOH and through the FSRCB, that
35 sanitation standards and relevant food safety standards are enforced in the
36 municipalities particularly in slaughterhouses, public markets and in micro
37 and small food establishments where food is processed, prepared and/or
38 sold. This shall include but will not be limited to the enforcement of the
39 following standards:

- 40
- 41 1. Sanitation as indicated in the Sanitation Code PD 856 particularly in
- 42 public markets, slaughterhouses, micro and small food processing
- 43 establishments and public eating places.
- 44 2. Code for Good Slaughtering Practices.
- 45 3. Code for Proper Food Handling.
- 46 4. Code for Good Hygienic and Manufacturing Practices.
- 47 5. Safe use of food additives, processing aids and sanitation chemicals.
- 48 6. Proper labelling of pre-packaged foods.
- 49

50 (c) The DILG shall support the DOH and the DA in the collection and
51 documentation of food-borne illness data, surveillance and research.

52

- 1 (d) The DILG shall participate in training programs, standards development
2 and other food safety activities taking place at the national level in
3 coordination with the DA and the DOH.
4
5

6 Article VI

7 Creation of a Food Safety Regulation Coordinating Board (FSRCB)

8
9 SECTION 19. *Powers and Functions.* - A Food Safety Regulation Coordinating
10 Board is hereby created which shall have the following powers and functions:
11

- 12 (a) Authority to link the mandates, control functions and activities of the DA,
13 the DOH and the DILG in food safety regulation and modify these as
14 needed due to changing requirements of markets, new technologies, new
15 food safety risks and other causes.
16
17 (b) Identify agency/s responsible for enforcement when jurisdiction over
18 specific functions and areas overlap between the DA, DOH and DILG.
19 Ensure effective enforcement where a coordinated approach to food safety
20 regulation is necessary.
21
22 (c) Establish the policies and procedures for coordination of regulatory systems
23 as implemented by the DA, the DOH and the DILG.
24
25 (d) Evaluate the effectivity of standards, conformity assessment activities, the
26 performance of food testing laboratories and their accreditation to
27 international standards. Oversee the overall effectiveness of the food safety
28 regulatory system and of the research and training programs.
29
30 (e) Designate which organization will implement food safety regulations in the
31 use of new technologies as biotechnology, nanotechnology, food irradiation
32 and others.
33
34 (f) Coordinate crisis management and planning during food safety incidents
35 and monitor the Rapid Alert System for Foods as provided in Article VI of
36 this Act.
37

38 SECTION 20. *Organization-* Within 30 days from the effectivity of this Act, the
39 Secretaries of the DA, DOH and the DILG shall organize the FSRCB in
40 accordance with the following rules:
41

- 42 (a) The FSRCB shall be chaired by the Secretary of the DA and co-chaired by
43 the Secretary of the DOH or their authorized representatives at the
44 Undersecretary level. The members of the FSRCB shall be the Heads of
45 food safety regulatory agencies of the DA, the DOH and a representative of
46 the DILG. A representative each from the DTI and the DOST at the
47 Director level shall also be included.
48
49 (b) Within 12 months from the effectivity of this Act or earlier, the FSRCB
50 shall have completed its Procedural Manual as approved by the Chair and
51 Co-Chair of the FSRCB. The manual shall contain the rules for the conduct
52 of meetings, decision-making and others. Funds shall be allocated for the

1 expenses of a Working Group created by the FSRCB to prepare this
2 manual.

3
4
5 (c) The FSRCB shall have an administrative and technical secretariat at the
6 DOH. Both the DOH and the DA shall be strengthened and empowered in
7 terms of funding and establishing functional divisions and incremental
8 staffing to organize the administrative and technical personnel for the
9 operation of the FSRCB.

10
11 (d) Funds shall also be allocated by the agencies to pay for the organization of
12 meetings as well as the expenses for the participation of members of the
13 FSRCB and secretariats as well as invited experts to the meetings.

14
15 **SECTION 21. *Accountability for Food Safety Regulation-*** The food safety
16 regulatory agencies of the DA, DOH and the DILG shall be individually
17 responsible for ensuring food safety at the stages of the food supply chain within
18 their specified mandates, functions and responsibilities. They shall also be
19 responsible to ensure the same for mandates, functions and activities that are
20 modified by agreement through the FSRCB. The FSRCB shall be responsible for
21 regulations that are implemented on a coordinated basis between the agencies.

22
23
24 **ARTICLE VII**
25 **Crisis Management**
26

27 **SECTION 22. *Rapid Alert System*** - A rapid alert system for the notification of a
28 direct or indirect risk to human health due to food should be established by the
29 FSRCB as a network between regulatory agencies and other relevant agencies.

30
31 **SECTION 23. *Emergency Measures*** - Where it is evident that food originating
32 from within the country or imported from another country is likely to constitute a
33 serious risk to human health, the Government shall immediately adopt one or more
34 of the following measures, depending on the gravity of the situation:

35
36 (a) In the case of food of national origin:

- 37 1. Suspension of the placing on the market or use of the food in
38 question.
39 2. Laying down special conditions for the food in question.
40 3. Any other appropriate interim measure.

41
42 (b) In the case of food from another country:

- 43 1. Suspension of imports of the food from all or parts of the third
44 country concerned and, where applicable from the third country of
45 transit.
46 2. Laying down special conditions for the food in question from all or
47 part of the third country concerned.
48 3. Any other appropriate interim measures.

49
50 **SECTION 24. *Plan for Crisis Management-*** The regulatory agencies in
51 cooperation with other relevant government agencies shall prepare a general plan
52 for the management of a threat to food safety requiring coordinated action. This

1 plan shall specify the situations representing a direct or indirect risk to human
2 health deriving from food which are not likely to be prevented, eliminated or
3 reduced to an acceptable level by provisions in place.
4
5

6 **ARTICLE VIII**
7 **Implementation of Food Safety Regulations**
8

9 **SECTION 25. *Policies on Official Controls*** - Official controls are established to
10 verify compliance with food law and shall be prepared by each agency. Official
11 controls include routine surveillance checks of food establishments and more
12 intensive checks involving inspections, verifications, audits, sampling and testing
13 of samples. The following shall govern the conduct of official controls:
14

15 (a) Implementing regulations for official controls to be performed by each
16 agency shall also be prepared by each agency in accordance with the
17 principles established in this Act.
18

19 (b) Official controls shall be based on appropriate techniques, implemented by
20 an adequate number of suitably qualified and experienced personnel and
21 with adequate funds, facilities and equipment to carry out their duties
22 properly.
23

24 (c) Provisions shall be made for official controls to be delegated to other
25 competent bodies as decided by the regulatory agency and of the conditions
26 under which this shall take place. When official controls are delegated,
27 appropriate coordination and other procedures shall be in place and
28 effectively implemented.
29

30 (d) The frequency of official controls shall be proportionate to the severity and
31 likelihood of occurrence of the food safety risks being controlled.
32

33 (e) The regulatory agency or body performing official controls shall meet
34 operational criteria and procedures established by the agencies to ensure
35 impartiality and effectiveness.
36

37 (f) Official controls shall be carried out on the basis of documented procedures
38 to ensure that these are carried out uniformly and are of a consistently high
39 quality.
40

41 (g) The agencies responsible for the implementation of official controls shall
42 be strengthened and empowered in terms of funding and the establishment
43 of functional divisions and incremental staffing to perform official controls
44 according to the principles indicated in this Act.
45

46 **SECTION 26. *Traceability*** - Traceability shall be established for certain
47 commodities at relevant stages of production, processing or distribution, when
48 needed to ensure compliance with food safety requirements. Traceability shall
49 identify production areas as farms, and shall also be established for production
50 inputs as feeds, food additives, ingredients, packaging materials and other
51 substances expected to be incorporated into a food. To ensure traceability food
52 business operators are required to:

- 1
2 (a) Identify any person or company from whom they have been supplied with:
3 1. A food,
4 2. A food-producing animal,
5 3. Production chemicals as pesticides and drugs,
6 4. Production and processing inputs as feeds, food additives, food
7 ingredients, packaging materials, or any substance expected to be
8 incorporated into a food.
9
10 (b) Have in place, systems and procedures which allow this information to be
11 available to the regulatory authorities on demand.
12 (c) Have in place systems and procedures to identify the other businesses to
13 which their products have been supplied. This information shall be made
14 available to the regulatory authorities on demand.
15

16 **SECTION 27. *Registration of Establishments*** - Any food establishment or
17 foreign food establishment or food business operator engaged in production,
18 postharvest handling, processing, packing, holding or producing food for
19 consumption shall be registered. Special derogations shall be provided due to
20 geographical location and after an assessment of risks, especially for micro, small
21 and medium sized operators.
22

23 **SECTION 28. *Inspection of Food Business Operators*** - Regular inspection of
24 food business operators shall be performed by the regulatory authorities or the
25 control bodies delegated to conduct the activity. In addition, the following rules
26 shall be followed in the conduct of inspections:
27

- 28 (a) The frequency of inspection shall be based on the assessment of risks.
29 Establishments producing high risk foods or carrying out high risk activities
30 shall be inspected more frequently.
31
32 (b) Inspection shall take into account mandatory food safety standards, the
33 results of HACCP inspections, the implementation of good practices and
34 other requirements of regulations.
35
36 (c) Unscheduled inspections shall be carried out as needed.
37
38 (d) Inspectors shall have defined skills and shall be regularly evaluated by
39 suitable procedures to verify their continuing competence. Training and
40 appropriate procedures should also be in place to ensure that the results of
41 inspection are interpreted in a uniform way.
42

43 **SECTION 29. *Food Laboratory Testing*** - Food testing shall be carried out by
44 laboratories accredited to international standards. They shall work in accordance
45 with internationally approved procedures or criteria-based performance standards
46 and methods of analysis that have, as far as possible, been validated. To be
47 accredited, the laboratories must meet the following requirements:
48

- 49 (a) The laboratories shall be adequately funded.
50
51 (b) They shall be professionally managed and organized to ensure the
52 absence of a conflict of interest situation in the conduct of testing.

1
2 (c)The laboratories shall be responsible for providing evidence of the
3 credibility of test results from submitted samples.
4

5 (d) The agencies through the FSRCB shall minimize duplication in testing
6 to the extent feasible in order to achieve efficiency in laboratory operations.
7
8

9
10 **ARTICLE IX**
11 **Training, Consumer Education and Research**

12 SECTION 30. **Training** - Farmers and fisherfolks and micro, small and medium
13 scale food business operators as well as government personnel shall be trained on
14 the requirements of food safety regulations and the understanding of these
15 requirements. Industry personnel and farmers and fisherfolks shall be further
16 trained on the codes of good practice relevant to their activities. Government
17 personnel shall be further trained on the scientific basis for the provisions of the
18 law. Other training needs shall be implemented as identified. The following rules
19 shall be followed in the establishment of the training programs:
20

- 21 (a) The training program shall be developed by the FSQDC or other agencies
22 and private organizations accredited to provide the required training.
23
24 (b) A consumer education program shall be developed by the DA, the DOH
25 and the DILG as appropriate to the circumstances.
26
27 (c) Funds will be provided for the development and implementation of training
28 and consumer education programs.
29

30 SECTION 31. **Food-borne Illness Monitoring, Surveillance and Research** -
31 The government through the FSRCB and in support of risk analysis, shall
32 implement a program for food borne illness monitoring, surveillance for hazards in
33 the food supply chain and establishment of other data for risk assessment. It shall
34 implement other research activities as technologies for assisting industries to
35 comply with regulations. The Bureau of Agricultural Research of the DA and the
36 Department of Science and Technology in cooperation with the FSRCB shall
37 establish the mechanisms for the conduct of research in these areas.
38

39 **ARTICLE X**
40 **Policy on Fees**

41
42 SECTION 32. **Policy on Fees** - Fees may be collected and retained by the agency
43 for the inspection of production and processing facilities and for the laboratory
44 testing of food samples. Fees shall be based on an officially approved procedure
45 for estimating the cost of the activity undertaken. The fees retained shall
46 constitute the Revolving Fund for the agency to augment existing appropriations
47 therefore subject to government accounting and auditing rules and regulations.
48

49 **ARTICLE XI**
50 **Penalties and Sanctions**
51

1 SECTION 33. *Civil and Criminal Penalties* - The specific laws of each agency
2 will lay down the rules on measures and penalties applicable to infringements of
3 this Act. Where there are no such specific laws, any person that violates this Act
4 may be assessed a penalty of not more than One Million Pesos (PhP1,000,000) for
5 such act or other measures as mandatory training that will prevent the said
6 violation. The violations and penalties shall be specified by the Secretaries of the
7 DA and the DOH in the Implementing Rules and Regulations (IRR).

8
9 **ARTICLE XII**
10 **Transitory Provisions**

11
12 SECTION 34. *Implementing Rules and Regulations (IRR)* - The IRR shall be
13 prepared jointly by the DA and the DOH ninety (90) days from the creation of the
14 FSRCB or no more than 120 days after the effectivity of this Act.

15
16 **ARTICLE XIII**
17 **Miscellaneous and Final Provisions**

18 SECTION 35. *Separability Clause* - If any provision of this Act is declared
19 invalid or unconstitutional, the other provisions not affected thereby shall remain
20 in full force and effect.

21
22 SECTION 36. *Repealing Clause* - All laws, presidential decrees, executive orders,
23 rules and regulations inconsistent with the provision of this Act are hereby
24 repealed.

25
26 **ARTICLE XIV**
27 **Effectivity**

28
29 SECTION 37. *Effectivity* - This Act shall take effect fifteen (15) days following
30 its publication in at least two (2) newspapers of general circulation or in the
31 Official Gazette, whichever is earlier.

32
33
34 Approved,
35