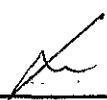


9 MAY 13 P3:02

SENATE

S. No. 3237

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Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

It is the duty of the State to protect the interests of the general public and promote its general welfare in order to have a vibrant and healthy population.

At present, there is an industrial chemical that is used primarily in the synthesis of polyesters, polysulfones, and polyether ketones, as an antioxidant in some plasticizers, and as a polymerization inhibitor in PVC called "Bisphenol A" (BPA). It is a key monomer in production of polycarbonate plastic and epoxy resins, both of which are used in a wide variety of applications. For instance, Polycarbonate plastic, which is clear and nearly shatter-proof, is used to make a variety of common products including baby and water bottles, sports equipment, medical and dental devices, dental fillings and sealants, lenses, CDs and DVDs, consumer electronics, computers and other business equipment, electrical equipment, household appliances, safety shields, construction glazing, sports safety equipment, and automobiles. Epoxy resins containing bisphenol A are used as coatings on the inside of almost all food and beverage cans. Bisphenol A is also a precursor to the flame retardant, tetrabromobisphenol A, and was formerly used as a fungicide.

Studies reveal, however, that exposure to BPA can be hazardous to humans as it has been known to leach from the plastic lining of canned foods and majority of canned soft drinks. Huge numbers of children were also found to be exposed to BPA as it leaches out of hard polycarbonate plastics that are used widely in baby bottles, sippy cups and water bottles. When such plastics are exposed to hot liquids, BPA leaches out 55 times faster than it does under normal conditions, at up to 32 ng/hour. Infants fed with liquid formula are among the most exposed, and those fed formula from polycarbonate bottles can consume up to 13 micrograms of bisphenol A per kg of body weight per day.

Bisphenol A has low acute toxicity, with an oral LD₅₀ of 3250 mg/kg in rats, but it is an endocrine disruptor. Low doses of BPA can mimic the body's own hormones, possibly causing negative health effects. There is thus concern that long term low dose exposure to it may induce chronic toxicity among humans.

In September 2008 Iain Lang and his colleagues published the first study of BPA's effects on humans in the *Journal of the American Medical Association*. The cross-sectional study of almost 1,500 people assessed exposure to BPA by looking at levels of the chemical in urine. The authors found that high BPA levels were significantly associated with heart disease, diabetes, and abnormally high levels of certain liver enzymes.

As a number of studies and reports have already indicated that detrimental health effects caused by the exposure of humans, especially children, to bisphenol A, this proposed measure seeks to ban the manufacture, sale or distribution of bisphenol A on children's food and beverage containers in order to protect the health of the general public.

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

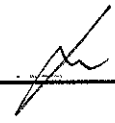

MANUEL "LITO" M. LAPID
Senator 

SENATE

9 MAY 13 P3:02

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Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
PROHIBITING THE MANUFACTURE, SALE, OR DISTRIBUTION IN
COMMERCE OF CHILDREN'S FOOD AND BEVERAGE CONTAINERS
COMPOSED OF BISPHENOL A, PROVIDING PENALTIES THEREOF
AND FOR OTHER PURPOSES

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
"Bisphenol A Ban Act of 2009."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect the interests of the consumers, promote their general welfare and to establish quality standards in the manufacture of utensils and day-to-day paraphernalia. As such, the State shall implement measures to achieve the protection against hazards to health and safety and provide programs on Information, Education and Communication Campaign (IEC) to educate the general public.

Towards this end, the State shall enforce a ban on the manufacture, sale or distribution of bisphenol A on the sale of children's food and beverage containers in order to protect the health of the general public on the health effects of 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:

(i) A statement by a manufacturer about the intended use of the product, including a label on the product, if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children 3 years of age or younger.

(iii) 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 Manufacture, Sale or Distribution in Commerce of Children's Food and Beverage Containers Composed of Bisphenol A* - After six months from the date of effectivity of this Act, no containers of children's food and beverage containing bisphenol A shall be 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 *prision curreccional*, 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. Information, Education and Communication (IEC) Campaign. - The Department of Trade and Industry (DTI), in cooperation with the Philippine Information Agency (PIA), is hereby mandated to conduct a comprehensive and nationwide information, education and communication (IEC) campaign in order to inform the general public of the purpose and objectives envisioned under this Act.

SEC. 6. Appropriations. - To carry out the provisions of this Act, the funds necessary to implement the provisions of this Act shall be incorporated in the annual general appropriations of the Department of Trade and Industry (DTI).

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,