

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

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SENATE
S. No. 1775

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Research in the United States show that an emergency exists concerning worker exposure to diacetyl, a substance used in many flavorings, including artificial butter flavorings. There is compelling evidence that diacetyl presents a grave danger and significant risk of life-threatening illness to exposed employees. Workers exposed to diacetyl have developed, among other conditions, a debilitating lung disease known as *bronchiolitis obliterans*.

From 2000 to 2002, the National Institute for Occupational Safety and Health (or NIOSH, the United States federal agency responsible for conducting research and making recommendations for the prevention of work-related injury and illness) identified cases of *bronchiolitis obliterans* in workers employed in microwave popcorn plants, and linked these illnesses to exposure to diacetyl used in butter flavoring. In December 2003, NIOSH issued an alert "Preventing Lung Disease in Workers Who Use or Make Flavorings," recommending that employers implement measures to minimize worker exposure to diacetyl.

From 2004 to 2007, additional cases of *bronchiolitis obliterans* were identified among workers in the flavoring manufacturing industry by the California Department of Health Services and Division of Occupational Safety and Health (Cal/OSHA), which through enforcement actions and an intervention program, called for the flavoring manufacturing industry in California to reduce exposure to diacetyl.

In a report issued in April 2007, NIOSH reported that flavor manufacturers and flavoured food producers are widely distributed in the United States and that *bronchiolitis obliterans* had been identified among microwave popcorn and flavoring-manufacturing workers in a number of

states. A health standard is urgently needed to protect workers exposed to diacetyl from *bronchiolittis obliterans* and other debilitating conditions.

In the Philippines, warnings about potential serious respiratory illness in workers exposed to flavorings and recommending comprehensive control measures for diacetyl and other “high priority” substances used in flavoring manufacturing are rarely heard of. With the thousands of popcorn vendors and all other food vendors in our streets and commercial areas, there is no doubt that these vendors are exposed to the harmful chemicals mentioned above.


MIRIAM DEFENSOR SANTIAGO
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1 AN ACT
2 TO DIRECT THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF LABOR
3 AND EMPLOYMENT TO REGULATE WORKER EXPOSURE TO DIACETYL

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

4 SECTION 1. *Issuance of Standard on Diacetyl.* --

5 (A) Interim Standard --

6 (1) Notwithstanding any other provision of law, not later than ninety (90) days
7 after the date of enactment of this Act, the Secretary of Labor and the
8 Secretary of Health shall promulgate an interim final standard regulating
9 worker exposure to diacetyl. The interim final standard shall apply--

10 (a) to all establishments or facilities that manufacture, use, handle, or
11 process diacetyl; and

12 (b) to all microwave popcorn production and packaging
13 establishments that use diacetyl-containing flavors in the
14 manufacture of microwave popcorn.

15 (2) Requirements - The interim final standard required under subsection (A)
16 shall include the following:

17 (a) Requirements for engineering, work practice controls, and
18 respiratory protection to minimize exposure to diacetyl. Such
19 engineering and work practice controls include closed processes,
20 isolation, local exhaust ventilation, proper pouring techniques, and
21 safe cleaning procedures.

1 (b) Requirements for a written exposure control plan that will indicate
2 specific measures the employer will take to minimize employee
3 exposure; and requirements for evaluation of the exposure control
4 plan to determine the effectiveness of control measures at least on
5 a biannual basis and whenever medical surveillance indicates
6 abnormal pulmonary function in employees exposed to diacetyl, or
7 whenever necessary to reflect new or modified processes.

8 (c) Requirements for airborne exposure assessments to determine
9 levels of exposure and ensure adequacy of controls.

10 (d) Requirements for medical surveillance for workers and referral for
11 prompt medical evaluation.

12 (e) Requirements for protective equipment and clothing for workers
13 exposed to diacetyl.

14 (f) Requirements to provide written safety and health information and
15 training to employees, including hazard communication
16 information, labeling, and training.

17 (3) The interim final standard shall take effect upon issuance. The interim
18 final standard shall have the legal effect of an occupational safety and
19 health standard, and shall apply until a final standard becomes effective.

20 (B) Final Standard - Not later than two (2) years after the date of enactment of this
21 Act, the Secretary of Labor and the Secretary of Health shall promulgate a final standard
22 regulating worker exposure to diacetyl. The final standard shall contain, at a minimum, the
23 worker protection provisions in the interim final standard, a short-term exposure limit, and a
24 permissible exposure limit that does not exceed the lowest feasible level, and shall apply at a
25 minimum to all facilities where diacetyl is processed or used.

26 SECTION 2. *Study and Recommended Exposure Limits on Other Flavorings.*—

1 (A) Study - The Department of Health shall conduct a study on food flavorings used
2 in the production of microwave popcorn. The study shall prioritize the chemicals that are most
3 closely chemically associated with diacetyl to determine possible exposure hazards.

4 (B) Recommended Exposure Limits - Upon completion of the study conducted
5 pursuant to subsection (A), the Department of Health shall establish recommended exposure
6 limits for flavorings determined by such study to pose exposure hazards to workers involved in
7 the production of microwave popcorn.

8 SECTION 3. *Separability Clause.* - If any provision or part thereof is held invalid or
9 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
10 valid and subsisting.

11 SECTION 4. *Repealing Clause.* - Any law, presidential decree or issuance, executive
12 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
13 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

14 SECTION 5. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
15 publication in at least two (2) newspapers of general circulation.

Approved,