

SENATE

S. B. No. **1770**

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Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

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EXPLANATORY NOTE

Mercury is a persistent, bioaccumulative heavy metal that poses a significant risk to human health, wildlife, and the environment.

Unfortunately, mercury discharges into the atmosphere and surface oceans have increased two-to-five fold since the beginning of the industrialized period due to human activities. Substantial evidence is accumulating that exposure to methyl-mercury is widespread in the general public and occurring at higher than health-based levels of concern according to the World Health Organization. Fish and seafood caught or sold in the Philippines are contaminated with methyl-mercury a toxic element that may cause neurological damage and other health-related problems as a result of fish or seafood consumption.

Evidence is continuing to emerge linking increased risk of coronary heart disease to mercury exposure, as presented in at least 2 peer reviewed studies.

Sadly, health advisory information on mercury-contaminated fish, which is necessary to protect public health, is not widely known by the government. This lack of awareness potentially threatens tens of millions of Filipinos who may unknowingly ingest harmful amounts of mercury because they are not aware of exposure risks from consumption of freshwater fish and seafood

The proposed measure is filed aims to address this problem by providing the public with adequate notice and education on the effects of exposure to mercury, through the development of health advisories and by requiring that such appropriate advisories be posted, or made readily available, at all businesses that sell fresh, frozen, and canned fish and seafood where the potential for mercury exposure exists.

Hence, immediate passage of this bill is earnestly sought.

  
LUISA "LOI" P. EJERCITO ESTRADA  
Senator

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

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SENATE

RECEIVED BY: \_\_\_\_\_

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Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

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AN ACT

**PROVIDING THE PUBLIC WITH ADEQUATE NOTICE AND EDUCATION ON THE EFFECTS OF EXPOSURE TO MERCURY THROUGH THE DEVELOPMENT OF HEALTH ADVISORIES AND BY REQUIRING THAT SUCH APPROPRIATE ADVISORIES BE POSTED, OR MADE READILY AVAILABLE, AT ALL BUSINESSES THAT SELL FRESH, FROZEN, AND CANNED FISH AND SEAFOOD WHERE THE POTENTIAL FOR MERCURY EXPOSURE EXISTS**

*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 "Mercury Health Advisory Act"

SECTION 2. *Purposes* - The purposes of this Act are to--

1. ensure that the public is adequately informed about the potential adverse effects of mercury exposure through the consumption of fish products;
2. require the Secretary of Health to work cooperatively with other government agencies, as well as nonprofit organizations, to create appropriate advisories for the distribution to the public of explanations of the potential adverse effects of mercury exposure from fish consumption;

3. require the Bureau of Food and Drug Administration to resume its seafood methyl-mercury monitoring program to better document mercury levels in various fish species sold in commerce;
4. require the Secretary of Health, in cooperation with private and public organizations, to design and implement a National Public Education Program regarding the presence of methyl-mercury in seafood and fish consumption advisories for methyl-mercury; and
5. require the Secretary of Environment and Natural Resources to annually prepare a report on the impacts of mercury on human health and the environment.

SECTION 3. *Advisory Notices* -

1. Consumer Mercury Advisory Notice-

(1) In general- The Department of Environment and Natural Resources, in coordination with the Department of Health, shall jointly develop fish consumption advisories for methyl-mercury in fish. Such advisories shall be based on appropriate Reference Dose for--

(A) the general population;

(B) sensitive populations; and

(C) populations consuming above average amounts of fish.

(2) Consumer's notice- The Secretary of Health shall prepare a consumer's mercury advisory notice. Such notice shall be distributed widely by the Secretary, at no cost, to health professionals, particularly medical offices that provide gynecological, obstetrical, or pediatric care, and to the extent practicable shall be

made available and posted in the patient or client areas of all maternal and child health and nutrition program offices, and shall be made available to health care providers, government agencies, and the general public upon request.

(3) Criteria- The advisories developed under this subsection shall--

(A) explain, in an easily understandable manner, the dangers of mercury exposure through the consumption of mercury contaminated fish to women of childbearing age, women who expect to become pregnant, women who are pregnant or breast feeding their children, and young children and their parents;

(B) describe, in an easily understandable manner, in detail the most current mercury health advisories prepared by the National Government concerning fish consumption, contain the toll free number established under paragraph (4), and contain such other information as the Secretary determines appropriate; and

(C) be printed in large type in English and Filipino or any dialect determined by the Secretary to be culturally and linguistically appropriate.

## 2. Mercury Warning Consumer's Guide-

(1) In general- The Secretary of Health shall prepare a consumer's guide to mercury and health advisory for the consumption of recreationally-caught fish. Such guide shall be distributed, at no cost, to--

(A) appropriate fisheries, wildlife, and environmental law enforcement agencies;

- (B) all applicants for a fishing license at the time the license is issued; and
- (C) to public upon request.

(2) *Criteria- The guide developed under paragraph (1) shall--*

- (A) be printed in large type in English and Filipino or any dialect determined by the Secretary to be culturally and linguistically appropriate;

3. Consumption Advisory-

(1) *In general- The Secretary of Health, in consultation with the Secretary of Agriculture and other appropriate government entities to--*

- (A) develop and distribute regional and national advisories concerning the presence of methyl-mercury in seafood;
- (B) develop standardized formats for written and broadcast advisories regarding methyl-mercury in seafood;
- (C) develop and periodically upgrade information related to mercury fish tissue test results and fish consumption advisories for methyl-mercury;
- (D) coordinate local advisories in the formation of the National Public Education Program under subsection (4)(1); and
- (E) coordinate with that sector of the retail food industry that is engaged in the sale of any fresh, packaged, or frozen fish or seafood products intended for human consumption, concerning the posting of such advisories in their place of business where fish are sold to inform women of childbearing age, pregnant, and nursing women and the parents of young children on the potential dangers of mercury that is present in certain fish or seafood.

(2) Criteria- The advisories and notices developed under paragraph (1) shall include information both on limiting the consumption of certain high level fish and seafood to the general population and, for sensitive populations such as women of childbearing age and children, stress the importance of limiting consumption of frequently consumed fish that may exceed the Reference Dose.

4. Public Education and Advisory System-

(1) Public education- The Secretary of Health, in consultation with public and nonprofit private entities (including cooperative extension services and appropriate government entities), shall design and implement a national public education program regarding the presence of methyl-mercury in seafood.

(2) Features- The program developed under paragraph (1) shall provide--

(A) information to the public regarding--

(i) standards and good practice requirements relating to methyl-mercury in seafood; and

(ii) the promotion of public awareness, understanding, and acceptance of such standards and requirements;

(B) information to health professionals so that health professionals may improve the diagnosis and treatment of mercury-related illness and advise individuals whose health conditions place those individuals at particular risk; and

(C) such other information or advice to consumers and other individuals as the Secretary determines will promote the purposes of this section.

5. Sampling and Monitoring-

(1) In general- The Secretary of health shall ensure the seafood methyl-mercury monitoring sampling program of the Bureau of Food and Drug Administration to assist in documenting mercury levels in various fish species.

(2) Monitoring- The sampling program described in paragraph (1) shall be conducted so as to provide statistically valid monitoring data with respect to mercury levels in fish and seafood (including market-basket studies) including documenting the extent to which fish with mercury levels in excess of the action level are sold in commerce. Such information, along with information gathered by the Department of Environment and Natural Resources, shall be compiled into an annual report by the Secretary to track changes in dietary exposure to mercury from fish and seafood.

(3) Avoidance of duplication of effort- To the extent practicable, the sampling program described in paragraph (1) shall be consistent with, and shall be coordinated with, other seafood sampling programs that are in use, so as to avoid duplication of effort.

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

SECTION 5. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

SECTION 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved.*