

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

5 MAY 19 09:39

SENATE  
S. B. No. 2018

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article 2, Section 16, provides:

The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Organic agriculture is the oldest form of agriculture on earth. Farming without the use of petroleum-based chemicals (fertilizers and pesticides) was the sole option for farmers until post-World War II. The war brought with it technologies that were useful for agricultural production. For example, ammonium nitrate used for munitions during World War II evolved into ammonium nitrate fertilizer; organophosphate nerve gas production led to the development of powerful insecticides. Although these technical advances have resulted in significant economic benefits, these have also brought environmental and social detriments which have led to a negative impact on society and the environment, such as pesticide pollution and insect or pest resistance.

In the United States(U.S.), organic industry continues to grow at a rate of 20% annually. The organic industry is a consumer-driven market. According to industry surveys, the largest purchasers of organic products are young people and college-educated consumers. American farmers are interested in the profitability and environmental benefits that organic systems yield.

Countries around the world revived the old practice of organic agriculture because of the increasing demand of fresh and natural foods using organic methods. Worldwide consumption of organic products has experienced tremendous growth, often surpassing U.S. figures of 20% annual gain. Much of the increase in consumption worldwide has been fueled by consumers' demand for products free of genetically-modified organisms or GMOs. European consumers have led the demand for organic products, particularly in Scandinavian countries and the Netherlands. Two percent of all German farmland, 4% of Italian farmland and 10% of Austrian farmland, respectively, is managed organically. Prince Charles of England has developed a model organic farm, and established a system of government support for transitioning organic farmers. Major supermarket chains and restaurants in Europe offer a wide variety of organic products in their aisles and on their menus.

Several benefits can be obtained from practicing the organic agriculture: it reduces pollution and destruction of useful organism for the agricultural ecosystem; it helps solve the problem of waste and garbage disposal through the use of plant and animal waste and crop residues; and it assists farmers reduce their expenses by decreasing their dependence on inorganic fertilizers.

This bill seeks to promote the production of organically produced foods through the establishment of a National Standard Production for organically produced products and for the labeling of organically produced products.

  
MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC )  
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5 MAY 19 A9:40

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
TO PROMOTE THE PRODUCTION OF ORGANICALLY PRODUCED FOODS THROUGH  
THE ESTABLISHMENT OF A NATIONAL STANDARD PRODUCTION FOR  
ORGANICALLY PRODUCED PRODUCTS AND FOR THE LABELING OF  
ORGANICALLY PRODUCED PRODUCTS

*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 “Organic Foods Production  
Act of 2005.”

SECTION 2. *Declaration of Policy.* — It is the policy of the State to protect and advance  
the right of the people to a balanced and healthful ecology in accord with the rhythm and  
harmony of nature.

SECTION 3. *Definition of Terms.* — As used in this Act, the term:

- (1) “Agricultural product” - means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock, or fowl that is marketed in the Philippines for human and livestock consumption.
- (2) “Certifying agent” - means the chief executive officer who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as an organically certified farm or handling operation in accordance with this title.
- (3) “Certified organic farm” - means a farm, or portion of a farm, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title.
- (4) “Certified organic handling operation” - means any operation, or portion of any handling operation, that is certified by the certifying agent under this title as utilizing a system of organic handling as described under this title.
- (5) “Crop year” - means the normal growing season for a crop as determined by the Secretary.

- (6) "Growing medium" - means a substance that provides nutrients for plants or fungi but that is separate from the land surface.
- (7) "Handle" - means to sell, process, or package organically produced agricultural products.
- (8) "Handler" - means any individual engaged in the business of handling agricultural products.
- (9) "Handling operation" means any operation or portion of an operation that: (i) receives or otherwise acquires agricultural products from the producer of such products; and (ii) processes, packages, or stores such products.
- (10) "Individual" - means a person, group of people, corporation, association, organization, cooperative, or other entity.
- (11) "Micronutrients" - means trace or minor elements in the soil that are essential for normal plant growth.
- (12) "National list" - means a list of approved and prohibited substances.
- (13) "Organic farm plan" - means a plan of management of an organic farm that has been agreed to by the producer and the certifying agent and that includes written plans concerning all aspects of agricultural production described in this title including crop rotation and other practices.
- (14) "Organically produced" - means an agriculture product that is produced using organic farming methods as described in this title, on an organically certified farm and handled by organically certified handling operations.
- (15) "Organically produced label" - means a label that is established under Section 5.
- (16) "Pesticide" - means any substance which alone, in chemical combination, or in any formulation with one or more substances, repel, kill, or control any species designated as a "pest" including weeds, insects, rodents, fungi, bacteria, or other organisms.
- (17) "Processing" - means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container.
- (18) "Producer" - means an individual who engages in the business of growing or producing food for consumption by humans or livestock.
- (19) "Secretary" - means the Secretary of the Department of Agriculture.
- (20) "National organic certification program" - means a program that meets the requirements set and approved by the Secretary, and that is designed to ensure that a product that is labeled as 'organically produced' under this title is produced and handled using organic methods.
- (21) "Synthetic" - means a substance that is formulated or manufactured by a process which chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, excepting microbiological processes.

SECTION 4. *National Organic Production Program.* —

(1) IN GENERAL. — The Secretary shall establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this Act.

(2) PROVINCIAL PROGRAM. — In establishing the program under subsection (1), the Secretary shall permit each province to implement a provincial organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this Act.

(3) CONSULTATION.— In developing the program under subsection (1), and the National List, the Secretary shall consult with duly recognized organization of farmers, agricultural machinery dealers and manufacturers, and agricultural engineers.

(4) LABELING. — Each certifying agent may label agricultural products that have been produced on organically certified farms and handled through certified handling operations as 'organically produced'.

(5) CERTIFICATION. — Each certifying agent may certify a farm or handling operation that meets the requirements of this title as an organically certified farm or handling operation.

SECTION 5. *Establishment Of Label.* —

(1) IN GENERAL.— The Secretary shall establish a label to be affixed to agricultural products that have been produced on organically certified farms and have been handled by organically certified handlers.

(2) CONTENT OF LABEL.— The label established under subsection (1) shall state that the agricultural product to which such label is affixed has been 'organically produced' and shall bear the seal of the Department of Agriculture.

(3) AFFIXING LABEL.—

(a) REQUIREMENT.— The Secretary or certifying agent may affix such label only on an agricultural product that has been produced and handled in accordance with this title and the organic certification program that is implemented in accordance with this title.

(b) AFFIXATION.— The Secretary or the certifying agent shall have the exclusive authority to affix such label to an agricultural product.

(4) TAMPERING WITH LABEL.— No individual may replicate, affix, or otherwise tamper with an organically produced label in any manner other than a normal consumer use, as determined by the Secretary.

(5) LIMITATION ON LABELING.—

(a) RESTRICTION.— No individual may affix a label to an agricultural product that implies, directly or indirectly, that such product is organically, naturally, or ecologically produced, grown, processed, or marketed, except in accordance with this Act and under an approved organic certification program implemented under this Act.

(b) EXEMPTION.— Paragraph (a) shall not apply to individuals who sell agricultural products at local farmers markets if compensation for the sale of such products does not exceed the amount which will be determined by the Secretary.

(c) EXEMPTION FOR IMPORTED PRODUCTS.— Paragraph (a) shall not apply to imported agricultural products with labels that imply that such product is organically or naturally produced if the Secretary determines that such products

have been produced and handled under an organic program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of this Act.

(6) LABEL OF ORIGIN.— The certifying agent, on the approval of the Secretary, may affix an additional label to an agricultural product that indicates the origin and certifying body of such product.

SECTION 6. *General Requirements.* —

(1) IN GENERAL. — A program established under this Act shall —

(a) require that each agricultural product that bears an organically produced label must—

(i) be produced only on organically certified farms and handled only through organically certified handling operations in accordance with this title; and

(ii) be produced and handled in accordance with such program;

(b) require that producers desiring to participate under such program establish an organic farm plan;

(c) establish procedures that permit producers and handlers to appeal an adverse administrative determination under this Act;

(d) require that each organic farming operation or each organic handling operation covered under such program certify to the Secretary and the certifying agent on an annual basis, that such producer or handler has not produced or handled any agricultural product bearing an organically produced label except in accordance with this Act and any applicable program;

(e) require annual on-site inspections of each farm and handling operation that has been certified under this title;

(f) require periodic residue testing of agricultural products that have been produced on organically certified farms and handled through organically certified handling operations to determine whether such products contain any pesticide or other non-organic residue or natural toxicants;

(g) establish appropriate and adequate enforcement procedures, as determined by the Secretary to be necessary;

(h) establish regulations to protect against conflict-of-interest;

(i) require public access to certification documents and laboratory analyses that support certifications under this Act; and

(j) require such other terms and conditions as may be determined by the Secretary to be necessary.

(2) DISCRETIONARY REQUIREMENTS. — An organic certification program established under this title may—

(a) provide for the collection of reasonable fees from producers and handlers who participate in such program; and

(b) provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if—

(i) in the case of a farm, the fields to be certified have distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods;

(ii) in the case of a handling operation, the part of a handling operation to be certified under this title is adequately separated, as determined by the certifying agent, from other parts of the handling operation that are not organically managed;

(iii) the operators of such farm or handling operation maintain separate records of all operations and make such records available at all times for inspection by the Secretary, or by the certifying agent; and

(iv) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and non-organic products or a penetration of prohibited chemicals or other substances on the certified land or area.

(c) PROVINCIAL PROGRAM. — A provincial organic certification program approved under this title may contain additional guidelines governing the production or handling of products labeled as organically produced in such province.

SECTION 7. *Implementing Rules and Regulations.* — The Department of Agriculture, in consultation with duly recognized organization of farmers, agricultural machinery dealers and manufacturers, and agricultural engineers, shall promulgate rules and regulations within ninety (90) days upon the approval of this Act.

SECTION 8. *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.

SECTION 9. *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 10. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

/jpa