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SENATE

S. No. 943

RECEIVED BY: *[Signature]*

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.

Scientific studies show that there are chemicals that are produced in the millions of tons annually worldwide called Phthalates. They are principal components of many diverse products that consumers come into contact with at home, at work, and in every corner of the world. They include products made of flexible polyvinyl chloride plastic (PVC), cosmetics and other personal care goods, pesticides, building materials, lubricants, adhesives, and film, among other items. Phthalates are released into the environment by manufacturers and escape from consumer products in which they are used. Consistent toxicologic evidence indicates association between several of these phthalate diesters and reproductive effects. In particular, dibutyl phthalate (DBP), benzylbutyl phthalate (BzBP), di-2-ethylhexyl phthalate (DEHP), and di-isononyl phthalate have been shown to disrupt reproductive tract development in male rodents in an antiandrogenic manner. Recent studies have reported significant reductions in anogenital distance (AGD) in Sprague-Dawley rats after prenatal exposure at high doses to BzBP, DBP and DEHP.

Worldwide ecosystem contamination and direct contact with phthalate-containing products result in virtually ubiquitous human exposures. Health effects that may be caused by exposure to phthalates differ among the various individual compounds and depend on the timing and the size of the dose. Young, developing organisms are more vulnerable to exposure to phthalates. In particular, the developing male reproductive tract appears to be the most sensitive endpoint, although effects on the liver, kidneys, lungs, and blood clotting are also of concern. In animal tests considered relevant to humans, several of the phthalates, including di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), and perhaps di-isononyl phthalate (DINP), interfere with male reproductive tract development and are toxic to cells in the testes responsible for assuring normal sperm and hormone production.

Phthalates permeate the environment and contaminate large populations of people throughout the world. Phthalates are in the blood of pregnant women at levels of concern, particularly when the contaminants are considered in the aggregate. Phthalates cross the placenta and also contaminate breast milk. Relevant animal tests show that phthalates interfere with normal fetal and infant development. Manufacturers of phthalates continue to produce large amounts and sell them to product manufacturers which use them in thousands of products.

Studies further indicate that the most critical population, women of childbearing age whose fetuses are exposed to DBP in the womb, appear to receive the highest exposures of phthalates. Exposure to phthalates is sufficient to significantly increase the

risk of abnormal development in male fetuses and baby boys.

Data indicate that DBP is used in a variety of cosmetic and personal care products. Recent testing identified DBP in some hair spray, fragrances, and deodorants. Many nail polishes also have large quantities of DBP. Unfortunately, labeling requirements are sufficiently lax so that it is extraordinarily difficult to identify phthalate-containing products and to begin to narrow down the search for the sources of widespread general population exposures.

As voluminous studies have already indicated that deleterious health effects caused by the exposure of phthalates, this proposed measure seeks to ban the use of phthalates in cosmetics and personal care products in order to protect the health of the general public.

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

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large loop and a horizontal line.


MANUEL "LITO" M. LAPID
Senator

OFFICE OF THE CLERK

10 JUL -8 11:51

SENATE

S. No. 943

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Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
PROHIBITING THE USE AND SALE OF COSMETIC AND PERSONAL
CARE PRODUCTS CONTAINING PHTHALATES, PROVIDING PENALTIES
THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "**Phthalates Ban on Cosmetics and Personal Care Products Act of 2010.**"

SEC. 2. Declaration of Policy. - It is the policy of the State to protect the interests of consumers, promote their general welfare and to establish quality standards in cosmetics and personal care products. 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 prohibit on the use of phthalates on cosmetics and personal care products in order to protect the health of the general public on the health effects phthalates.

SEC. 3. Definition of Terms. - For purposes of this Act, the term "phthalates" refer to esters of phthalic acid mainly used as plasticizers (substances added to plastics to increase their flexibility). They are chiefly used to soften polyvinyl chloride. Phthalates are also frequently used in soft plastic fishing lures, nail polish, adhesives, caulk, paint pigments, and toys made of so-called "jelly rubber." Phthalates are used in a variety of household applications (shower curtains, adhesives, perfume), modern pop-culture electronics and medical applications such as catheters. The most widely-used phthalates are the di-2-ethyl hexyl phthalate (DEHP), the diisodecyl phthalate (DIDP) and the diisononyl phthalate (DINP). DEHP is the dominant plasticizer

used in PVC, due to its low cost. Benzylbutylphthalate (BBzP) is used in the manufacture of foamed PVC, which is mostly used as a flooring material. Phthalate esters are the dialkyl or alkyl aryl esters of phthalic acid. The name phthalate derives from phthalic acid, which itself is derived from word "naphthalene". When added to plastics, phthalates allow the long polyvinyl molecules to slide against one another.

SEC. 4. *Prohibition on the Sale of Cosmetic and Personal Care Products Containing Phthalates* - After six months from the date of effectivity of this Act, no cosmetics or personal care products containing phthalates shall be distributed for sale in the market or retail outlets for the consumption of the general public.

Any person found in violation of this Act shall be punished by a penalty of *prison correctional*, 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 Health (DOH), 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.* - Funds necessary to implement the provisions of this Act shall be incorporated in the annual general appropriations of the Department of Health (DOH).

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,