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REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

Senate
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SENATE

S.B. NO. 3066

RECEIVED BY: *fw*

Introduced by Senator **TEOFISTO "TG" GUINGONA III**

EXPLANATORY NOTE

It is one of the paramount duties of the State to safeguard the health and the general well-being of the consumers. To this end, the State has been laying down policies and setting regulations which ensure that products and services being marketed and offered to the public are safe and effective.

The Urban Pest Control Industry, an industry that extensively deals with chemicals and substances regularly being used inside homes, restaurants, hotels, hospitals, and other commercial and business establishments, is relatively unregulated especially when it comes to the quality, safety and effectiveness of pest control products and pest control treatments that the operators utilized.

As it is, there are many individuals and fly-by-night pest control companies that use chemicals that did not pass through extensive and intensive field trials to ensure bio-efficacy, long lasting residual efficacy and environmental safety. There are those pest control/pest management operators that do not comply with consumer and environmental standards and whose quality of general pest control treatments are dubious. There is now even a proliferation of "in-house" pest control activities by business establishments who prefer to cut down on costs rather than exert concern for the health and well-being of their clients – the literal victims of pesticide misuse by staff members who use pesticides indiscriminately without benefit of technical knowledge and proper training. Worse, they mask fresh pesticide treatments with synthetic perfumes to maximize customer patronage and occupancy.

With the market being deluged by hazardous and ineffective products, it is about time that a strict regulation on the urban pest control industry be implemented and imposed.

The urgent passage of this bill is sought.

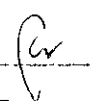


TEOFISTO "TG" GUINGONA III
Senator

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AN ACT EXPANDING THE JURISDICTION OF THE FERTILIZER AND PESTICIDE AUTHORITY (F.P.A.), DEPT. OF AGRICULTURE, TO INCLUDE THE REGULATION OF THE URBAN PEST MANAGEMENT INDUSTRY AMENDING FOR THIS PURPOSE P.D. 1144, AND FOR OTHER PURPOSES

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

1 **Section 1. Title.** This Act shall be known as the Urban Pest Management Act of 2010.

2

3 **Section 2. Declaration of Policy.** It is hereby declared the policy of the State to
4 undertake all measures to regulate the urban pest control industry in order to
5 safeguard the health and property of the public, protect the interest of the consumers,
6 and ensure that hazardous pesticides are not in any way misused or utilized for
7 terrorist activities. Towards this end, the State shall implement the following
8 objectives:

- 9 a. Protection against all hazards and potential threats to public health, safety,
10 and property;
- 11 b. Imposition of a NO-SALE REGULATION to the general public of
12 pesticides that are not under the "ready-to-use" category
- 13 c. Provision of information and education on the proper use/application of
14 pesticides/insecticides/ other pest control chemicals as well as on the risks
15 inherent in the use thereof;
- 16 d. Provision of adequate rights and means of redress;
- 17 e. Protection of environment and provision for environmental safety
18 measures, with the subsequent police power to enforce regulations.

- 1 f. Direct regulation of all urban pesticide usage in strict coordination and
2 concurrence with an organized body of the pest management industry to be
3 accredited by the Department of Trade and Industry.
4

5 **Section 3. *Definition of Terms.*** For purposes of this Act:

- 6 a. Household/Structural Pest – organism which may cause illness or damage
7 or consume food crops and other materials important to human. It includes
8 but not limited to mosquitoes, ants, spiders, mice, termites, cockroaches,
9 rats, weeds, and even plant diseases that may be found in an urban
10 environment.
- 11 b. Urban environment – variety of locations that are non-agricultural. It
12 includes but not limited to indoor and outdoor locations as well as private
13 and public locations.
- 14 c. Pesticides – any substance or product, or mixture thereof, including active
15 ingredients, adjuvant, and pesticide formulations, intended to control,
16 prevent, destroy, repel or mitigate directly or indirectly, any
17 household/structural pest. The term shall be understood to include
18 insecticide, termiticide, fumigants, fungicide, bactericide, herbicide,
19 rodenticide, plant regulators and the like.
- 20 d. Other urban pest control chemicals – chemicals, chemical inputs and
21 chemical compounds not herewith covered by the definition of pesticide
22 but utilized by the urban pest control/pest management operators.
- 23 e. Pest Management/Pest Control Operators - exporters, importers,
24 manufacturers, formulators, distributors, suppliers, wholesalers, dealers,
25 repackers, commercial applicators, warehousemen, and retailer of pesticides
26 and other urban pest control chemicals.
27

28 **Section 4. *Powers and Functions.*** The FPA shall have jurisdiction over all existing
29 Urban Pest Management/Pest Control Operators, Urban Pesticides, and all allied
30 industries like pesticide formulators, manufacturers, and distributors. In addition to
31 those mandated in Presidential Decree 1144, as may be applicable to the urban pest
32 control industry, the FPA shall have the following powers and functions:

- 33 a. To receive and act on complaints from consumers regarding the
34 effectiveness and safety of the pest control products and the manner of its

1 application.

2 b. Investigate complaints and issue resolutions thereof after due notice and
3 hearing.

4 c. Promulgate guidelines for the proper and safe disposal of used chemical
5 containers, unused pest control chemicals and other hazardous substances.

6 d. Impose legal sanctions and corresponding penalties on guilty offenders
7 and their associates.

8
9 **Section 5. *Registration and Licensing.*** No urban pesticides or other urban pest control
10 chemicals shall be exported, imported, manufactured, formulated, stored, distributed,
11 sold or offered for sale, transported, delivered for transportation or used unless it has
12 been duly registered with the FPA or covered by a numbered provisional permit
13 issued by FPA for use in accordance with the conditions as stipulated in the permit.
14 Separate registrations shall be required for each active ingredient and its possible
15 formulations in the case of pesticides or other urban pest control chemicals.

16 No person shall engage in the business of exporting, importing,
17 manufacturing, formulating, distributing, supplying, repacking, storing, commercially
18 applying, selling, marketing, of any pesticides and other urban pest control chemicals
19 except under a license issued by the FPA.

20 The FPA, in the pursuit of its duties and functions, may suspend, revoke, or
21 modify the registration of any pesticide and other urban pest control chemicals after
22 due notice and hearing.

23
24 **Section 6. *Prohibitions.***

25 A. It shall be unlawful for any Pest Management/Pest Control Operator:

26 (a) To engage in any form of production, importation, distribution, storage,
27 application and sale in commercial quantities without securing from the FPA a
28 license thereof;

29 (b) To deal in pesticides and other urban pest control chemicals which have
30 not been previously registered with FPA, or which registration has been
31 banned, has expired, or has been suspended or revoked;

32 (c) To adulterate pesticide formulations;

1 (d) To mislabel or make claims which differ in substance from the
2 representation made in connection with a product's registration or from its
3 actual effectiveness; and

4 (e) To violate such other rules and regulations as may be promulgated by FPA.
5

6 B. It shall likewise be unlawful for any other business establishment that do not
7 possess an FPA Pest Control License to engage in any urban pest management trade
8 or activity without first securing the said documents.
9

10 **Section 7. *Separability.*** Provisions herein which may be declared unconstitutional
11 shall not revoke the effectivity and enforcement of other provisions of this act.
12

13 **Section 8. *Repealing clause.*** All laws, decrees, executive orders, rules and
14 regulations, and other issuances inconsistent with this act are hereby repealed or
15 amended accordingly.
16

17 **Section 9. *Effectivity.*** This Act shall take effect after thirty (30) days from
18 publication.

Approved,