
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

BPA or Bisphenol A is a chemical produced in large quantities for use primarily in the production of polycarbonate plastics and epoxy resins. Polycarbonate plastics have many applications including use in some food and drink packaging, e.g., water and infant bottles, compact discs, impact-resistant safety equipment, and medical devices. Epoxy resins are used as lacquers to coat metal products such as food cans, bottle tops, and water supply pipes. Some dental sealants and composites may also contribute to BPA exposure.

While air, dust, and water are possible sources of exposure, BPA in food and beverages accounts for the majority of daily human exposure. BPA can leach into food from the protective internal epoxy resin coatings of canned foods and from consumer products such as polycarbonate tableware, food storage containers, water bottles, and baby bottles. The degree to which BPA leaches from polycarbonate bottles into liquid may depend more on the temperature of the liquid or bottle, than the age of the container. BPA can also be found in breast milk.

On the basis of results from recent studies using novel approaches to test for subtle effects, both the National Toxicology Program at the National Institutes of Health and FDA have some concern about the potential effects of BPA on the brain, behavior, and prostate gland in fetuses, infants, and young children. There is therefore a need to regulate the use of this substance in baby food products.

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SENATE
S. No. 3121

RECEIVED BY: *Rw*

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1 AN ACT
2 PROHIBITING THE SALE OF BABY FOOD PRODUCTS WITH BPA AND
3 PROVIDING FOR ITS REPLACEMENT WITH THE LEAST TOXIC ALTERNATIVE

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “BPA in Baby Products
5 Prohibition Act.”

6 SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect and promote
7 the right to health of the people and instil health consciousness among them.

8 It is also the policy of the State to promote and protect the physical, moral, spiritual,
9 intellectual and social well-being of the youth recognizing their vital role in nation-building.

10 SECTION 3. *Definitions.* – As used in this Act, the following terms shall mean:

11 (1) “Baby food” means a prepared solid food consisting of a soft paste or an easily
12 chewed food that is intended for consumption by children 2 years of age or younger and that is
13 commercially available.

14 (2) “BPA” or Bisphenol A means a chemical compound having a chemical formula
15 of $C_{15}H_{16}O_2$ and a CAS RN (Chemical Abstract Service Registry Number) of 80-05-7.

16 (3) “Infant formula” means a milk-based or soy-based powder, concentrated liquid, or
17 ready-to-feed substitute for human breast milk that is intended for infant consumption and that is
18 commercially available.

1 (4) “Reusable baby food or beverage container” means a receptacle for storing baby
2 food or beverages, including baby bottles and spill-proof cups.

3 SECTION 4. *Ban of the Use of BPA.* – Beginning 1 January 2013, no person or entity
4 shall manufacture, sell, or distribute in commerce in this state any reusable baby food or
5 beverage container or any infant formula or baby food stored in a plastic container, can or jar
6 containing BPA.

7 SECTION 5. *Use of the Least Toxic Alternative.* – Manufacturers shall use the least toxic
8 alternative when replacing BPA in accordance with this Act. Manufacturers shall not replace
9 BPA with substances that are known carcinogens, those that have carcinogenic potentials, likely
10 carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of
11 being carcinogens, and those with reproductive toxicants that the Department of Health (DOH)
12 has identified as causing birth defects, reproductive harm, or developmental harm.

13 SECTION 6. *Separability Clause.* – If any provision or part hereof is held invalid or
14 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
15 valid and subsisting.

16 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
17 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
18 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

19 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
20 publication in at least two (2) newspapers of general circulation.

Approved,