

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




Senate
Office of the Secretary

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SENATE

S.B. NO. 1088

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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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SENATE

S.B. NO. 1088

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Introduced by Senator TEOFISTO "TG" GUINGONA III

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 2013.
2
3 **SECTION 2. Declaration of Policy.** It is hereby declared the policy of the State to undertake
4 all measures to regulate the urban pest control industry in order to safeguard the health and
5 property of the public, protect the interest of the consumers, and ensure that hazardous
6 pesticides are not in any way misused or utilized for terrorist activities. Towards this end, the
7 State shall implement the following objectives:
8
9 a) Protection against all hazards and potential threats to public health, safety, and
10 property;
11
12 b) Imposition of a NO-SALE REGULATION to the general public of pesticides that are
13 not under the "ready-to-use" category;
14
15 c) Provision of information and education on the proper use/application of
16 pesticides/insecticides/ other pest control chemicals as well as on the risks inherent in
17 the use thereof;
18
19 d) \Provision of adequate rights and means of redress;
20
21 e) Protection of environment and provision for environmental safety measures, with the
22 subsequent police power to enforce regulations.
23
24 f) Direct regulation of all urban pesticide usage in strict coordination and concurrence
25 with an organized body of the pest management industry to be accredited by the
26 Department of Trade and Industry.
27

1 **SECTION 3. *Definition of Terms.*** For purposes of this Act:
2

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

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

- 32 a) To receive and act on complaints from consumers regarding the effectiveness and
33 safety of the pest control products and the manner of its application.
34
- 35 b) Investigate complaints and issue resolutions thereof after due notice and hearing.
36
- 37 c) Promulgate guidelines for the proper and safe disposal of used chemical containers,
38 unused pest control chemicals and other hazardous substances.
39
- 40 d) Impose legal sanctions and corresponding penalties on guilty offenders and their
41 associates.
42

43 **SECTION 5. *Registration and Licensing.*** No urban pesticides or other urban pest control
44 chemicals shall be exported, imported, manufactured, formulated, stored, distributed, sold or
45 offered for sale, transported, delivered for transportation or used unless it has been duly
46 registered with the FPA or covered by a numbered provisional permit issued by FPA for use
47 in accordance with the conditions as stipulated in the permit. Separate registrations shall be
48 required for each active ingredient and its possible formulations in the case of pesticides or
49 other urban pest control chemicals.
50

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

5
6 The FPA, in the pursuit of its duties and functions, may suspend, revoke, or modify
7 the registration of any pesticide and other urban pest control chemicals after due notice and
8 hearing.

9
10 **SECTION 6. Prohibitions.**

11
12 A. It shall be unlawful for any Pest Management/Pest Control Operator:

- 13
14 a) To engage in any form of production, importation, distribution, storage,
15 application and sale in commercial quantities without securing from the FPA a
16 license thereof;
17
18 b) To deal in pesticides and other urban pest control chemicals which have not
19 been previously registered with FPA, or which registration has been banned,
20 has expired, or has been suspended or revoked;
21
22 c) To adulterate pesticide formulations;
23
24 d) To mislabel or make claims which differ in substance from the representation
25 made in connection with a product's registration or from its actual
26 effectiveness; and
27
28 e) To violate such other rules and regulations as may be promulgated by FPA.

29
30 B. It shall likewise be unlawful for any other business establishment that do not possess
31 an FPA Pest Control License to engage in any urban pest management trade or
32 activity without first securing the said documents.

33
34 **SECTION 7. Separability Clause.** If any provision of this Act is declared unconstitutional,
35 the same shall not affect the validity and effectivity of the other provisions hereof.

36
37 **SECTION 8. Repealing clause.** – All laws, decrees, orders, and issuances or portions
38 thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended
39 or modified accordingly.

40
41 **SECTION 9. Effectivity.** This Act shall take effect fifteen (15) days following its publication
42 in at least two (2) national newspapers of general circulation.

Approved,