

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



SENATE
Office of the Secretary

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SENATE

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BY: *[Signature]*

SENATE BILL NO. **1071**

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

AN ACT
PROVIDING THE PUBLIC WITH ADEQUATE NOTICE AND
EDUCATION ON THE EFFECTS OF EXPOSURE TO MERCURY
THROUGH THE DEVELOPMENT OF HEALTH ADVISORIES AND BY
REQUIRING THAT SUCH APPROPRIATE ADVISORIES BE POSTED,
OR MADE READILY AVAILABLE, AT ALL BUSINESSES THAT SELL
FRESH, FROZEN, AND CANNED FISH AND SEAFOOD WHERE THE
POTENTIAL FOR MERCURY EXPOSURE EXISTS

EXPLANATORY NOTE

Mercury is a persistent, bioaccumulative heavy metal that poses a significant risk to human health, wildlife, and the environment.

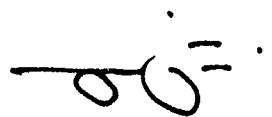
Unfortunately, mercury discharges into the atmosphere and surface oceans have increased two-to-five fold since the beginning of the industrialized period due to human activities. Substantial evidence is accumulating that exposure to methyl-mercury is widespread in the general public and occurring at higher than health-based levels of concern according to the World Health Organization. Fish and seafood caught or sold in the Philippines are contaminated with methyl-mercury a toxic element that may cause neurological damage and other health related problems as a result of fish or seafood consumption.

Evidence is continuing to emerge linking increased risk of coronary heart disease to mercury exposure, as presented in at least 2 peer reviewed studies.

Sadly, health advisory information on mercury-contaminated fish, which is necessary to protect public health, is not widely known by the government. This lack of awareness potentially threatens tens of millions of Filipinos who may unknowingly ingest harmful amounts of mercury because they are not aware of exposure risks from consumption of freshwater fish and seafood.

The proposed measure is filed to address this problem by providing the public with adequate notice and education on the effects of exposure to mercury, through the development of health advisories and by requiring that such appropriate advisories be posted, or made readily available, at all businesses that sell fresh, frozen, and canned fish and seafood where the potential for mercury exposure exists.

Hence, immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'JOE EJERCITO', with a horizontal line extending to the left.

JOSEPH VICTOR G. EJERCITO

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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the "*Mercury*
2 *Health Advisory Act.*"

3
4
5 **SECTION 2. *Purposes*** - The purposes of this Act are to--

6
7 1. ensure that the public is adequately informed about the potential
8 adverse effects of mercury exposure through the consumption of fish
9 products;

10
11 2. require the Secretary of Health to work cooperatively with other
12 government agencies, as well as nonprofit organizations, to create appropriate
13 advisories for the distribution to the public of explanations of the potential
14 adverse effects of mercury exposure from fish consumption;

15
16 3. require the Bureau of Food and Drug Administration to resume its
17 seafood methyl mercury monitoring program to better document mercury
18 levels in various fish species sold in commerce;

1
2 4. require the Secretary of Health, in cooperation with private and
3 public organizations, to design and implement a National Public Education
4 Program regarding the presence of methyl-mercury in seafood and fish
5 consumption advisories for methyl-mercury; and
6

7 5. require the Secretary of Environment and Natural Resources to
8 annually prepare a report on the impacts of mercury on human health and the
9 environment.
10

11 **SECTION 3. *Advisory Notices* -**

12

13 **1. Consumer Mercury Advisory Notice-**

14 (1) In general- The Department of Environment and Natural Resources,
15 in
16 coordination with the Department of Health, shall jointly develop fish
17 consumption advisories for methyl-mercury in fish. Such advisories shall be
18 based on appropriate Reference Dose for --
19

20 (A) the general population;

21
22 (B) sensitive populations; and
23

24 (C) populations consuming above average amounts of fish.
25

26 (2) Consumer's Notice- The Secretary of Health shall prepare a
27 consumer's mercury advisory notice. Such notice shall be distributed widely
28 by the Secretary, at no cost, to health professionals, particularly medical
29 offices that provide gynecological, obstetrical, or pediatric care, and to the
30 extent practicable shall be made available and posted in the patient or client
31 areas of all maternal and child health and nutrition program offices, and shall
32 be made available to health care providers, government agencies, and the
33 general public upon request.
34

35 (3) Criteria- The advisories developed under this subsection shall-
36

37 (A) explain, in an easily understandable manner, the dangers of
38 mercury exposure through the consumption of mercury contaminated
39 fish to women of childbearing age, women who expect to become
40 pregnant, women who are pregnant or breast feeding their children,
41 and young children and their parents;
42

43 (B) describe, in an easily understandable manner, in detail the
44 most current mercury health advisories prepared by the National
45 Government concerning fish consumption, contain the toll free number

1 established under paragraph (4), and contain such other information as
2 the Secretary determines appropriate; and
3

4 (C) be printed in large type in English and Filipino or any
5 dialect determined by the Secretary to be culturally and linguistically
6 appropriate.
7

8
9 2. Mercury Warning Consumer's Guide-

10
11 (1) In general- The Secretary of Health shall prepare a
12 consumer's guide to mercury and health advisory for the
13 consumption of recreationally-caught fish.
14

15 Such guide shall be distributed, at no cost, to—
16

17 (A) appropriate fisheries, wildlife, and environmental law
18 enforcement agencies;
19

20 (B) all applicants for a fishing license at the time the license is
21 issued; and
22

23 (C) to public upon request.
24
25

26 (2) Criteria- The guide developed under paragraph (1) shall be printed in
27 large type in English and Filipino or any dialect determined by the Secretary
28 to be culturally and linguistically appropriate;
29

30 3. Consumption Advisory-

31
32 (1) In general- The Secretary of Health, in consultation with the
33 Secretary of Agriculture and other appropriate government entities to--
34

35 (A) develop and distribute regional and national advisories
36 concerning the presence of methyl-mercury in seafood;
37

38 (B) develop standardized formats for written and broadcast
39 advisories regarding methyl-mercury in seafood;
40

41 (C) develop and periodically upgrade information related to
42 mercury fish tissue test results and fish consumption advisories for
43 methyl-mercury;
44

45 (D) coordinate local advisories in the formation of the National
46 Public Education Program under subsection (4)(1); and

(E) coordinate with that sector of the retail food industry that is engaged in the sale of any fresh, packaged, or frozen fish or seafood products intended for human consumption, concerning the posting of such advisories in their place of business where fish are sold to inform women of childbearing age, pregnant, and nursing women and the parents of young children on the potential dangers of mercury that is present in certain fish or seafood.

(2) Criteria- The advisories and notices developed under paragraph (1) shall include information both on limiting the consumption of certain high level fish and seafood to the general population and, for sensitive populations such as women of childbearing age and children, stress the importance of limiting consumption of frequently consumed fish that may exceed the Reference Dose.

4. Public Education and Advisory System-

(1) Public education- The Secretary of Health, in consultation with public and nonprofit private entities (including cooperative extension services and appropriate government entities), shall design and implement a national public education program regarding the presence of methyl-mercury in seafood.

(2) Features- The program developed under paragraph (1) shall provide-

(A) information to the public regarding-

(i) standards and good practice requirements relating to methylmercury in seafood; and

(ii) the promotion of public awareness, understanding, and acceptance of such standards and requirements;

(B) information to health professionals so that health professionals may improve the diagnosis and treatment of mercury-related illness and advise individuals whose health conditions place those individuals at particular risk; and

(C) such other information or advice to consumers and other individuals as the Secretary determines will promote the purposes of this section.

5. Sampling and Monitoring

1
2 (1) In general- The Secretary of Health shall ensure the seafood methyl-
3 mercury monitoring sampling program of the Bureau of Food and Drug
4 Administration to assist in documenting mercury levels in various fish
5 species.
6

7 (2) Monitoring- The sampling program described in paragraph (1) shall
8 be conducted so as to provide statistically valid monitoring data with respect
9 to mercury levels in fish and seafood (including market-basket studies)
10 including documenting the extent to which fish with mercury levels in excess
11 of the action level are sold in commerce. Such information, along with
12 information gathered by the Department of Environment and Natural
13 Resources, shall be compiled into an annual report by the Secretary to track
14 changes in dietary exposure to mercury from fish and seafood.
15

16 (3) Avoidance of duplication of effort- To the extent practicable, the
17 sampling program described in paragraph (1) shall be consistent with, and
18 shall be coordinated with, other seafood sampling programs that are in use,
19 so as to avoid duplication of effort.
20

21
22 **SECTION 4. *Repealing Clause.*** - Any law, presidential decree or
23 issuance, executive order, letter of instruction, administrative order, rule or
24 regulation contrary to or inconsistent with the provisions of this Act is hereby
25 repealed, modified or amended accordingly.
26

27
28 **SECTION 5. *Separability Clause.*** - If any provision or part hereof, is
29 held invalid or unconstitutional, the remainder of the law or the provisions
30 not otherwise affected shall remain valid and subsisting.
31

32
33 **SECTION 6. *Effectivity Clause.*** - This Act shall take effect fifteen (15)
34 days after its publication in at least two (2) newspapers of general circulation.
35
36

37 *Approved,*
38
39