



Senate
Office of the Secretary

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

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SENATE
S.B. NO. 1320

RECEIVED BY: _____

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT
PROHIBITING THE USE OF BPA IN BABY FOOD PACKAGING AND
CONTAINERS, AND OTHER CHILD CARE ARTICLES, PROVIDING FOR
ITS REPLACEMENT WITH SAFER ALTERNATIVES**

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Philippine Constitution provides:

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

Bisphenol A (BPA) is a chemical primarily used in the production of polycarbonate plastic products and epoxy resin food can liners. BPA is used to harden plastics, prevent cans from rusting and keeping food safe from bacteria. Beverage bottles, food packaging materials and metal can-coated products including water and infant bottles are among the many food and liquid containers applied with BPA.

Possible harmful effects of BPA on humans, particularly on infants and children may include endocrine disruption, heart disease, fetal brain development, among others.

The proposed bill seeks to protect infants and children by regulating the use of BPA in baby food products.

MARIA LOURDES NANCY S. BINAY
Senator

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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 "BPA in Child Care Articles
2 Prohibition Act"

3

4 Sec. 2. **Declaration of Policy.** – It shall be the policy of the State to protect
5 and promote the right to health of the people and instill health consciousness
6 among them.

7 It is also the policy of the State to protect consumers from trade
8 malpractices and substandard or hazardous products;

9

10 Sec. 3. **Definitions.** – As used in this Act, the following words or terms shall
11 have the following meaning:

12

13 a) Baby Food – refers to prepared food consisting of sift paste or an easily
14 chewed food that is intended for consumption by infants and children.

15

1 b) BPA or Bisphenol A – an industrial chemical compound C₁₅H₁₆O₂ that
2 is a component especially of hard plastics (such as polycarbonate) and
3 epoxy resins.

4
5 c) Infant Formula – breast milk substitutes formulated industrially in
6 accordance with applicable Codes Alimentarius standards to satisfy the
7 normal nutritional requirements of infants between four (4) to six (6)
8 months of age adapted to their physiological characteristics. It may be a
9 milk-based or soy-based powder, concentrated liquid or ready-to-feed
10 substitute for human breast milk, that is intended for infant consumption.

11
12 d) Baby Food or Beverage Container – a receptacle for storing baby food
13 or beverages, including baby bottles and spill proof cups. It may be
14 reusable or disposable once used.

15
16 e) Child Care Article – a consumer product designed or intended by a
17 manufacturer for the feeding of children, to facilitate sleep or to help
18 children with sucking or teething. This includes baby food packaging,
19 containers and other baby products.

20
21 **Sec. 4. Ban on BPA in Child Care Articles.** – No persons or entity shall
22 manufacture, sell, import or distribute in commerce:

- 23
24 1. Any baby food or beverage packaging, container, or any child care
25 article containing BPA; and
26 2. Any infant formula or baby food stored in packaging, container, or child
27 care article containing BPA;

28
29 **Sec. 5. Use of Safer Alternatives.** – Manufacturers of child care articles are
30 duty-bound to safer alternatives as replacement of BPA with substances that are

1 known carcinogens, have carcinogenic potentials, likely carcinogens, known to be
2 human carcinogens, likely to be human carcinogens, or suggestive of being
3 carcinogens, and those with reproductive toxicants that the Department of
4 Health (DOH) has identified as causing birth defects, reproductive harm, or
5 developmental harm.

6

7 **Sec. 6. Creation of Information System on BPA and other Harmful and**
8 **Toxic Chemicals.** - The Food and Drug Administration (FDA) shall create an
9 information system, that can be accessed by the public, containing all
10 information about BPA, and other harmful and toxic chemicals that can be found
11 in child care articles, and other issuances and regulation related thereto.

12

13 **Sec. 7. Public Information on BPA.** – The Department of Trade and Industry
14 (DTI), in coordination with the DOH, and the Philippine Information Agency
15 (PIA), shall develop a public information and communication campaign about
16 BPA and other harmful and toxic chemicals found in child care articles and other
17 baby products. The campaign is aimed at encouraging all concerned stakeholders
18 to prevent the use of BPA and other toxic chemicals in baby food o beverage
19 containers, and other child care articles, and encourage science-based method in
20 search for alternatives or substitutes for BPA.

21

22 **Sec. 8. Penalties for Violations.** – Whenever it is found that a baby food or
23 beverage packaging, container, or child care article injurious, unsafe, or
24 dangerous as it contains BPA, or when an infant formula or baby food is stored
25 in a container or packaging containing BPA, the DTI shall, after due notice and
26 hearing, make the appropriate order for its recall, prohibition, or seizure from
27 public sale or distribution, in which case, the seller, distributor, manufacturer or
28 producer thereof shall be afforded a hearing within forty-eight (48) hours from
29 such order.

30

1 Any person natural or juridical, who shall violate the prohibition provided
2 under this act shall be subject to a fine not less than Fifty Thousand Pesos
3 (P50,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00)
4 or by imprisonment of not less than one (1) year but not more than five (5)
5 years or both, upon the discretion of the court.

6 In case the offender is a juridical person, the President, Secretary,
7 Treasurer, and such other officers or persons responsible for the offense, shall
8 be liable for the penalty of imprisonment.

9 If the seller, distributor or manufacturer of injurious products containing
10 BPA is a foreigner, he shall be deported after service of sentence and payment of
11 fine without further deportation proceedings.

12

13 **Sec. 9. Implementing Agency.** – The DTI in coordination with DOH and the
14 Department of Interior and Local Government (DILG), shall enforce the
15 provisions of this Act.

16

17 **Sec. 10. Separability Clause.** – If any provision or part hereof is held invalid or
18 unconstitutional, the remainder of the law or the provisions not otherwise
19 affected shall remain valid and subsisting.

20

21 **Sec. 11. Repealing Clause.** – All laws, presidential decrees, executive orders,
22 or issuances, letter of instruction, administrative order, rule, or regulation
23 contrary to or inconsistent with the provisions of this Act is hereby repealed,
24 modified or amended accordingly.

25

26 **Sec. 12. Effectivity.** – This Act shall take effect fifteen (15) days after its
27 publication in the Official Gazette or two (2) newspaper of general circulation.

28

Approved,