

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

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3750**

EXPLANATORY NOTE

Many Filipinos will spare no expense to have whiter skin. This is why store shelves are flooded with whitening products ranging from soaps to creams and to powders.

In a report made by Carmela G. Lapena, published in GMA News TV website, it was said that the Pinoñ culture's standards of beauty favor lighter skin. It's the mestiza madness that was purportedly ingrained into our consciousness since Spain colonized us. They had more than three centuries to make us all believe that whiter is better. Over a hundred years since the Spaniards left our shores, but now under the spell of American commercialism since then, many Filipinos are still obsessed with having whiter skin.

A market research company, Synovate, conducted a study that revealed that "two out of five women in Hong Kong, Korea, Malaysia, Philippines and Taiwan feel they are more attractive with fair complexions." The study also highlighted the fact that the Philippines had the highest usage among the countries included in the survey, with one out of two women saying they use skin whitening products.

With this high demand for skin whitening products, many different companies produce skin whiteners to be sold to the public. However, not all of these products work and are tested by the Food and Drug Administration (FDA). Unfortunately, cosmetics testing is not the FDA's priority at the moment. They have placed cosmetics tests on the backburner and are focusing on food and milk testing.

Data from the FDA showed that some 28 skin lightening products were recalled from January to September 2010 due to their high mercury content. Two of the recently recalled skin whitening products were found to have 1,000 and 3,000 parts per million (ppm) of mercury, way beyond the FDA's "allowable threshold" of 1 ppm. However, this threshold of 1 ppm is still not good for the consumers because studies have shown that overexposure to the chemical can lead to mercury poisoning which causes skin discoloration and other problems. It can also affect sensory functions and vital organs, depending on the amount of exposure to mercury. The use of mercury in cosmetics is illegal in the United States and Europe. Therefore, the FDA should also revise the mercury limit in cosmetics from 1 parts per million to zero.

Just in January 2019, Environment group EcoWaste Coalition stated that local government units (LGUs) in cities in Mindanao should take action against the selling of cosmetics which were found to have traces of extremely toxic mercury in view of the fact that many skin whitening products sold in Cagayan de Oro, Oroquieta, Ozamiz, Iligan, Dipolog, Pagadian, and Zamboanga are found to have mercury and were already banned by the FDA. In a statement made last June 2019, EcoWaste Coalition said that out of 93 samples screened early in June, they found 75 to be contaminated with mercury way beyond the 1 parts per million (ppm) limit set by the Association of South East Asian Nations (ASEAN) Cosmetic Directive and the Minamata Convention on Mercury.

In view of the foregoing, immediate approval of this bill is earnestly requested.


RUFUS B. RODRIGUEZ



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AN ACT

BANNING THE USE OF MERCURY AND OTHER TOXIC CHEMICALS IN SKIN WHITENING PRODUCTS, COSMETICS AND OTHER PERSONAL CARE PRODUCTS

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

SECTION 1. Declaration of Policy. – It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them

SEC. 2. Definition of terms. –

- a. "Skin Whitening Products" are products used to whiten and/or lighten the tone of the skin and includes soaps, creams, lotions and other similar products;
- b. "Cosmetics" are substances used to enhance the appearance or odor of the human body. It shall include skin-care creams, lotions, powders, perfumes, lipsticks, fingernail and toe nail polish, eye and facial makeup, permanent waves, colored contact lenses, hair colors, hair sprays, gels and other similar products;
- c. "Personal Care Products" are consumer products used for beautification and in personal hygiene. It shall include toiletries like soaps, shampoos, conditioners, and other similar products;

SEC. 3. The use of mercury in skin whitening products, cosmetics and other personal care products is hereby declared illegal.

SEC. 4. Companies, corporations or other producers of cosmetics and personal care products are hereby mandated to remove toxic chemicals and substances known as probable human carcinogens, reproductive toxins, and endocrine disruptors from their products.

SEC. 5. Companies, corporations or other producers of cosmetics and personal care products are hereby mandated to disclose all chemical ingredients in their products.

SEC. 6. The marketing of products containing mercury and other toxic chemicals is hereby prohibited.

SEC. 7. Penal Provision. – Any person who shall violate the provisions of this Act shall be penalized with imprisonment of at least six (6) years but not more than twelve (12) years and a fine of at least One Hundred Thousand Pesos (P100,000) but not more than Five Hundred Thousand Pesos (P500,000). If the violator is a corporation or association, the president and the manager/s of said corporation or association, or its agent or representative in the Philippines, in the case of a foreign corporation or association, shall be held liable.

SEC. 8. *Implementing Rules and Regulations.* — The Department of Health and the Department of Trade and Industry shall promulgate the rules and regulations necessary for the implantation of this Act within sixty (60) days after its approval.

SEC. 9. *Separability Clause.* — If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

SEC. 10. *Repealing Clause.* — Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of the Act is hereby repealed, modified, or amended accordingly.

SEC. 11. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,