

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 5631



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INTRODUCED BY HONORABLE LIANDA B. BOLILIA

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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 substance commonly used in polycarbonate plastics (PC). PC is the most used polymer in making baby feeding bottles and other baby specified utensils. Many studies show that BPA can be released from baby bottles in to the content inside the bottle and this migration has been shown to get enhanced by high heat exposure (when filling the bottle with boiling water, adding milk formula and leaving the bottle to cool down), mechanical pressures, as well as being in contact with high pH detergents used in dishwashing.<sup>1</sup>

Research also shows that a long-time exposure to BPA is identified to induce toxic effects in humans such as estrogenic/endocrine disruption and growth suppression.<sup>2</sup> Infants, babies, and toddlers are the most vulnerable. In the Joint Food and Agriculture Organization and World Health Organization (FAO/WHO) Expert Meeting held on November 2010, the expert panels concluded that dietary exposure estimates are generally higher for infants (0-6 months) fed using PC baby bottles with the mean of 2.4 pg/kg body weight per day.<sup>3</sup>

On the basis of results from recent studies and concerns about BPA's effect on human health, some countries already prohibit polycarbonate baby bottles that contain BPA, namely: Canada, European Union, China, and Malaysia, among others. In the Philippines, the Food and Drug Administration (FDA) issued Circular No. 2019-004 banning BPA from infant feeding bottles and sippy cups as child care article products.<sup>4</sup> The circular covers infant feeding bottles and sippy cups as child care article products containing BPA and the establishments that are engaged in the manufacture, importation, exportation, sale, offer for sale, distribution, donation, transfer, and

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<sup>1</sup> Moghadam, Zohreh, et.al. "Bisphenol A in "BPA free" baby feeding bottles," *Journal of Research in Medical Sciences*, 2012 Nov; 17(11): 1089-1091.

<sup>2</sup> Ibid.


<sup>3</sup> <https://www.fda.gov.ph/fda-circular-no-2019-004-ban-of-bisphenol-a-bpa-from-infant-feeding-bottles-and-sippy-cups-as-child-care-article-products/>

<sup>4</sup> Ibid.

where applicable, the use, testing, promotion, advertising, or sponsorship of any child care articles containing BPA.

Thus, this measure aims to better protect the health of the Filipino children and to reduce their exposure to these toxic substances.

In view of the foregoing, the immediate enactment and approval of this bill is earnestly sought.



**LIANDA B. BOLILIA**  
Representative  
4<sup>th</sup> District, Batangas



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AN ACT  
PROHIBITING THE USE OF BPA IN BABY FOOD PACKAGING AND  
CONTAINERS, 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:*

1 SECTION 1. **Short Title.** – This Act shall be known as the “BPA in Baby Products Prohibition  
2 Act.”  
3

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

7 It is also the policy of the State to protect consumers from trade malpractices and from  
8 substandard or hazardous products.  
9

10 SECTION 3. **Definitions.** – As used in this Act, the following words or terms shall have the  
11 following meaning:  
12

- 13 a) *Baby Food* – refers to prepared food consisting of a soft paste or an easily chewed  
14 food that is intended for consumption by infants and children.  
15
- 16 b) *BPA or Bisphenol A* – an industrial chemical compound of  $C_{15}H_{16}O_2$  that is a  
17 component especially of hard plastics (such as polycarbonate) and epoxy resins.  
18
- 19 c) *Infant Formula* – breastmilk substitutes formulated industrially in accordance with  
20 applicable Codex Alimentarius standards to satisfy the normal nutritional  
21 requirements of infants between four (4) to six (6) months of age and adapted to  
22 their physiological characteristics. It means a milk-based or soy-based powder,  
23 concentrated liquid, or ready-to-feed substitute for human breast milk that is  
24 intended for infant consumption and that is commercially available.  
25
- 26 d) *Reusable baby food or beverage container* – means a receptacle for storing baby food  
27 or beverages, including baby bottles and spill-proof cups.  
28
- 29 e) *Child care article* – a consumer product designed or intended by a manufacturer for  
30 the feeding of children, to facilitate sleep or to help children with sucking or  
31 teething. This includes baby food packaging, containers and other baby products.

1 SECTION 4. *Ban of the Use of BPA.* – No person or entity shall manufacture, sell, import or  
2 distribute in commerce:

- 3
- 4 1. Any baby food or beverage packaging, container, or any child care article containing  
5 BPA; and
- 6
- 7 2. Any infant formula or baby food stored in a packaging, container, or child care article  
8 containing BPA.
- 9

10 SECTION 5. *Use of Safer Alternatives.* – Manufacturers of child care articles are duty-bound  
11 to use safer alternatives as replacement of BPA in accordance with this Act. Manufacturers  
12 shall not replace BPA with substances that are known carcinogens, likely to be human  
13 carcinogens, or suggestive of being carcinogens, and those with reproductive toxicants that  
14 the Department of Health (DOH) has identified as causing birth defects, reproductive harm,  
15 or developmental harm.

16  
17 SECTION 6. *Creation of Information System on BPA and other Harmful and Toxic Chemicals.*  
18 – The Food and Drug Administration (FDA) shall create an information system, that can be  
19 accessed by the public, containing all information about BPA, and other harmful and toxic  
20 chemicals that can be found in child care articles, and of issuances and regulations related  
21 thereto.

22  
23 SECTION 7. *Public Information on BPA.* – The Department of Trade and Industry (DTI), in  
24 coordination with the DOH, and the Philippine Information Agency (PIA), shall develop a  
25 public information and communication campaign about BPA and other harmful and toxic  
26 chemicals found in child care articles and other baby products.

27  
28 SECTION 8. *Penalties for Violations.* – Within sixty (60) days from the approval of this Act,  
29 the DTI shall make the appropriate order for the recall, prohibition or seizure from public sale  
30 or distribution of child care articles containing BPA.

31  
32 Any person, natural or juridical, who shall violate the prohibition provided under this  
33 Act shall be subject to a fine of not less than Fifty Thousand Pesos (P50,000.00) but nor more  
34 than Three Hundred Thousand Pesos (P300,000.00) or by imprisonment of not less than one  
35 (1) year but not more than five (5) years or both, upon the discretion of the court.

36  
37 SECTION 9. *Implementing Agency.* – The DTI in coordination with DOH and the FDA shall  
38 enforce the provisions of this Act.

39  
40 SECTION 10. *Separability Clause.* – If for any reason any part or provision of this Act is  
41 declared unconstitutional or invalid, the other parts or provisions hereof which are not  
42 affected thereby shall remain and continue to be in full force and effect.

43  
44 SECTION 11. *Repealing Clause.* – All laws, decrees, executive orders, rules or regulations or  
45 parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or  
46 modified accordingly.

47  
48 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete  
49 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

50  
51 Approved,