

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



Senate  
Office of the Secretary

'16 JUL 20 A9:31

SENATE

S. NO. 639

RECORDED BY: 

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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AN ACT

TO ESTABLISH THE FOOD SAFETY ADMINISTRATION WITHIN THE DEPARTMENT OF HEALTH TO PROTECT THE PUBLIC HEALTH BY PREVENTING FOOD-BORNE ILLNESS, ENSURING THE SAFETY OF FOOD, IMPROVING RESEARCH ON CONTAMINANTS LEADING TO FOOD-BORNE ILLNESS, AND IMPROVING SECURITY OF FOOD FROM INTENTIONAL CONTAMINATION, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

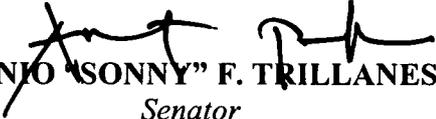
Article II Section 15 of the 1987 Constitution declares that the State shall protect and promote the right to health of the people and instill health consciousness among them. In this vein, this measure seeks to establish a Food Safety Administration under the Department of Health to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illnesses, and improving security of food from intentional contamination, and for other purposes.

The recent panics over salmonella and melanin poisoning, and other offshoots of unsafe food products in the market, have provoked a growing concern and demand for food safety in the country. Moreover, these call for more stringent regulation on the part of the government to protect our nation's food supply and safeguard our people's health. Every Filipino deserves to have healthy and safe food in their tables. The assurance of food safety should go hand in hand with the pursuit of food security.

In this light, this bill directs the Administrator of the Food Safety Administration to: (1) administer a national food safety program; and (2) ensure that persons who produce, process, or distribute food prevent or minimize food safety hazards. Furthermore, it sets forth requirements for the Administrator to carry out such duties, including: (1) requiring food establishments to adopt preventive process controls; (2) enforcing performance standards for food safety; (3) establishing an inspection program; (4) strengthening and expanding food-borne illness surveillance systems; (5) requiring imported food to meet the World Health Organization's standards in food safety; and (6) establishing a national traceability system for food. This bill also provides for the transfer of functions and resources to the Administration from government entities concerned with the enforcement of food safety laws.

It is hoped that the passage of this measure improve the government's ability to prevent food-borne illness outbreaks and ensure that the government responds quickly and effectively when outbreaks do occur.

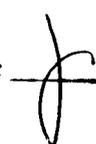
In view of the foregoing, the immediate approval of this measure is earnestly sought.

  
ANTONIO "SONNY" F. TRILLANES IV  
*Senator*

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AN ACT

TO ESTABLISH THE FOOD SAFETY ADMINISTRATION WITHIN THE DEPARTMENT OF HEALTH TO PROTECT THE PUBLIC HEALTH BY PREVENTING FOOD-BORNE ILLNESS, ENSURING THE SAFETY OF FOOD, IMPROVING RESEARCH ON CONTAMINANTS LEADING TO FOOD-BORNE ILLNESS, AND IMPROVING SECURITY OF FOOD FROM INTENTIONAL CONTAMINATION, AND FOR OTHER PURPOSES.

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

CHAPTER I  
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act may be cited as the "Food Safety Modernization Act of 2016."

SEC. 2. *Definition of Terms.* – In this Act:

- A) Administration - The term 'Administration' means the Food Safety Administration established under this Act.
- B) Administrator - The term 'Administrator' means the Administrator of Food Safety appointed under section 3(2) of this Act.
- C) Adulterated - The term 'adulterated' includes bearing or containing a contaminant that causes illness or death among sensitive populations.
- D) Category 1 Food Establishment - The term 'category 1 food establishment' means a food establishment (other than a seafood processing establishment) that slaughters, for the purpose of producing food, animals, and poultry that are not subject to inspection under the Republic Act 9296, otherwise known as the Meat Inspection Code of the Philippines.
- E) Category 2 Food Establishment - The term 'category 2 food establishment' means a seafood processing establishment or other food establishment (other than a category 1 establishment) not subject to inspection under the Republic Act 9296, otherwise known as the Meat Inspection Code of the Philippines, that processes raw seafood or other raw animal products, whether fresh or frozen, or other

1 products that the Administrator determines by regulation to pose a significant  
2 risk of hazardous contamination.

- 3
- 4 F) Category 3 Food Establishment - The term 'category 3 food establishment' means  
5 a food establishment (other than a category I or category 2 establishment) that  
6 processes cooked, pasteurized, or otherwise ready-to-eat seafood or other animal  
7 products, fresh produce in ready- to-eat raw form, or other products that pose a  
8 risk of hazardous contamination.  
9
- 10 G) Category 4 Food Establishment - The term 'category 4 food establishment' means  
11 a food establishment that processes all other categories of food products not  
12 described in paragraphs (4) through (6).  
13
- 14 H) Category 5 Food Establishment - The term 'category 5' food establishment'  
15 means a food establishment that stores, holds, or transports food products prior to  
16 delivery for retail sale.  
17
- 18 I) Contaminant - The term 'contaminant' includes a bacterium, chemical, natural  
19 toxin or manufactured toxicant, virus, parasite, prion, physical hazard, or other  
20 human pathogen that when found on or in food can cause human illness, injury,  
21 or death.  
22
- 23 J) Hazardous Contamination - The term 'hazardous contamination' refers to the  
24 presence of a contaminant in food at levels that pose a risk of human illness,  
25 injury, or death or are capable of reaching levels that pose such risk during the  
26 shelf life of the product.  
27
- 28 K) Food - The term 'food' means a product intended to be used for food or drink for  
29 a human or an animal and components thereof.  
30

31 a) Food Establishment-

- 32
- 33 1) In general - The term 'food establishment' means a  
34 slaughterhouse (except those regulated under the Republic Act  
35 9296, otherwise known as the Meat Inspection Code of the  
36 Philippines), factory, warehouse, or facility owned or operated by a  
37 person located in any locality that processes food or a facility that  
38 holds, stores, or transports food or food ingredients.  
39
- 40 2) Exclusions - For the purposes of registration, the term 'food  
41 establishment' does not include a food production facility as  
42 defined in paragraph (13), restaurant, other retail food  
43 establishment, nonprofit food establishment in which food is  
44 prepared for or served directly to the consumer, or fishing vessel  
45 (other than a fishing vessel engaged in processing).  
46
- 47 L) Food Production Facility - The term 'food production facility' means any farm,  
48 ranch, orchard, vineyard, aquaculture facility, or confined animal-feeding  
49 operation.  
50

- 1 M) Foreign Food Establishment - The term 'foreign food establishment' means any  
2 category I through 5 food establishment or food production facility located  
3 outside the Philippines that processes or produces food or food ingredients for  
4 consumption in the Philippines.  
5
- 6 N) Misbranded - The term 'misbranded' has the meaning given that term in section  
7 10.1.1.a of Republic Act No. 3720, otherwise known as the Food, Drug, and  
8 Cosmetic Act of the Philippines.  
9
- 10 O) Process - The term 'process' or 'processing' means the commercial slaughter,  
11 packing, preparation, or manufacture of food.  
12

13 **CHAPTER II**  
14 **ESTABLISHMENT OF THE FOOD SAFETY ADMINISTRATION**  
15

16 **SEC. 3. Food Safety Administration. –**

17 A) Establishment –

- 18 1) In general – There is established in the Department of Health an agency to  
19 be known as the 'Food Safety Administration'.  
20
- 21 2) Head of the Administration – The Administration shall be headed by the  
22 Administrator of Food Safety, who shall be appointed by the President, by  
23 and with the advice and consent of the Senate, for a term of three (3) years,  
24 and who may be reappointed.  
25
- 26 3) Delegation – All the authorities and responsibilities assigned to the  
27 Secretary of Health in the food safety law are hereby assigned to the  
28 Administrator.  
29

30 B) Duties of Administrator – The Administrator shall –

- 31 1) administer and enforce the food safety law;  
32
- 33 2) serve as the food safety leader within the Department of Health and  
34 Human Services and coordinator of all Department activities related to  
35 ensuring the safety, quality, and proper labeling of the food supply;  
36
- 37 3) represent the Philippines in relevant international food safety bodies and  
38 discussions;  
39
- 40 4) promulgate regulations to ensure the safety and security of the food supply  
41 from all forms of contamination, including intentional contamination; and  
42
- 43 5) oversee within the Department of Health -  
44 a) all activities related to foodborne illness surveillance and  
45 investigation of foodborne illness outbreaks;  
46
- 47 b) implementation of food safety inspection, enforcement, and  
48 research efforts to protect the public health;  
49

- 1 c) development of consistent and science-based standards for safe  
2 food;  
3  
4 d) coordination and prioritization of food safety research and  
5 education programs with other agencies;  
6  
7 e) prioritization of food safety efforts and deployment of food safety  
8 resources to achieve the greatest possible benefit in reducing food-  
9 borne illness;  
10  
11 f) coordination of the response to food-borne illness outbreaks with  
12 other national and local agencies; and  
13  
14 g) integration of food safety activities with national and local  
15 agencies.  
16

17 **SEC. 4. Consolidation of Food Safety Functions. –**

- 18 A) Transfer of Functions and Resources - All offices and personnel  
19 (including facilities and financial resources; and all related functions of  
20 any officer or employee of the component) of the Department of Health  
21 (hereinafter referred to as the DOH) Department of Agriculture (DA), and  
22 Department of Science and Technology (DOST) that relate to  
23 administration or enforcement of the food safety law, as determined by the  
24 President, be transferred to the Food Safety Administration.  
25  
26 B) Renaming and Reservation of Agency Identity - The Bureau of Food and  
27 Drug (BFAD) in the Department of Health (DOH) is hereby renamed the  
28 National Drug Bureau.  
29  
30 C) Sharing of Facilities and Resources - The Food Safety Administration and  
31 the National Drug Bureau, may enter into such agreements concerning the  
32 sharing of facilities and other resources as may be appropriate to make  
33 efficient use of such facilities and resources and achieve their respective  
34 missions.  
35

36 **SEC. 5. Additional Duties of the Administration. –**

- 37 A) Officers and Employees - The Administrator may:  
38 1) appoint officers and employees for the Administration in  
39 accordance with the provisions of Republic Act No. 6040  
40 amending the Civil Service Act of 1959, relating to appointment in  
41 the competitive service; and  
42  
43 2) fix the compensation of those officers and employees in  
44 accordance with the existing Salary Standardization Law, relating  
45 to classification and General Schedule pay rates.  
46  
47 B) Experts and Consultants- The Administrator may –  
48

- 1) procure the services of temporary or intermittent experts and consultants subject to the provisions of the Labor Code and other pertinent legislation; and
- 2) pay in connection with those services the travel expenses of the experts and consultants, including transportation and per diem in lieu of subsistence while away from the homes or regular places of business of the individuals, as authorized by pertinent laws.

C) Bureaus, Offices, and Divisions - The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator determines are necessary to perform the duties of the Administrator.

D) Advisory Committees-

- 1) In general - The Administrator shall establish advisory committees that consist of representatives of scientific expert bodies, academics, industry specialists, and consumers.
- 2) Duties - The duties of an advisory committee established under paragraph (I) may include developing recommendations with respect to the development of new processes, research, communications, performance standards, and inspection.

### CHAPTER III ADMINISTRATION OF FOOD SAFETY PROGRAM

#### **SEC. 6. Administration of National Program.**

A) In General - The Administrator shall:

- 1) develop, administer, and annually update a national food safety program (referred to in this section as the 'program') to protect public health; and
- 2) ensure that persons who produce, process, or distribute food meet their responsibility to prevent or minimize food safety hazards related to their products.

B) Comprehensive Analysis - The program shall be based on a comprehensive analysis of the hazards associated with different food and with the processing of different food, including the identification and evaluation of:

- 1) the severity of the potential health risks;
- 2) the sources of potentially hazardous contamination or practices extending from the farm or ranch to the consumer that may increase the risk of food-borne illness;
- 3) the potential for persistence, multiplication, or concentration of naturally occurring or added contaminants in food;

- 1 4) the potential for hazardous contamination to have cumulative toxic  
2 effects, multigenerational effects, or effects on specific categories of  
3 consumers;
- 4
- 5 5) opportunities across the food production, processing, distribution, and  
6 retail system to reduce potential health risks; and
- 7
- 8 6) opportunities for intentional contamination of food or food ingredients.
- 9

10 C) Program Elements - In carrying out the program, the Administrator shall:

- 11 1) adopt and implement a national system for the registration of food  
12 establishments and foreign food establishments, as in this Act;
- 13
- 14 2) adopt and implement a national system for regular unannounced  
15 inspection of food establishments;
- 16
- 17 3) require and enforce the adoption of preventive process controls in food  
18 establishments, based on the best available scientific and public health  
19 considerations and best available technologies;
- 20
- 21 4) establish and enforce science-based standards for:  
22 a) potentially hazardous substances that may contaminate food;  
23 and  
24 b) safety and sanitation in the processing and handling of food;
- 25
- 26
- 27 5) implement a statistically valid sampling program with the stringency  
28 and frequency to independently monitor that industry programs and  
29 procedures that prevent food contamination are effective on an  
30 ongoing basis and that food meets the standards established under this  
31 Act;
- 32
- 33 6) implement appropriate surveillance procedures and requirements to  
34 ensure the safety and security of imported food;
- 35
- 36 7) coordinate and collaborate with other agencies and national or local  
37 governments in carrying out inspection, enforcement, research, and  
38 monitoring;
- 39
- 40 8) implement a national system to identify the food products posing the  
41 greatest public health risk and to analyze the effectiveness of existing  
42 food safety programs, in conjunction with and other government  
43 agencies;
- 44
- 45 9) develop public education, risk communication, and advisory programs;
- 46
- 47 10) implement an applied research program to further the purposes of this  
48 Act;

1 11) coordinate and prioritize food safety research and educational  
2 programs with other government agencies and with national and local  
3 governments; and  
4

5 12) provide technical assistance to farmers and food establishments that  
6 are small business concerns (meeting the requirements of Republic Act  
7 No. 6977, otherwise known as the Magna Carta for Small Enterprises  
8 as amended by Republic Act No. 9501 and the regulations  
9 promulgated thereunder) to assist with compliance with the  
10 requirements of this Act.  
11

12 **SEC.7. Registration of Food Establishments and Foreign Food Establishments.**  
13

14 A) In general - Any food establishment or foreign food establishment engaged in  
15 manufacturing, processing, packing, or holding food for consumption in the  
16 Philippines shall register annually with the Administrator.  
17

18 B) Registration Requirements:  
19

20 1) In general - To be registered under subsection (A), a food  
21 establishment shall submit a registration or re-registration to the  
22 Administrator.  
23

24 2) Registration - Registration under this section shall begin within 90  
25 days of the enactment of this Act. Each such registration shall be  
26 submitted to the Secretary through an electronic portal and shall  
27 contain such information as the Secretary, by guidance, determines to  
28 be appropriate. Such registration shall contain the following  
29 information:  
30

31 a) The name, address, and emergency contact information of each  
32 domestic food establishment or foreign food establishment that  
33 the registrant owns or operates under this Act and all trade  
34 names under which the registrant conducts business in the  
35 Philippines relating to food.  
36

37 b) The primary purpose and business activity of each domestic  
38 food establishment or foreign food establishment, including the  
39 dates of operation if the domestic food establishment or foreign  
40 food establishment is seasonal.  
41

42 c) The types of food processed or sold at each domestic food  
43 establishment or, for foreign food establishments selling food  
44 for consumption in the Philippines, the specific food categories  
45 of that food, or such other categories as the Administrator may  
46 designate in guidance, action level, or regulations for  
47 evaluating potential threats to food protection.  
48

49 d) The name, address, and 24-hour emergency contact information  
50 of the Philippines distribution agent for each domestic food

1 establishment or foreign food establishment, who shall  
2 maintain information on the distribution of food, including lot  
3 information, and wholesaler and retailer distribution.  
4

- 5 e) An assurance that the registrant will notify the Administrator of  
6 any change in the products, function, or legal status of the  
7 domestic food establishment or foreign food establishment  
8 (including cessation of business activities) not later than 30  
9 days after such change.  
10

11 3) Procedure - Upon receipt of a completed registration described in  
12 paragraph (1), the Administrator shall notify the registrant of the receipt of  
13 the registration, designate each establishment as a category 1, 2, 3, 4, or 5  
14 food establishment, and assign a registration number to each domestic  
15 food establishment and foreign food establishment.  
16

17 4) List - The Administrator shall annually compile a list of domestic food  
18 establishments and a list of foreign food establishments that are registered  
19 under this section. The Administrator may establish the manner of and any  
20 fees required for re-registration and any circumstances by which either  
21 such list may be shared with other governmental authorities. The  
22 Administrator may remove from either list the name of any establishment  
23 that fails to reregister, and such delisting shall be treated as a suspension.  
24

25 5) Suspension of Registration -

26 a) In General - The Administrator may suspend the registration of  
27 a domestic food establishment or foreign food establishment,  
28 including the facility of an importer, for violation of a food  
29 safety law that is either repeated or could result in serious  
30 adverse health consequences or death to humans or animals.  
31

32 b) Notice and Opportunity for Hearing - The Administrator shall  
33 provide notice of an intent to suspend the registration of an  
34 establishment under this paragraph to a registrant and provide  
35 the registrant with an opportunity for an administrative hearing  
36 within three (3) working days. The Administrator may issue a  
37 written order of suspension following the hearing, if the  
38 Administrator finds that a violation described in subparagraph  
39 (a) has occurred.  
40

41 c) Judicial Review - The issuance of an order of suspension under  
42 subparagraph (b) shall be considered to be a final agency action  
43 subject to judicial review.  
44

45 6) Reinstatement - A registration that is suspended under this section may  
46 be reinstated based on a showing that adequate process controls have been  
47 instituted that would prevent future violations and there are assurances  
48 from the registrant that the violations will not be repeated.

1           **SEC. 8. Preventive Process Controls to Reduce Adulteration of Food. –**  
2

3           A) In General - The Administrator shall, upon the basis of best available public  
4           health, scientific, and technological data, promulgate regulations to ensure that  
5           food establishments carry out their responsibilities under the food safety law.  
6

7           B) Regulations - Not later than one (1) year after the date of the enactment of this  
8           Act, the Administrator shall promulgate regulations that require all food  
9           establishments, within time frames determined by the Administrator:

10           1) to adopt preventive process controls that-

11                   a) reflect the standards and procedures recognized by relevant  
12                   authoritative bodies;

13                   b) are adequate to protect the public health;

14                   c) meet relevant regulatory and food safety standards;

15                   d) limit the presence and growth of contaminants in food prepared  
16                   in a food establishment using the best reasonably available  
17                   techniques and technologies; and

18                   e) are tailored to the hazards and processes in particular  
19                   establishments or environments;  
20

21           2) to establish a sanitation plan and program that meets standards set by  
22           the Administrator;

23           3) to meet performance standards for hazardous contamination  
24           established under this Act;

25           4) to implement recordkeeping to monitor compliance with regulatory  
26           requirements;

27           5) to implement recordkeeping and labeling of all food and food  
28           ingredients to facilitate their identification and traceability in the event  
29           of a recall or market removal;

30           6) to implement product and environmental sampling at a frequency and  
31           manner sufficient to ensure that process controls are effective on  
32           an ongoing basis and that regulatory standards are being met;

33           7) to label food intended for final processing outside commercial food  
34           establishments with instructions for handling and preparation for  
35           consumption that will destroy microbial contaminants; and  
36

37           8) to provide for agency access to records kept by the food establishments  
38           and submission of copies of records to the Administrator, as the  
39           Administrator determines appropriate.  
40  
41  
42  
43  
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1 C) Specific Hazard Controls - The Administrator may require any person with  
2 responsibility for or control over food or food ingredients to adopt specific  
3 hazard controls, if such controls are needed to ensure the protection of the  
4 public health.  
5

6 **SEC. 9. Performance Standards for Contaminants in Food. -**

7 A) In General - To protect the public health, the Administrator shall establish by  
8 guidance document, action level, or regulation and enforce performance  
9 standards that define, with respect to specific foods and contaminants in food,  
10 the level of food safety performance that a person responsible for producing,  
11 processing, or selling food shall meet.  
12

13 B) Identification of Contaminants; Performance Standards -

14 1) List of Contaminants - Not later than six (6) months after the date of  
15 the enactment of this Act, the Administrator shall publish in the  
16 Register a list of the contaminants in foods that have the greatest  
17 adverse impact on public health in terms of the number and severity of  
18 illnesses and number of deaths associated with foods regulated under  
19 this Act. Where appropriate, the Administrator shall indicate whether  
20 the risk posed by a contaminant is generalized or specific to particular  
21 foods or ingredients.  
22

23 2) Performance Standards:

24 a. Establishment - The Administrator shall establish by guidance  
25 document, action level, or regulation a performance standard  
26 for each contaminant in the list under paragraph (1) at levels  
27 appropriate to protect against the potential adverse health  
28 effects of the contaminant.  
29

30 b. Timing - The Administrator shall establish a performance  
31 standard under subparagraph (a) for each contaminant in the list  
32 under paragraph (1) —

33 i. as soon as practicable; or

34 ii. in the case of a contaminant described in subparagraph  
35 (c), by the date described in such subparagraph.  
36  
37

38 c. Significant Contaminants - The list under paragraph (1) (and  
39 any revision thereto) shall identify the five (5) most significant  
40 contaminants in the list (in terms of the number and severity of  
41 illnesses and number of deaths associated with foods regulated  
42 under this Act). Not later than three (3) years after a  
43 contaminant is so identified, the Administrator shall promulgate  
44 a performance standard under subparagraph (a) for the  
45 contaminant.  
46

47 3) Review; Revision - Not less than every three (3) years, the  
48 Administrator shall review and, if necessary, revise:

49 a. the list of contaminants under paragraph (1); and  
50

1 b. each performance standard established under paragraph (2).  
2

3 C) Performance Standards:

4 1) In General - The performance standards established under this section  
5 may include -

6 a) health-based standards that set the level of a contaminant  
7 that can safely and lawfully be present in food;

8  
9 b) zero tolerances, including any zero tolerance performance  
10 standards in effect on the day before the date of the  
11 enactment of this Act, when necessary to protect against  
12 significant adverse health outcomes;

13  
14 c) process standards, such as log reduction criteria for cooked  
15 products, when sufficient to ensure the safety of processed  
16 food; and

17  
18 d) in the absence of data to support a performance standard  
19 described in subparagraph (a), (b), or (c), standards that  
20 define required performance on the basis of reliable  
21 information on the best reasonably achievable performance,  
22 using best available technologies, interventions, and  
23 practices.  
24

25 2) Best Reasonably Achievable Performance Standards - In developing  
26 best reasonably achievable performance standards under paragraph  
27 (I)(d), the Administrator shall collect, or contract for the collection of,  
28 data on current best practices and food safety outcomes related to the  
29 contaminants and foods in question, as the Administrator determines  
30 necessary.  
31

32 3) Revocation by Administrator - All performance standards, tolerances,  
33 action levels, or other similar standards in effect on the date of the  
34 enactment of this Act shall remain in effect until revised or revoked by  
35 the Administrator.  
36

37 D) Enforcement:

38 1) In General - In conjunction with the establishment of a performance  
39 standard under this section, the Administrator shall develop a  
40 statistically valid sampling program with the stringency and frequency  
41 sufficient to independently monitor whether food establishments are  
42 complying with the performance standard and implement the program  
43 within 1 year of the promulgation of the standard.  
44

45 2) Inspections- If the Administrator determines that a food establishment  
46 fails to meet a standard promulgated under this section, the  
47 Administrator shall, as appropriate—  
48

49 a. detain, seize, or condemn food from the food establishment;  
50

- b. order a recall of food from the food establishment;
- c. increase the inspection frequency for the food establishment;
- d. withdraw the mark of inspection from the food establishment, if in use; or
- e. take other appropriate enforcement action concerning the food establishment, including withdrawal of registration.
- f. Newly Identified Contaminants- Notwithstanding any other provision of this section, the Administrator shall establish interim performance standards for newly identified contaminants as necessary to protect the public health.

**SEC. 10. *Inspections of Food Establishments.* –**

A) In General - The Administrator shall establish an inspection program, which shall include statistically valid sampling of food and facilities to enforce performance standards. The inspection program shall be designed to determine if each food establishment –

- 1) is operated in a sanitary manner;
- 2) has continuous preventive control systems, interventions, and processes in place to minimize or eliminate contaminants in food;
- 3) is in compliance with applicable performance standards established under this Act, and other regulatory requirements;
- 4) is processing food that is not adulterated or misbranded;
- 5) maintains records of process control plans under this Act, and other records related to the processing, sampling, and handling of food; and
- 6) is otherwise in compliance with the requirements of the food safety law.

B) Establishment Categories and Inspection Frequencies- The resource plan required under this Act, including the description of resources required to carry out inspections of food establishments, shall be based on the following categories and inspection frequencies, subject to subsections (C), (D), and (E):

- 1) Category 1 Food Establishments - A category 1 food establishment shall be subject to ante mortem, postmortem, and continuous inspection of each slaughter line during all operating hours, and other inspection on a daily basis, sufficient to verify that—
  - a) diseased animals are not offered for slaughter;
  - b) the food establishment has successfully identified and removed from the slaughter line visibly defective or contaminated carcasses, has avoided cross-contamination,

1 and has destroyed or reprocessed such carcasses in a manner  
2 acceptable to the Administrator; and  
3

4 c) applicable performance standards and other provisions of the  
5 food safety law, including those intended to eliminate or  
6 reduce pathogens, have been satisfied.  
7

8 2) Category 2 Food Establishments - A category 2 food establishment  
9 shall -

10 a) have ongoing verification that its processes are controlled;  
11 and  
12

13 b) be randomly inspected at least weekly.  
14

15 3) Category 3 Food Establishments - A category 3 food establishment  
16 shall -

17 a) have ongoing verification that its processes are controlled;  
18 and  
19

20 b) be randomly inspected at least monthly.  
21

22 4) Category 4 Food Establishments - A category 4 food establishment  
23 shall -

24 a) have ongoing verification that its processes are controlled;  
25 and  
26

27 b) be randomly inspected at least quarterly.  
28

29 5) Category 5 Food Establishments - A category 5 food establishment  
30 shall-

31 a) have ongoing verification that its processes are controlled;  
32 and  
33

34 b) be randomly inspected at least annually.  
35

36 C) Establishment of Inspection Procedures - The Administrator shall establish  
37 procedures under which inspectors shall take random samples, photographs,  
38 and copies of records in food establishments.  
39

40 D) Alternative Inspection Frequencies - With respect to a subcategory of food  
41 establishment under category 2, 3, 4, or 5, the Administrator may establish  
42 alternative increasing or decreasing inspection frequencies for subcategories of  
43 food establishments or individual establishments, to foster risk-based  
44 allocation of resources. Before establishing an alternative inspection frequency  
45 for a subcategory of food establishments or individual establishments, the  
46 Administrator shall take into consideration the evidence described in  
47 paragraph (2)(d) and the overall record of compliance described in paragraph  
48 (2)(e) for such subcategory. In establishing alternative inspection frequencies  
49 under this subsection, the Administrator shall comply with the following  
50 criteria and procedures:

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- 1) Subcategories of food establishments and their alternative inspection frequencies shall be defined by regulation, subject to paragraphs (2) and (3).
  - 2) In defining subcategories of food establishments and their alternative inspection frequencies under paragraphs (1) and (2), the Administrator shall consider —
    - a) the nature of the food products being processed, stored, or transported;
    - b) the manner in which food products are processed, stored, or transported;
    - c) the inherent likelihood that the products will contribute to the risk of food-borne illness;
    - d) the best available evidence concerning reported illnesses associated with the foods processed, stored, held, or transported in the proposed subcategory of establishments; and
    - e) the overall record of compliance with food safety law among establishments in the proposed subcategory, including compliance with applicable performance standards and the frequency of recalls.
  - 3) The Administrator may adopt alternative inspection frequencies for increased or decreased inspection for a specific establishment and shall annually publish a list of establishments subject to alternative inspections.
  - 4) In adopting alternative inspection frequencies for a specific establishment, the Administrator shall consider—
    - a) the criteria in paragraph (2), together with any evidence submitted from the individual food establishment supporting a request for an alternative inspection frequency, including the establishment's record for implementing effective preventive process control systems;
    - b) whether products from the specific establishment have been associated with a case or an outbreak of food-borne illness; and
    - c) the establishment's record of compliance with food safety law, including compliance with applicable performance standards and the frequency of recalls.

48 E) Effective Date- The inspection mandates shall go into effect 2 years after the  
49 date of the enactment of this Act.  
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F) Maintenance and Inspection of Records-

1) In General-

a) Records- A food establishment shall—

- i. maintain such records as the Administrator shall require by regulation, including all records relating to the processing, distributing, receipt, or importation of any food; and
- ii. permit the Administrator, in addition to any authority transferred to the Administrator pursuant to this Act, upon presentation of appropriate credentials and at reasonable times and in a reasonable manner, to have access to and copy all records maintained by or on behalf of such food establishment representative in any format (including paper or electronic) and at any location, that are necessary to assist the Administrator—

- I. to determine whether the food is contaminated or not in compliance with the food safety law; or
- II. to track the food in commerce.

b) Required Disclosure- A food establishment shall have an affirmative obligation to disclose to the Administrator the results of testing or sampling of food, equipment, or material in contact with food that is positive for any contaminant.

2) Maintenance of Records- The records in paragraph (1) shall be maintained for a reasonable period of time, as determined by the Administrator.

3) Requirements- The records in paragraph (1) shall include records describing-

- a) the origin, receipt, delivery, sale, movement, holding, and disposition of food or ingredients;
- b) the identity and quantity of ingredients used in the food;
- c) the processing of the food;
- d) the results of laboratory, sanitation, or other tests performed on the food or in the food establishment;
- e) consumer complaints concerning the food or packaging of the food;

- 1 f) the production codes, open date codes, and locations of food  
2 production; and  
3  
4 g) other matters reasonably related to whether food is adulterated  
5 or misbranded, or otherwise fails to meet the requirements of  
6 this Act.  
7

8 G) Protection of Sensitive Information -

- 9 a) In General - The Administrator shall develop and maintain  
10 procedures to prevent the unauthorized disclosure of any trade  
11 secret or commercially valuable confidential information  
12 obtained by the Administrator.  
13

14 **SEC.11. Food Production Facilities. -**

15 A) Authorities - In carrying out the duties of the Administrator and the purposes  
16 of this Act, the Administrator shall have the authority, with respect to food  
17 production facilities, to -

- 18 1) visit and inspect food production facilities in the Philippines and in  
19 foreign countries to determine if they are operating in compliance with  
20 the requirements of the food safety law;  
21  
22 2) review food safety records;  
23  
24 3) set good practice standards to protect the public and animal health and  
25 promote food safety;  
26  
27 4) conduct monitoring and surveillance of animals, plants, products, or  
28 the environment, as appropriate; and  
29  
30 5) collect and maintain information relevant to public health and farm  
31 practices.  
32

33 B) Inspection of Records - A food production facility shall permit the  
34 Administrator upon presentation of appropriate credentials and at reasonable  
35 times and in a reasonable manner, to have access to and ability to copy all  
36 records maintained by or on behalf of such food production establishment in  
37 any format (including paper or electronic) and at any location, that are  
38 necessary to assist the Administrator -

- 39 1) to determine whether the food is contaminated, adulterated, or  
40 otherwise not in compliance with the food safety law; or  
41  
42 2) to track the food in commerce.  
43

44 C) Regulations - Not later than one (1) year after the date of the enactment of this  
45 Act, the Administrator, shall promulgate regulations to establish science-based  
46 minimum standards for the safe production of food by food production  
47 facilities. Such regulations shall—

- 48 1) consider all relevant hazards, including those occurring naturally, and  
49 those that may be unintentionally or intentionally introduced;  
50

- 1 2) require each food production facility to have a written food safety plan  
2 that describes the likely hazards and preventive controls implemented  
3 to address those hazards;  
4
- 5 3) include, with respect to growing, harvesting, sorting, and storage  
6 operations, minimum standards related to fertilizer use, nutrients,  
7 hygiene, packaging, temperature controls, animal encroachment, and  
8 water;  
9
- 10 4) include, with respect to animals raised for food, minimum standards  
11 related to the animal's health, feed, and environment which bear on the  
12 safety of food for human consumption;  
13
- 14 5) provide a reasonable period of time for compliance, taking into  
15 account the needs of small businesses for additional time to comply;  
16
- 17 6) provide for coordination of education and enforcement activities by  
18 national and local officials; and  
19
- 20 7) include a description of the variance process under subsection (d) and  
21 the types of permissible variances which the Administrator may grant  
22 under such process.  
23

24 D) Variances - foreign countries that export produce intended for consumption in  
25 the Philippines may request from the Administrator variances from the  
26 requirements of the regulations under subsection (C). A request shall -

- 27 1) be in writing;  
28
- 29 2) describe the reasons the variance is necessary;  
30
- 31 3) describe the procedures, processes, and practices that will be followed  
32 under the variance to ensure produce is not adulterated; and  
33
- 34 4) contain any other information required by the Administrator.  
35

36 E) Approval or Disapproval of Variances - If the Administrator determines after  
37 review of a request under subsection (D) that the requested variance provides  
38 equivalent protections to those promulgated under subsection (C), the  
39 Administrator may approve the request. The Administrator shall deny a  
40 request if it is -

- 41 1) not sufficiently detailed to permit a determination;  
42
- 43 2) fails to cite sufficient grounds for allowing a variance; or  
44
- 45 3) does not provide reasonable assurances that the produce will not be  
46 adulterated.  
47

48 F) Enforcement - The Administrator may coordinate with the agency or  
49 department designated by each local government unit to perform activities to  
50 ensure compliance with this section.

1 G) Imported Produce - Not later than one (1) year after the date of the enactment  
2 of this Act, the Administrator shall promulgate regulations to ensure that raw  
3 agricultural commodities and minimally processed produce imported into the  
4 Philippines can meet standards for food safety, inspection, labeling, and  
5 consumer protection that are at least equal to standards applicable to such  
6 commodities and produce produced in the Philippines.  
7

8 **SEC. 12. National and Local Government Cooperation. –**

9 A) In General-

- 10 1) Authority - The Administrator shall strengthen and expand food-borne  
11 illness surveillance systems to –  
12 a) inform and evaluate efforts to prevent food-borne illness; and  
13  
14 b) enhance the identification and investigation of, and response  
15 to, food-borne illness outbreaks.  
16  
17 2) Food-Borne Illness Outbreak- For purposes of this section, the term  
18 foodborne illness outbreak' means the occurrence of two (2) or more  
19 cases of a similar illness resulting from the ingestion of a common  
20 food.  
21

22 B) Food-Borne Illness Surveillance Systems - The Administrator, shall enhance  
23 food-borne illness surveillance systems to improve the collection, analysis,  
24 reporting, and usefulness of data on food-borne illnesses by-

- 25 1) coordinating food-borne illness surveillance systems, including  
26 complaint systems, in order to -  
27 a) produce better information on illnesses associated with foods,  
28 including sources and risk factors for infections by emerging  
29 pathogens; and  
30  
31 b) facilitate sharing of data acquisition and findings on a more  
32 timely basis among governmental agencies, and national and  
33 local agencies, and with the public;  
34  
35 2) augmenting such systems to improve attribution of a food-borne illness  
36 outbreak to a specific food;  
37  
38 3) developing improved epidemiological tools for obtaining quality  
39 exposure data, microbiological methods for classifying cases and  
40 detecting clusters, and improved tracebacks to rapidly and specifically  
41 identify contaminated food products;  
42  
43 4) expanding capacity of such systems for implementation of  
44 fingerprinting strategies for food-borne infectious agents, including  
45 parasites and hepatitis A, in order to increase pathogen discovery  
46 efforts to identify new or rarely documented causes of food-borne  
47 illness;  
48  
49 5) allowing timely public access to de-identified, aggregate surveillance  
50 data;

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- 6) at least annually, publishing current reports on findings from such systems;
  - 7) exploring establishment of registries for long-term case follow-up to better characterize late complications of food-borne illness;
  - 8) increasing participation in national networks of public health and food regulatory agencies and laboratories to -
    - a) allow public health officials at the national and local levels to share and accept laboratory analytic findings; and
    - b) identify food-borne illness outbreaks and attribute such outbreaks to specific foods through submission of standardized molecular subtypes (also known as 'fingerprints') of food-borne illness pathogens to a centralized database; and
  - 9) establishing a flexible mechanism for rapidly supporting scientific research by academic centers of excellence, which may include staff representing academic clinical researchers, food microbiologists, animal and plant disease specialists, ecologists, and other allied disciplines.

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C) Improving Local Government Surveillance Capacity - The Administrator, shall Improve capacity for surveillance in the local governments by-

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- 1) supporting outbreak investigations with needed specialty expertise, including epidemiological, microbiological, and environmental expertise, to assist identification of underlying common sources and contributing factors;
  - 2) identifying, disseminating, and supporting implementation of model practices at the national and local level for-
    - a. facilitating rapid shipment of clinical isolates from clinical laboratories to local government public health laboratories to avoid delays in testing;
    - b. conducting rapid and more standardized interviewing of cases associated with major enteric pathogens, including prior to designation of clusters as food-borne illness outbreaks;
    - c. conducting and evaluating rapid and standardized interviews of healthy control persons;
    - d. sharing information on a timely basis -
      - i. within public health and food regulatory agencies;
      - ii. among such agencies;
      - iii. with the food industry;

1 iv. with healthcare providers; and

2  
3 v. with the public;

- 4  
5 3) developing, regularly updating, and disseminating training curricula on  
6 food-borne illness surveillance investigations, including standard  
7 sampling methods and laboratory procedures;  
8  
9 4) integrating new molecular diagnostic tools for parasites into web-based  
10 consultation services for parasitic infections to accelerate the  
11 identification of these food-borne infectious agents;  
12  
13 5) supporting research to develop and deploy new sub-typing methods for  
14 salmonella, E. coli, campylobacter, and other pathogens, to increase  
15 the speed and accuracy of diagnoses;  
16  
17 6) determining minimum core competencies for public health  
18 laboratories, and developing self-evaluation and proficiency-testing  
19 tools for such laboratories;  
20  
21 7) facilitating regional public health laboratory partnerships to leverage  
22 resources, including equipment and physical space, and increase surge  
23 capacity;  
24  
25 8) providing technical assistance, which may include the detailing of  
26 officers and employees of the Administrator, to national and local  
27 public health and food regulatory agencies;  
28  
29 9) partnering with the Food Safety Administration to increase  
30 communication, coordination, and integration of food-borne illness  
31 surveillance and outbreak investigation activities; and  
32  
33 10) developing and periodically updating response and interview  
34 procedures so that such procedures are standardized and tested.  
35

36 D) Program Activities - The Administrator shall carry out activities to support  
37 core food safety functions of national and local public health laboratories,  
38 including—

- 39 1) establishing fellowships, stipends, and scholarships to address critical  
40 workforce shortages;  
41  
42 2) training and coordination of national and local personnel;  
43  
44 3) establishing partnerships between private and public laboratories to  
45 facilitate sharing of positive enteric specimens and improve surge  
46 capacity;  
47  
48 4) strengthening capacity to participate in existing or new food-borne  
49 illness surveillance systems; and

- 1                   5) purchasing and maintaining data systems hardware and software and  
2                   laboratory equipment.  
3

4 E) Plan to Improve Food Safety Capacity at the national and local level -

- 5           1) Goals - The Administrator shall leverage and enhance the food safety  
6           capacity and roles of national and local agencies and integrate national  
7           and local agencies as fully as possible into national food safety efforts,  
8           in order to achieve the following goals:

- 9                   a. Improve food-borne illness outbreak response and containment.  
10  
11                   b. Improve the contribution of food-borne illness surveillance and  
12                   investigation to the prevention of food-borne illness.  
13  
14                   c. Strengthen oversight of food safety at the retail level.  
15  
16                   d. Strengthen the capacity of national and local agencies to carry  
17                   out inspections and enforce safety standards in food processing  
18                   establishments, as part of a national strategy and plan to  
19                   provide an adequate level of inspection and achieve compliance  
20                   with safety standards in such establishments.  
21  
22                   e. Make more effective use of the Nation's combined food safety  
23                   resources to reduce the burden of food-borne illness.  
24

- 25           2) Survey - In preparation for development of the plan required by  
26           paragraph (3), the Administrator shall, not later than one (1) year after  
27           the date of enactment of this part, complete a survey of national and  
28           local capacities, and needs for enhancement, with respect to -

- 29                   a. staffing levels and expertise available to perform food safety  
30                   functions;  
31  
32                   b. laboratory capacity to support surveillance, outbreak response,  
33                   inspection, and enforcement activities;  
34  
35                   c. information systems to support data management and sharing  
36                   of food safety information among national and local agencies;  
37  
38                   d. legal authorities of national and local agencies to support the  
39                   roles of such agencies in a national food safety system; and  
40  
41                   e. organizational arrangements for managing and coordinating  
42                   food safety activities.  
43

- 44           3) Plan - Taking into account the goals established in paragraph (1),  
45           results from the survey required in paragraph (2), and consultations  
46           with national and local agencies and other food safety stakeholders, the  
47           Administrator shall, not later than 2 years after the date of enactment  
48           of this part, develop, publish, and begin implementation of a plan that  
49           includes the following elements:

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- a. Criteria for assessing the adequacy of national and local capacity to perform food safety functions as part of a national food safety system.
  - b. Priorities for enhancing the capacity of national and local agencies.
  - c. Action plans for meeting the highest priority capacity needs, including budget requirements and financing plans that take into account national and local resources.
  - d. Improved coordination and information flow among national and local agencies to strengthen food-borne illness surveillance, outbreak response, and investigation and to ensure that agencies at all levels have the information on origins and causes of food-borne illness that such agencies need to plan preventive measures.
  - e. Integration of the inspection and compliance programs in food processing establishments of the Food Safety Administration and national and local agencies, including –
    - i. joint planning and priority setting to ensure that the collective effort has the greatest possible impact on achieving compliance with food safety standards and reducing food-borne illness;
    - ii. elimination of barriers to the free flow of information among the Food Safety Administration and national and local agencies with respect to inspection and compliance programs and integration of national and local inspection and laboratory data systems;
    - iii. steps to expand, and ensure the vigor and consistency of, national and local inspection of processing establishments under contract to the Food Safety Administration; and
    - iv. reliance by the Food Safety Administration on national inspection and food sample analyses in local enforcement activities.
- 4) Food Safety Capacity Building Grants- The Administrator shall make grants to national and local agencies to enhance national and local food safety capacity and programs and support achievement of the goals established in paragraph (1). In awarding such grants, the Administrator shall take into account the criteria and priorities established by the Administrator under paragraph (3).

- 1                   5) Report To Congress- Not later than 1 year after the date of enactment  
2 of this part, and on an annual basis thereafter, the Administrator shall  
3 submit to Congress a report that describes-  
4                   a. progress made in implementing this section, including any  
5                   obstacles to such implementation; and  
6  
7                   b. any legislative recommendations or additional resources needed  
8                   for full implementation.  
9

10 F) Service Agreements-

- 11                   1) In General - The Administrator may, under agreements entered into  
12 with national, or local agencies, use on a reimbursable basis or  
13 otherwise the qualified personnel and services of those agencies in  
14 carrying out this Act.  
15  
16                   2) Training - Agreements with local governments under this subsection  
17 shall provide for training of local government employees.  
18  
19                   3) Maintenance of Agreements - The Administrator shall maintain any  
20 agreement described in paragraph (1) that is in effect on the day before  
21 the date of the enactment of this Act until the Administrator evaluates  
22 such agreement and determines whether to maintain or substitute such  
23 agreement.  
24  
25                   4) Commissioning - Where necessary and appropriate to fulfill the  
26 provisions of this Act or other food safety law, the Administrator shall,  
27 as part of any service agreement, commission qualified national and  
28 local regulatory officials and inspectors to assist the Administrator in  
29 carrying out the food safety law and accord such commissioned  
30 officials and inspectors access to information in possession of the  
31 Administrator.  
32

33 **SEC. 13. Imports.**

- 34                   A) In General - All imported food under this Act shall meet requirements for food  
35 safety, inspection, labeling, and consumer protection that are at least equal to  
36 those applicable to food grown, manufactured, processed, packed, or held for  
37 consumption in the Philippines.  
38  
39                   B) Certification System - Not later than 2 years after the date of the enactment of  
40 this Act the Administrator shall establish a system under which food products  
41 offered for importation into the Philippines shall be certified by the accredited  
42 foreign government in the country of export or by an accredited certifying  
43 agent meeting all applicable standards under this section.  
44                   1) Category 1, 2, and 3 food establishments shall secure certification of  
45 products from the accredited foreign government in the country where  
46 the products are produced and must enter the Philippines through ports  
47 designated by the Administrator.  
48  
49                   2) Category 4 and 5 food establishments shall be certified either by-

- 1 a. the accredited foreign government in the country where the  
2 products are produced; or  
3  
4 b. certifying agent that has been accredited under subsection (C).  
5  
6 3) Beginning not later than 5 years after the date of the enactment of this  
7 Act, food from category 4 and 5 food establishments that is not  
8 certified by an accredited entity described in subsection (C) shall not  
9 enter the Philippines except through ports of entry that are located in a  
10 metropolitan area with an accredited food testing laboratory.  
11

12 C) Certification Standard -

- 13 1) In General- A foreign government or third party agent requesting  
14 accreditation to certify food for entry into the Philippines shall  
15 demonstrate, in a manner determined appropriate by the Administrator,  
16 that food produced under the supervision of the foreign government or  
17 third party agent, respectively, can meet standards for food safety,  
18 inspection, labeling, and consumer protection that are at least equal to  
19 standards applicable to food produced in the Philippines.  
20  
21 2) Request by Foreign Government- Prior to accrediting a foreign  
22 government, the Administrator shall -  
23 a. review and audit the food safety program of the requesting  
24 foreign government (including all statutes, regulations, and  
25 inspection authority); and  
26  
27 b. determine that the exporting country—  
28 i. administers a food control program that requires  
29 food exporters to implement hazard control  
30 measures for physical, chemical, and biological  
31 contaminants;  
32  
33 ii. ensures sanitary operations of facilities;  
34  
35 iii. utilizes testing and verification programs; and  
36  
37 iv. administers an effective enforcement program.  
38  
39 3) Request by a Certifying Agent- Prior to accrediting a certifying agent,  
40 the Administrator shall -  
41 a. review the training and qualifications of auditors and other  
42 employees used by the agent;  
43  
44 b. ensure that any such auditors have completed such training as  
45 may be required by the Administrator for the conduct of food  
46 safety inspections; and  
47  
48 c. conduct reviews of internal systems and such other  
49 investigation as the Administrator deems necessary to

1 determine that the certifying agent is capable of auditing food  
2 establishments—

3  
4 i. to assess the adequacy of systems and standards in use; and

5  
6 ii. to ensure that food approved by the agent for import to the  
7 Philippines meets the requirements of this Act.  
8

9 4) Certification to Accompany Each Shipment- .As a condition of  
10 accrediting any foreign government or certifying agent, such  
11 government or agent shall agree to issue a written and electronic  
12 certification to accompany each shipment intended for import to the  
13 Philippines from any food establishment which the government or  
14 agent certifies, subject to requirements set forth by the Administrator.  
15

16 D) Audits; Inspections - Following any accreditation under subsection (C), the  
17 Administrator may at any time--

18 1) conduct an on-site audit of any food establishment registered under  
19 section 202, with or without the certifying agent; or

20  
21 2) require a certifying agent to submit an onsite audit report and any other  
22 reports or documents which the agent requires as part of the audit  
23 process, including documentation that the food establishment is in  
24 compliance with registration requirements and prior notice  
25 requirements for food imported to the Philippines.  
26

27 E) Limitation - A foreign government or other certifying agent accredited by the  
28 Administrator to certify food for import to the Philippines under this section  
29 may certify only the food products or food categories for importation to the  
30 Philippines that are specified in the grant of accreditation.  
31

32 F) Withdrawal of Accreditation - The Administrator may withdraw accreditation  
33 from a foreign government or certifying agent—

34 1) if food approved by the foreign government or certifying agent is  
35 linked to an outbreak of human illness;

36  
37 2) following an investigation and finding by the Administrator that the  
38 programs of the foreign government, or a foreign food establishment  
39 certified by the' certifying agent, are no longer equal to those applied to  
40 food grown, manufactured, processed, packed, or held in the  
41 Philippines; or

42  
43 3) following a refusal to allow Philippines officials to conduct such audits  
44 and investigations as may be necessary to ensure continued compliance  
45 with the requirements of this section.  
46

47 G) Renewal of Accreditation - The Administrator shall audit foreign governments  
48 and certifying agents whenever needed, but no less than once every 3 years, to  
49 ensure the continued compliance with the requirements set forth in this  
50 section. Renewal of accreditation shall occur following each satisfactory audit.

1 H) Required Routine Inspection - The Administrator shall routinely inspect food  
2 before or at entry into the Philippines to ensure ongoing compliance with food  
3 safety law and where appropriate, as part of the audit of any certifying entity.  
4

5 I) Enforcement - The Administrator may—

- 6 1) deny importation of food from any foreign country if the government  
7 of such country does not permit Philippines officials to enter the  
8 foreign country to conduct such audits and inspections as may be  
9 necessary to fulfill requirements under this section;  
10  
11 2) deny importation of food from any foreign country or foreign food  
12 establishment that does not consent to a timely investigation by the  
13 Administration when food from that foreign country or foreign food  
14 establishment is linked to a food-borne illness outbreak or is otherwise  
15 found to be adulterated or misbranded;  
16  
17 3) promulgate regulations to carry out the purposes of this section,  
18 including setting terms and conditions for the destruction of products  
19 that fail to meet the requirements of this Act; and  
20  
21 4) establish such fees as are necessary to carry out the implementation of  
22 the accreditation and inspection programs required under this section.  
23

24 J) Detention and Seizure - Any food imported for consumption in the Philippines  
25 may be detained, seized, or condemned pursuant to relevant trade policies.  
26

27 K) Certifying Agents - Entities eligible for accreditation as a certifying agent  
28 under subsection (C) may include –

- 29 1) a national or local government food authority; or  
30  
31 2) a foreign or domestic cooperative that aggregates the products of  
32 growers or processors for importation.  
33

34 L) Avoiding Conflicts of Interest with Certifying Agents -

- 35 1) In General - To be eligible for accreditation under subsection (C), a  
36 certifying agent shall-  
37 a. not be owned, managed, or controlled by any person that owns  
38 or operates an establishment whose products are to be certified  
39 by such agent;  
40  
41 b. have procedures to ensure against the use, in carrying out audits  
42 of food establishments under this section, of any officer or  
43 employee of such agent that has a financial conflict of interest  
44 regarding an establishment whose products are to be certified  
45 by such agent; and  
46  
47 c. annually make available to the Secretary, disclosures of the  
48 extent to which such agent, and the officers and employees of  
49 such agent, have maintained compliance with subparagraphs (a)  
50 and (b) relating to financial conflicts of interest.

- 1                   2) Regulations - The Secretary shall promulgate regulations not later than  
2                   18 months after the date of the enactment of this Act to ensure that  
3                   there are protections against conflicts of interest between a certifying  
4                   agent and the establishments whose products are to be certified by such  
5                   agent. Such regulations shall include—  
6                   a. requiring that domestic audits performed under this section be  
7                   unannounced;  
8  
9                   b. a structure, including timing and public disclosure, for fees paid  
10                  by food establishments to certifying agents to decrease the  
11                  potential for conflicts of interest; and  
12  
13                  c. appropriate limits on financial affiliations between a certifying  
14                  agent and any person that owns or operates an establishment  
15                  whose products are to be certified by such agent.  
16

17 **SEC. 14. Resource Plan.**

18       A) In General - The Administrator shall prepare and update annually a resource  
19       plan describing the resources required, in the best professional judgment of the  
20       Administrator, to develop and fully implement the national food safety  
21       program established under this Act.  
22

23       B) Contents of Plan - The resource plan shall—

- 24           1) describe quantitatively the personnel, financial, and other resources  
25           required to carry out the inspection of food establishments under  
26           section 10 and other requirements of this Act;  
27  
28           2) allocate inspection resources in a manner reflecting the distribution of  
29           risk and opportunities to reduce risk across the food supply to the  
30           extent feasible based on the best available information, and subject to  
31           section 10; and  
32  
33           3) describe the personnel, facilities, equipment, and other resources  
34           needed to carry out inspection and other oversight activities, at a total  
35           resource level equal to at least 50 percent of the resources required to  
36           carry out inspections in food establishments under section 10 and food  
37           production facilities under this Act --  
38           a. in foreign establishments and production facilities; and  
39  
40           b. at the point of importation.  
41

42       C) Grants - The resource plan shall include recommendations for funding to  
43       provide grants to national and local governments to carry out food safety  
44       activities and inspections of food establishments and food production facilities  
45       and include resources to audit such programs.  
46

47       D) Submission of Plan - The Administrator shall submit annually to the  
48       Committee on Appropriations of the Senate, the Committee on Appropriations  
49       of the House of Representatives, and other relevant committees of Congress,  
50       the resource plan required under this section.

1           **SEC. 15. Accredited Laboratories. –**  
2

3           A) Establishment of Program - The Administrator shall establish a program for  
4           accrediting laboratories to perform sampling and testing for purposes of this  
5           Act. Such program shall include—

- 6                   1) standards for appropriate sampling and analytical procedures;  
7  
8                   2) training and experience qualification levels for individuals who  
9                   conduct sampling and analysis;  
10  
11                  3) annual onsite visits to audit the performance of an accredited  
12                  laboratory; and  
13  
14                  4) such additional requirements as the Administrator determines to be  
15                  appropriate.  
16

17          B) Requirements - To be accredited under this section, a laboratory shall-

- 18                   1) prepare and submit an application for accreditation to the  
19                   Administrator;  
20  
21                   2) meet required tests and standards established by the Administrator; and  
22  
23                   3) comply with such terms and conditions as are determined necessary by  
24                   the Administrator.  
25

26          C) Accrediting Bodies - The Administrator may approve local government  
27          agencies or private, nonprofit entities as accrediting bodies to act on behalf of  
28          the Administrator in accrediting laboratories under this section. The  
29          Administrator shall—

- 30                   1) in making such approvals -  
31                           a. oversee and review the performance of any accrediting body  
32                           acting on behalf of the Administrator to ensure that such  
33                           accrediting body is in compliance with the requirements of this  
34                           section; and  
35  
36                           b. have the right to obtain from an accrediting body acting on  
37                           behalf of the Administrator and from any laboratory that may  
38                           be certified by such a body all records and materials that may  
39                           be necessary for the oversight and review required by  
40                           subparagraph (a);  
41  
42                   2) reevaluate accreditation bodies approved under paragraph (1)  
43                   whenever -  
44                           a. the Administrator determines a laboratory accredited by the  
45                           accrediting body is no longer in compliance with this section;  
46  
47                           b. the Administrator determines the accrediting body is no longer  
48                           in compliance with the requirements of this section; or  
49  
50                           c. no less than once every 5 years; and

- 1                   3) promptly revoke the approval of any accreditation body found not to  
2                   be in compliance with the requirements of this section.  
3

4                   D) Revocation of Accreditation - The Administrator shall revoke the accreditation  
5                   of any laboratory that fails to meet the requirements this section.  
6

7                   TITLE IV--RESEARCH AND EDUCATION  
8

9                   **SEC. 16. Public Health Assessment System.**

10                  A) In General - The Administrator, acting in coordination with the Director of the  
11                  Centers for Disease Control and Prevention and with food safety and research  
12                  programs of the Department of Agriculture, shall –

- 13                   1) identify on an ongoing basis the priorities for collection of  
14                   epidemiological data and for other food safety research and data  
15                   collection that are most important to implementing the food safety law  
16                   and reducing the public health burden of food-borne illness;  
17  
18                   2) have full access for purposes of implementing the food safety law to  
19                   the applicable data and data systems of the country;  
20  
21                   3) provide appropriate support and input on the design and  
22                   implementation by concerned government agencies of an active  
23                   surveillance system that provides information on the incidence and  
24                   causes of food-borne illness which is timely, detailed, and  
25                   representative of the population of the Philippines;  
26  
27                   4) based on data and information obtained from concerned government  
28                   agencies and other sources, assess the incidence, distribution, public  
29                   health impact, and causes of human illness in the Philippines  
30                   associated with the consumption of food, and conduct research and  
31                   analysis to devise effective and feasible interventions to reduce food-  
32                   borne illness;  
33  
34                   5) institute DNA matching system and epidemiological system dedicated  
35                   to food-borne illness identification, outbreaks, and containment; and  
36  
37                   6) utilize surveillance data created by means of monitoring and statistical  
38                   studies conducted as part of its own inspection.  
39

40                  B) Public Health Sampling -

- 41                   1) In General - Not later than 1 year after the enactment of this Act, the  
42                   Administrator shall establish guidelines for a sampling system under  
43                   which the Administrator shall take and analyze samples of food-  
44                   a. to assist the Administrator in carrying out this Act; and  
45  
46                   b. to assess the nature, frequency of occurrence, and quantities of  
47                   contaminants in food.  
48  
49                   2) Requirements- The sampling system described in paragraph (1) shall  
50                   provide-

- a. statistically valid monitoring, including market-based studies, on the nature, frequency of occurrence, and quantities of contaminants in food available to consumers; and
- b. at the request of the Administrator, such other information, including analysis of monitoring and verification samples, as the Administrator determines may be useful in assessing the occurrence of contaminants in food.

C) Assessment of Health Hazards -

- 1) In General - Through the surveillance system and analyses referred to in subsection (A) and the sampling system described in subsection (B), the Administrator shall -
  - a. rank food categories based on the hazard to human health presented by the food category and specific chemical and microbiological hazards associated with foods in those categories;
  - b. identify appropriate industry and regulatory approaches to minimize hazards in the food supply; and
  - c. assess the conditions affecting the likelihood that emerging pathogens and diseases, including zoonosis, will affect the safety of the food supply and possible strategies for minimizing the potential risk to public health associated with emerging pathogens and diseases.
- 2) Components of Analysis - The analysis under subsection (B)(1) may include -
  - a. a comparison of the safety of commercial processing with the health hazards associated with food that is harvested for recreational or subsistence purposes and prepared non-commercially;
  - b. a comparison of the safety of food that is domestically processed with the health hazards associated with food that is processed outside the Philippines;
  - c. a description of contamination originating from handling practices that occur prior to or after the sale of food to consumers; and
  - d. use of comparative risk assessments.

**SEC. 17. Public Education and Advisory System. -**

A) Public Education -

- 1) IN GENERAL - The Administrator, in cooperation with private and public organizations, including the cooperative extension services and building on the efforts of appropriate national and local entities, shall establish a national public education program on food safety.

- 1                   2) REQUIREMENTS - The program shall provide-
- 2                   a. information to the public regarding national and local standards
- 3                   and best practices, and promotion of public awareness and
- 4                   understanding of those standards and practices;
- 5                   b. information for health professionals –
- 6                   i. to improve diagnosis and treatment of food-
- 7                   related illness; and
- 8                   ii. to advise individuals at special risk for food-
- 9                   related illnesses; and
- 10
- 11                   c. such other information or advice, including on safe food
- 12                   handling practices, to consumers and other persons as the
- 13                   Administrator determines will promote the purposes of this
- 14                   Act.
- 15

- 16           B) Health Advisories- The Administrator, in consultation with other departments
- 17           and agencies as the Administrator determines necessary, shall work with the
- 18           local government units and other appropriate entities –
- 19           1) to develop and distribute regional and national advisories concerning
- 20           food safety;
- 21
- 22           2) to develop standardized formats for written and broadcast advisories;
- 23
- 24           3) to incorporate national and local advisories into the national public
- 25           education program established under subsection (A); and
- 26
- 27           4) to present prompt, specific information regarding food found to pose a
- 28           threat to the public health, including by identifying the retailers and
- 29           food establishments where such food has been sold.
- 30

31           **SEC. 18. Research. –**

- 32           A) In General - The Administrator shall conduct research to carry out this Act,
- 33           including studies to-
- 34           1) improve sanitation and food safety practices in the processing of food;
- 35
- 36           2) develop improved techniques to monitor and inspect food;
- 37
- 38           3) develop efficient, rapid, and sensitive methods to detect contaminants
- 39           in food;
- 40
- 41           4) determine the sources of contamination of contaminated food;
- 42
- 43           5) develop food consumption data;
- 44
- 45           6) identify ways that animal production techniques could improve the
- 46           safety of the food supply;
- 47
- 48           7) draw upon research and educational programs that exist at the national
- 49           and local level;
- 50

- 1 8) utilize the DNA matching system and other processes to identify and  
2 control pathogens;
- 3
- 4 9) address common and emerging zoonotic diseases;
- 5
- 6 10) develop methods to reduce or destroy harmful pathogens before,  
7 during, and after processing;
- 8
- 9 11) analyze the incidence of antibiotic resistance as it pertains to the food  
10 supply and develop new methods to reduce the transfer of antibiotic  
11 resistance to humans; and
- 12
- 13 12) conduct other research that supports the purposes of this Act.
- 14

15 B) Contract Authority - The Administrator may enter into contracts and  
16 agreements with any university, national or local government agency, or  
17 person to carry out this section.  
18

19 **SEC. 19. *Working Group on Improving Foodborne Illness Surveillance.*** - Not later  
20 than 180 days after the date of enactment of this Act, the Administrator shall establish a  
21 diverse working group of experts and stakeholders from national and local food safety and  
22 health agencies, the food industry, consumer organizations, and academia. Such working  
23 group shall provide the Administrator, through at least annual meetings of the working group  
24 and an annual public report, advice and recommendations on an ongoing and regular basis  
25 regarding the improvement of food-borne illness surveillance, including advice and  
26 recommendations on—

- 27 A) the priority needs of regulatory agencies, the food industry, and consumers for  
28 information and analysis on food-borne illness and its causes that can be used  
29 to prevent food-borne illness;
- 30
- 31 B) opportunities to improve the effectiveness of initiatives at the national, and  
32 local levels, including coordination and integration of activities among  
33 national agencies, and between the national and local levels of government;
- 34
- 35 C) improvement in the timeliness and depth of access by regulatory and health  
36 agencies, the food industry, academic researchers, and consumers to food-  
37 borne illness surveillance data collected by government agencies at all levels;
- 38
- 39 D) key barriers to improvement in food-borne illness surveillance and its utility  
40 for preventing food-borne illness at national and local levels; and
- 41
- 42 E) specific actions to reduce barriers to such improvement, implement the  
43 working group's recommendations, with measurable objectives and timelines,  
44 and identification of resource and staffing needs.
- 45

46 **SEC. 20. *Food-Borne Illness Health Registry.*** –

- 47 A) Purpose - The purpose of the registry under subsection (B) is to stimulate  
48 research on the trends, sources, health outcomes, and preventive strategies  
49 related to food-borne disease.

- 1 B) Registry - For the purpose described in subsection (A), the Secretary of Health  
2 acting through the Administrator, shall develop and maintain a registry, to be  
3 known as the Food-Borne Illness Health Registry, consisting of data on the  
4 trends, sources, health outcomes, and preventive strategies related to food-  
5 borne disease.  
6

7 **CHAPTER V**  
8 **ENFORCEMENT**  
9

10 **SEC. 21. *Prohibited Acts.*** – It is prohibited-

- 11 A) to manufacture, introduce, deliver for introduction, or receive in commerce  
12 any food that is adulterated, misbranded, or otherwise unsafe;  
13  
14 B) to adulterate or misbrand any food in commerce;  
15  
16 C) for a food establishment or foreign food establishment to fail to register under  
17 section 7, or to operate without a valid registration;  
18  
19 D) to refuse to permit access to a food establishment or food production facility  
20 for the inspection and copying of a record as required under sections 10(F) and  
21 11 (A);  
22  
23 E) to fail to establish or maintain any record or to make any report as required  
24 under sections 10(F) and 11(B);  
25  
26 F) to refuse to permit entry to or inspection of a food establishment as required  
27 under section 10;  
28  
29 G) to fail to provide to the Administrator the results of testing or sampling of  
30 food, equipment, or material in contact with food, that is positive for any  
31 contaminant under section 10(F)(1)(b);  
32  
33 H) to fail to comply with a provision, regulation, or order of the Administrator  
34 under sections 6, 8,9,11, or 13;  
35  
36 I) to slaughter an animal that is capable for use in whole or in part as human food  
37 at a food establishment processing any food for commerce, except in  
38 compliance with the food safety law;  
39  
40 J) to transfer food in violation of an administrative detention order under section  
41 402 or to remove or alter a required mark or label identifying the food as  
42 detained;  
43  
44 K) to fail to comply with a recall or other order under section 403; or  
45  
46 L) to otherwise violate the food safety law.  
47

48 **SEC. 22. *Food Detention, Seizure, and Condemnation.*** –

- 49 A) Administrative Detention of Food –

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- 1) Expanded Authority - The Administrator shall have authority to administratively detain and seize any food regulated under this Act that the Administrator has reason to believe is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of the food safety law.
  - 2) Detention Authority - If, during an inspection conducted in accordance with section 10 or 13, an officer, employee, or government agent making the inspection has reason to believe that a domestic food, imported food, or food offered for import is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this the food safety law, the officer, employee, or agent may order the food detained.
  - 3) Period of Detention-
    - a. In General - A food may be detained under paragraph (1) or (2) for a reasonable period, not to exceed 20 days, unless a longer period, not to exceed 30 days, is necessary for the Administrator to institute a seizure action.
    - b. Perishable Food - The Administrator shall provide by regulation for procedures to institute a seizure action on an expedited basis with respect to perishable food.
  - 4) Security of Detained Food-
    - a. In General - A detention order under this subsection—
      - i. may require that the food be labeled or marked as detained; and
      - ii. shall require that the food be removed to a secure facility, if appropriate.
    - b. Food Subject to an Order - A food subject to a detention order under this subsection shall not be transferred by any person from the place at which the food is removed, until released by the Administrator or until the expiration of the detention period applicable under the order, whichever occurs first.
    - c. Delivery of Food - This subsection does not authorize the delivery of a food in accordance with execution of a bond while the article is subject to the order.

43 B) Condemnation of Food-

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48
- 1) In General - After confirming a detention order, the Administrator may order the food condemned.
  - 2) Destruction of Food - Any food condemned shall be destroyed under the supervision of the Administrator.

- 1                   3) Release of Food - If the Administrator determines that, through  
2 reprocessing, relabeling, or other action, a detained food can be  
3 brought into compliance with this Act, the food may be released  
4 following a determination by the Administrator that the relabeling or  
5 other action as specified by the Administrator has been performed.  
6

7                   C) Temporary Holds at Ports of Entry-

- 8                   1) In General - If an officer or qualified employee of the Administration  
9 has reason to believe that a food is unsafe, is adulterated or  
10 misbranded, or otherwise fails to meet the requirements of this Act,  
11 and the officer or qualified employee is unable to inspect, examine, or  
12 investigate the food when the food is offered for import at a port of  
13 entry into the Philippines, the officer or qualified employee shall  
14 request the Bureau of Customs to hold the food at the port of entry for  
15 a reasonable period of time, not to exceed 24 hours, to enable the  
16 Administrator to inspect or investigate the food as appropriate.  
17
- 18                   2) Removal to Secure Facility - The Administrator shall work in  
19 coordination with the Commissioner of the Bureau of Customs to  
20 remove a food held in accordance with paragraph (1) to a secure  
21 facility as appropriate.  
22
- 23                   3) Prohibition on Transfer - During the period in which food is held, the  
24 food shall not be transferred by any person from the port of entry into  
25 the Philippines, or from the secure facility to which the food has been  
26 removed.  
27
- 28                   4) Delivery in Accordance with a Bond - The delivery of the food in  
29 accordance with the execution of a bond while the food is held is not  
30 authorized.  
31
- 32                   5) Prohibition on Re-export - A food found unfit for human or animal  
33 consumption shall be prohibited from re-export without further  
34 processing to remove the contamination and re-inspection by the  
35 Administration.  
36

37                   **SEC. 23. Notification and Recall. -**

38                   A) Notice to Administrator of Violation-

- 39                   1) In General - A person that has reason to believe that any food  
40 introduced into or in commerce, or held for sale (whether or not the  
41 first sale) after shipment in commerce, may be in violation of the food  
42 safety law shall immediately notify the Administrator of the identity  
43 and location of the food.  
44
- 45                   2) Manner of Notification - Notification under paragraph (1) shall be  
46 made in such manner and by such means as the Administrator may  
47 require by regulation.  
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49                   B) Recall and Consumer Notification-

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- 1) Voluntary Actions - If the Administrator determines that food is in violation of the food safety law when introduced into or while in commerce or while held for sale (whether or not the first sale) after shipment in commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Administrator, the Administrator shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to –
    - a. cease distribution of the food;
    - b. notify all persons –
      - i. processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or
      - ii. to which the food has been distributed, transported, or sold, to immediately cease distribution of the food; .
    - c. recall the food;
    - d. in conjunction with the Administrator, provide notice of the finding of the Administrator –
      - i. to consumers to whom the food was, or may have been, distributed; and
      - ii. to national and local public health officials; or
    - e. take any combination of the measures described in this paragraph, as determined by the Administrator to be appropriate in the circumstances.
  - 2) Mandatory Actions- If a person referred to in paragraph (1) refuses to or does not adequately carry out the actions described in that paragraph within the time period and in the manner prescribed by the Administrator, the Administrator shall-
    - a. have authority to control and possess the food, including ordering the shipment of the food from the food establishment to the Administrator-
      - i. at the expense of the food establishment; or
      - ii. in an emergency (as determined by the Administrator), at the expense of the Administration; and
    - b. by order, require, as the Administrator determines to be necessary, the person to immediately-
      - i. cease distribution of the food; and
      - ii. notify all persons-

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- I. processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or
  - II. if the food has been distributed, transported, or sold, to immediately cease distribution of the food.
- 3) Notification to Consumers by Administrator - The Administrator shall, as the Administrator determines to be necessary-
- a. provide notice of the finding of the Administrator under paragraph (1)-
    - i. to consumers to whom the food was, or may have been, distributed; and
    - ii. to national and local public health officials; and
  - b. provide notice to the public of the names and addresses of retail locations at which recalled food products were available for sale.
- 4) Non-distribution By Notified Persons - A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under paragraph (1)(b) or (2)(b) shall immediately cease distribution of the food.
- 5) Availability of Records To Administrator - Each person referred to in paragraph (1) that processed, distributed, or otherwise handled food shall make available to the Administrator information necessary to carry out this subsection, as determined by the Administrator, regarding-
- a. persons that processed, distributed, or otherwise handled the food; and
  - b. persons to which the food has been transported, sold, distributed, or otherwise handled.
- C) Informal Hearings on Orders-
- 1) In General - The Administrator shall provide any person subject to an order under subsection (B) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.
  - 2) Scope Of The Hearing - In a hearing under paragraph (1), the Administrator shall consider the actions required by the order and any reasons why the food that is the subject of the order should not be recalled.
- D) Post-Hearing Recall Orders-

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- 1) Amendment of Order - If, after providing an opportunity for an informal hearing under subsection (C), the Administrator determines that there is a reasonable probability that the food that is the subject of an order under subsection (B), if consumed, would present a threat to the public health, the Administrator, as the Administrator determines to be necessary, may-
    - a. amend the order to require recall of the food or other appropriate action;
    - b. specify a timetable in which the recall shall occur;
    - c. require periodic reports to the Administrator describing the progress of the recall; and
    - d. provide notice of the recall to consumers to whom the food was, or may have been, distributed.
  - 2) Vacation of Orders - If, after providing an opportunity for an informal hearing under subsection (C), the Administrator determines that adequate grounds do not exist to continue the actions required by the order, the Administrator shall vacate the order.

23 E) Remedies Not Exclusive - The remedies provided in this section shall be in  
24 addition to, and not exclusive of, other remedies that may be available.  
25

26 **SEC. 24. Injunction Proceedings. –**

- 27 A) Jurisdiction - The courts of the Philippines shall have jurisdiction, for cause  
28 shown, to restrain a violation of this Act (or a regulation promulgated  
29 thereunder).  
30  
31 B) Trial - In a case in which violation of an injunction or restraining order issued  
32 under this section also constitutes a violation of the food safety law, trial shall  
33 be by the court or, upon demand of the accused, by a jury.  
34

35 **SEC. 25. Civil and Criminal Penalties. –**

36 A) Civil Sanctions-

37 1) Civil Penalty-

- 38 a. In General - Any person that commits an act that violates the  
39 food safety law (including a regulation promulgated or order  
40 issued under the food safety law) may be assessed a civil  
41 penalty by the Administrator of not more than \$1,000,000 for  
42 each such act.  
43  
44 b. Separate Offense - Each act described in subparagraph (a) and  
45 each day during which that act continues shall be considered a  
46 separate offense.  
47

48 2) Other Requirements-

- 49 a. Written Order - The civil penalty described in paragraph (1)  
50 shall be assessed by the Administrator by a written order,

1 which shall specify the amount of the penalty and the basis for  
2 the penalty under subparagraph (b) considered by the  
3 Administrator.  
4

5 b. Amount Of Penalty - Subject to paragraph (1)(a), the amount of  
6 the civil penalty shall be determined by the Administrator, after  
7 considering –

8 i. the gravity of the violation;

9  
10 ii. the degree of culpability of the person;

11  
12 iii. the size and type of the business of the person;  
13 and

14  
15 iv. any history of prior offenses by the person under  
16 the food safety law.  
17

18 c. Review of Order- The order maybe reviewed only in  
19 accordance with subsection (C).  
20

21 **B) Criminal Sanctions-**

22  
23 1) Offense Resulting in Serious Illness - If an adulterated or misbranded  
24 food results in serious illness, the person committing the violation shall  
25 be imprisoned for not more than 5 years, with appropriate fines.  
26

27 2) Offense Resulting in Death - If an adulterated or misbranded food  
28 results in death, the person committing the violation shall be  
29 imprisoned for not more than 10 years, with appropriate fines.  
30

31 **C) Remedies Not Exclusive -** The remedies provided in this section are in  
32 addition to, and not exclusive of, other remedies that may be available.  
33

34 **SEC. 26. Citizen Civil Actions. –**

35 **A) Civil Actions -** A person may commence a civil action against—

36 1) a person that violates a regulation (including a regulation establishing a  
37 performance standard), order, or other action of the Administrator to  
38 ensure the safety of food; or  
39

40 2) the Administrator (in his or her capacity as the Administrator), if the  
41 Administrator fails to perform an act or duty to ensure the safety of  
42 food that is not discretionary under the food safety law.  
43

44 **B) Court-** In an action commenced under this section:

45 1) In General- The action shall be commenced—

46 a. in the case of a civil action against a person, the Philippines  
47 municipal trial court for the city or municipality in which the  
48 defendant resides, is found, or has an agent; and

1                   b. in the case of a civil action against the Administrator, any  
2                   municipal trial court.  
3

4                   2) Jurisdiction - The court shall have jurisdiction, without regard to the  
5                   amount in controversy, or the citizenship of the parties, to enforce a  
6                   regulation (including a regulation establishing a performance  
7                   standard), order, or other action of the Administrator, or to order the  
8                   Administrator to perform the act or duty.  
9

10                   3) Damages- The court may-  
11                   a. award damages, in the amount of damages actually sustained;  
12                   and  
13                   b. if the court determines it to be in the interest of justice, award  
14                   the plaintiff the costs of suit, including reasonable attorney's  
15                   fees, reasonable expert witness fees, and penalties.  
16                   c. Remedies Not Exclusive - The remedies provided for in this  
17                   section shall be in addition to, and not exclusive of, other  
18                   remedies that may be available.  
19  
20  
21

22                   **CHAPTER VI**  
23                   **IMPLEMENTATION**  
24

25                   **SEC. 27. Reorganization Plan. -**

26                   A) Submission of Plan - Not later than 180 days after the enactment of this Act,  
27                   the President shall transmit to the appropriate congressional committees a  
28                   reorganization plan regarding the following:

- 29                   1) The transfer of agencies, personnel, assets, and obligations to the  
30                   Administration pursuant to this Act.  
31  
32                   2) Any consolidation, reorganization, or streamlining of agencies  
33                   transferred to the Administration pursuant to this Act.  
34

35                   B) Plan Elements - The plan transmitted under subsection (A) shall contain,  
36                   consistent with this Act, such elements as the President determines  
37                   appropriate, including the following:

- 38                   1) The timetable for transfer and identification of any functions of  
39                   agencies designated to be transferred to the Administration pursuant to  
40                   this Act that will not be transferred promptly to the Administration  
41                   under the plan.  
42  
43                   2) Specification of the steps to be taken by the Administrator to organize  
44                   the Administration, including the delegation or assignment of functions  
45                   transferred to the Administration among the officers of the  
46                   Administration in order to permit the Administration to carry out the  
47                   functions transferred under the plan.  
48  
49                   3) Specification of the funds available to each agency that will be  
50                   transferred to the Administration as a result of transfers under the plan.

- 1                   4) Specification of the proposed allocations within the Administration of  
2 unexpended funds transferred in connection with transfers under the  
3 plan.  
4  
5                   5) Specification of any proposed disposition of property, facilities,  
6 contracts, records, and other assets and obligations of agencies  
7 transferred under the plan.  
8  
9                   6) Specification of the proposed allocations within the Administration of  
10 the functions of the agencies and subdivisions that are not related  
11 directly to ensuring the safety of food.  
12

13 C) Modification of Plan - The President may, on the basis of consultations with  
14 the appropriate congressional committees, modify or revise any part of the  
15 plan until that part of the plan becomes effective in accordance with  
16 subsection (D).  
17

18 D) Effective Date-

- 19                   1) In General - The reorganization plan described in this section,  
20 including any modifications or revisions of the plan under subsection  
21 (C), shall become effective for an agency on the earlier of -  
22                   a. the date specified in the plan (or the plan as modified pursuant  
23 to subsection (C)), except that such date may not be earlier than  
24 90 days after the date the President has transmitted the  
25 reorganization plan to the appropriate congressional  
26 committees pursuant to subsection (A); or  
27                   b. the end of the 12-month period beginning on the date of the  
28 enactment of this Act.  
29  
30                   2) Statutory Construction - Nothing in this subsection may be construed  
31 to require the transfer of functions, personnel, records, balances of  
32 appropriations, or other assets of an agency on a single date.  
33  
34

35 **SEC. 28. Transitional Authorities. -**

- 36 A) Provision of Assistance by Officials - Until the transfer of an agency to the  
37 Administration, any official having authority over or function relating to the  
38 agency immediately before the date of the enactment of this Act shall provide  
39 the Administrator such assistance, including the use of personnel and assets, as  
40 the Administrator may request in preparing for the transfer and integration of  
41 the agency to the Administration.  
42  
43 B) Services and Personnel- During the transition period, upon the request of the  
44 Administrator, the head of any executive agency may provide services or  
45 detail personnel to assist with the transition.  
46  
47 C) Acting Officials-  
48                   1) In General - During the transition period, pending the advice and  
49 consent of the Senate to the appointment of an officer required by this  
50 Act to be appointed by and with such advice and consent, the President

1 may designate any officer whose appointment was required to be made  
2 by and with such advice and consent and who was such an officer  
3 immediately before the date of the enactment of this Act (and who  
4 continues to be in office) or immediately before such designation, to  
5 act in such office until the same is filled as provided in this Act.  
6

- 7 2) Compensation - While acting pursuant to paragraph (1), such officers  
8 shall receive compensation at the higher of—  
9 a. the rates provided by this Act for the respective offices in  
10 which they act; or  
11  
12 b. the rates provided for the offices held at the time of  
13 designation.  
14  
15 3) Limitation - Nothing in this Act shall be construed to require the  
16 advice and consent of the Senate to the appointment by the President to  
17 a position in the Administration of any officer whose agency is  
18 transferred to the Administration pursuant to this Act and whose duties  
19 following such transfer are germane to those performed before such  
20 transfer.  
21

22 D) Transfer of Personnel, Assets, Obligations, and Function-

- 23 1) In General - The personnel, assets, liabilities, contracts, property,  
24 records, and unexpended balances of appropriations, authorizations,  
25 allocations, and other funds that relate to the functions transferred  
26 under subsection (A) from a local agency shall be transferred to the  
27 Administration.  
28  
29 2) Unexpended Funds - Unexpended funds transferred under this  
30 subsection shall be used by the Administration only for the purposes  
31 for which the funds were originally authorized and appropriated.  
32

33 **SEC. 29. Savings Provisions. —**

34 A) Completed Administrative Actions - The enactment of this Act or the transfer  
35 of functions under this Act shall not affect any order, determination, rule,  
36 regulation, tolerance, guidance, permit, personnel action, agreement, grant,  
37 contract, certificate, license, registration, user fees, privilege, or other  
38 administrative action issued, made, granted, or otherwise in effect or final with  
39 respect to that agency on the day before the transfer date with respect to the  
40 transferred functions.  
41

42 B) Pending Proceedings - Subject to the authority of the Administrator under this  
43 Act—

- 44 1) pending proceedings in an agency, including notices of proposed  
45 rulemaking, and applications for licenses, permits, certificates, grants,  
46 and financial assistance, shall continue notwithstanding the enactment  
47 of this Act or the transfer of the agency to the Administration, unless  
48 discontinued or modified under the same terms and conditions and to  
49 the same extent that such discontinuance or modification could have  
50 occurred if such enactment or transfer had not occurred; and

1                   2) orders issued in such proceedings, and appeals therefrom, and  
2 payments made pursuant to such orders, shall issue in the same manner  
3 on the same terms as if this Act had not been enacted or the agency had  
4 not been transferred, and any such order shall continue in effect until  
5 amended, modified, superseded, terminated, set aside, or revoked by an  
6 official of the Philippines or a court of competent jurisdiction, or by  
7 operation of law.  
8

9                   C) Pending Civil Actions - Subject to the authority of the Administrator under  
10 this Act, any civil action commenced with regard to that agency pending  
11 before that agency on the day before the transfer date with respect to the  
12 transferred functions shall continue notwithstanding the enactment of this Act  
13 or the transfer of an agency to the Administration.  
14

15                   D) References-

16                   1) In General - After the transfer of functions from a local agency under  
17 this Act, any reference in any other national law, Executive order, rule,  
18 regulation, directive, document, or other material to that local agency  
19 or the head of that agency in connection with the administration or  
20 enforcement of the food safety law shall be deemed to be a reference to  
21 the Administration or the Administrator, respectively.  
22

23                   2) Statutory Reporting Requirements - Statutory reporting requirements  
24 that applied in relation to such an agency immediately before the date  
25 of the enactment of this Act shall continue to apply following such  
26 transfer if they refer to the agency by name.  
27

28                   **SEC. 30. *Funding.*** – The amount necessary for the effective implementation of this  
29 Act shall be charged to the appropriations for the DOH under the current General  
30 Appropriations Act (GAA). Thereafter, such sum as may be necessary for the continued  
31 implementation of this Act shall be included in the annual GAA.  
32

33                   **SEC. 31. *Implementing Rules.*** – The Secretary of the DOH shall issue the pertinent  
34 rules with regard to this Act, including but not limited to the application for, termination of,  
35 suspension and lifting of suspension of the Program.  
36

37                   **SEC. 32. *Separability Clause.*** – If any provision or part hereof is held invalid or  
38 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
39 valid, and subsisting.  
40

41                   **SEC. 33. *Repealing Clause.*** – Any law, presidential decree or issuance, executive  
42 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
43 with, the provisions of this Act, is hereby repealed, modified, or amended accordingly.  
44

45                   **SEC. 34. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its  
46 complete publication in the Official Gazette or in at least two (2) newspapers of general  
47 circulation.

*Approved,*