



Food Safety Control System in the Philippines

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Symposium on Food Safety Management



Outline

- Food Safety Control System in the Philippines
 - Departments and Agencies involved
 - Current Food Safety laws-Mandates
- Strength and weaknesses of the existing food safety system
- Capacity needs to be developed for improving the food safety system.
- The Food Safety Act

Philippine Food Safety Control System

- ***Implementing Departments and Agencies***

- **Department of Agriculture (DA)**

- **Bureau of Animal Industry - Livestocks and Poultry Feeds Act (RA No. 1556)**
- **National Meat Inspection Service – NMIC (RA No. 9296) Meat Inspection Code**
- **Bureau of Fisheries and Aquatic Resources - The Philippine Fisheries Code (RA No. 8550)**
- **Bureau Of Plant Industry- Plant Quarantine Law**
- **National Dairy Authority - National Dairy Development Act (RA No. 7884)**
- **Sugar Regulatory Agency**
- **Philippine Coconut Authority**



Regulatory agencies in the Department of Agriculture (DA)

- Bureau of Animal Industry (BAI)
- National Meat Inspection Service
- Bureau of Fisheries & Aquatic Resources (BFAR)
- Bureau of Plant Industry (BPI)

DA-Bureau of Animal Industry (BAI)

- Republic Act No. 3639 established BAI
- Has jurisdiction on the importation of both live animals and meat
- Mandate
 - Prescribe standards for quality in the manufacture, importation, labeling, advertising, distribution and sale of livestock, poultry, meat products, dairy products and animal feeds and veterinary supplies.

DA-National Meat Inspection Service

- Republic Act 9296 (National Meat Inspection Code)
- Aims to harmonize Philippine meat inspection laws with international standards to enable the domestic meat processing industry to participate in global trade
- Functions
 - Supervises the operations of abattoirs and meat establishments and conducts ante- and post-mortem inspections of meat
 - Meat Import/Export Services ensures that imported or exportable meat and meat products are produced under acceptable conditions and systems
 - Enforcement of the regulations over fresh, chilled and frozen meat and poultry imports into the Philippines
- In September 2005, DA AO 26 reiterated the need for a DA-accredited importer to obtain a Veterinary Quarantine Clearance (VQC) certificate prior to the importation of meat and meat products

DA-Bureau of Plant Industry

- Presidential Decree No. 1433 (PD 1433) - Plant Quarantine Law
- Mandate
 - Exercise inspection and certification and/or treatment activities on imported and exportable plant products
 - Regulate imports of fresh fruits and vegetables; should require phytosanitary clearances
 - Prevent the introduction of exotic pests into the country, to prevent further spread of existing plant pests and to enforce phytosanitary measures for the export of plants, plant products and regulated articles
- Import permit application procedures tightened
- In March 2003 through Memorandum No. 18 (MO 18), additional requirements for all imported fresh fruits and vegetables was imposed



DA-Bureau of Fisheries and Aquatic Resources

- Presidential Decree No. 704 (PD 704)
- Fisheries Administrative Order 195 - clarifies the need for importers to obtain quarantine permits
 - Importation of fresh/chilled/frozen fish and fishery/aquatic products for canning and processing purposes and those undertaken by institutional buyers is exempt from such certification
- All fish and fishery/aquatic products imported into the Philippines intended for distribution and further processing must be accompanied by an International Health Certificate issued by the authorized or competent regulatory agency

Philippine Food Safety Control System

Implementing Departments and Agencies

Department of Health (DOH)

- **Food and Drug Administration – FDA Act (RA No. 9711); Consumer Act of the Philippines (RA No. 7394)**
- **Center for Health Developments (Regional) – Administrative Code (EO No. 292); Code on Sanitation (PD No. 856);**
- **Bureau of Quarantine - Quarantine Act of 2004 (RA No. 9271)**
- **National Epidemiology Center (NEC),**
- **Research Institute of Tropical Medicine (RITM)**
- **National Center for Disease Prevention and Control (NCDPC)**



Regulatory Agency of the Department Of Health (DOH)-FDA

Implementing Departments and Agencies

- Created in 1963 as contained in Republic Act No. 3720
- Mandate
 - Ensure the safety, proper handling, efficacy, purity and quality of processed foods, drugs, diagnostic reagents, medical devices, cosmetics and hazardous household substances
 - Oversee the control of the manufacture and sale of processed foods, where the major concerns are adulteration and mislabeling of food products
 - Conduct surveillance of imported food products at legal ports of entry

Philippine Food Safety Control System

- Implementing Departments and Agencies

Department of Interior and Local Government

- Local Government Units (LGU's) - Local Government Code (RA No. 7160); Code on Sanitation (PD No. 856); Consumer Act of the Philippines (RA No. 7394)

Import Requirements

FDA for prepackaged processed food products
BAI for meat and meat products and BPI for fresh fruits & vegetables)

Make sure the food or food products are allowed to enter the Philippines. In the case of meat and poultry, imports can only be made from foreign meat establishments abattoirs/slaughterhouse which are accredited by the Department of Agriculture.

Import licenses/permits must be obtained from the relevant regulatory body for the goods to be imported to the Philippines before the products are shipped from the exporting countries.

Veterinary Quarantine Certificates (VQC) must be obtained from BAI and Import Permits (IP) from BPI prior to importation. A License to Operate and/or Certificate of Product Registration (CPR), renewable, must be secured from FDA prior to initial importation.

Strength and Weaknesses

- **Strengths**

- Existence of Food Safety Control Laws/Standards
- Experiences, lessons learnt and best practices
- Private Partners' Assistance
- Industry and Consumer Confidence in the Food Regulatory System

Strength and Weaknesses

- **Weaknesses**

- Overlapping jurisdictions in specific areas lend to overextension and duplication of services.
- Unclear enforcement mandates goes hand in hand with inefficient control structures.
- Risk analysis/management applications weak.
- Issues related to the devolution of functions to the LGU's.

Actions Taken

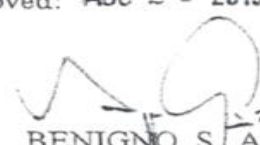
- Passing of Republic Act No. 10611 An Act To Strengthen The Food Safety Regulatory System In The Country To Protect Consumer Health And Facilitate Market Access Of Local Foods And Food Products, And For Other Purposes or the Food Safety Act of 2013 and its Implementing Rules and Regulations (IRR)
- march 8, 2015 published

S. No. 3311
H. No. 6474

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

Approved: AUG 23 2013


BENIGNO S. AQUINO III
President of the Philippines





THE FOOD SAFETY ACT OF 2013

Republic Act 10611

“An Act To Strengthen The Food Safety Regulatory System In The Country To Protect Consumer Health And Facilitate Market Access Of Local Foods And Food Products, And For Other Purposes”



Food Safety Law Provisions

Article	Title
I	Title, Declaration of Policy and Objectives
II	Definition of Terms
III	Basic Principles of Food Safety
IV	General Principles
V	Responsibilities on Food Safety
VI	Food Safety Regulation Coordinating Board (FSRCB)
VII	Crisis Management
VIII	Implementation of Food Safety Regulations
IX	Training and Consumer Education
X	Food-borne Illness Monitoring, Surveillance and Research
XI	Policy on Fees
XII	Prohibitions, Penalties and Sanctions
XIII	Final Provisions

Framework

- Policies for the development and implementation of regulations to which secondary legislation can be harmonized
- A structure for food safety regulation that brings the currently fragmented food safety system to A higher level of coordination
- Programs for strengthening effectiveness and capabilities of stakeholders

Food Chain Approach to Food Safety

The food chain



Production



Transport and
processing



Retail and
storage

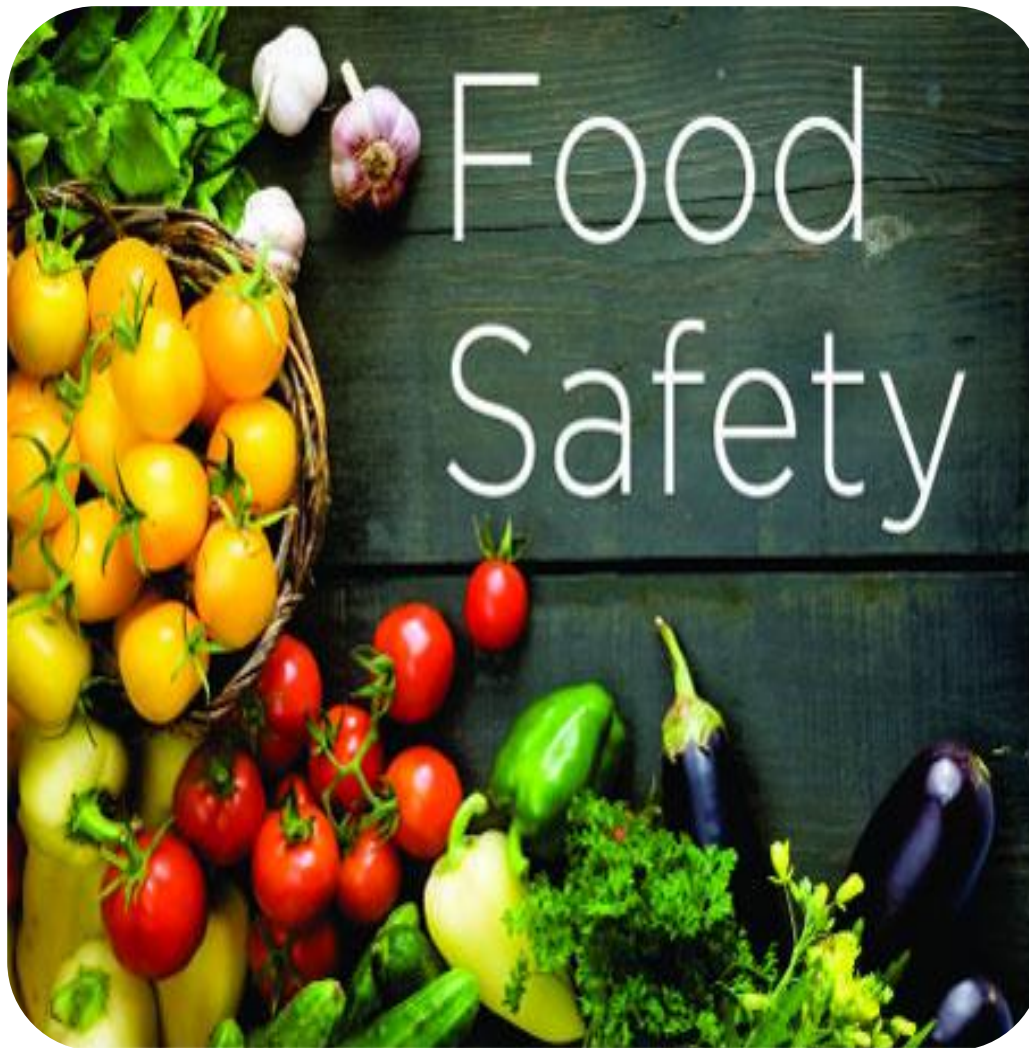


Preparation



Consumption

**Food safety and
quality is the
responsibility of
everyone along
the food chain**



Assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use

Main objectives

- Protect the public from food-borne and water-borne illnesses and unsanitary, unwholesome, misbranded or adulterated foods;
- Enhance industry and consumer confidence in the food regulatory system; and
- Achieve economic growth and development by promoting fair trade practices and sound regulatory foundation for domestic and international trade.

Food Safety Road Map

Delineate and link the mandates and responsibilities of the government agencies involved

Provide a mechanism for **coordination** and **accountability** in the implementation of regulatory functions

Establish policies and programs for addressing food safety hazards and **developing** appropriate standards and control measures

Strengthen the scientific basis of the regulatory system

Upgrade the capability of farmers, fisher folk, industries, consumers and government personnel in ensuring food safety

Significance of RA 10611

- Legal framework for the development and implementation of food safety regulations important to achieving a high level of consumer health protection in the consumption of food sold in markets and in ensuring fair trade.
- Use of science and/or risk analysis when developing and implementing food safety regulations
- Adopts a farm to fork preventive approach for the control of hazards in the food chain.

Significance of RA 10611

- In the absence of adequate scientific data for analyzing risks, provides for the adoption of precautionary measures until data can be established
- Adoption of International standards (Codex Alimentarius Commission, Other international organizations and other countries)
- Emphasis to primary responsibility of food safety to the private sector (food business operators) as for safe food

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Delineation of Mandates on Food

FDA

RAs 9711; 3720; 10611 Processed food

1. Manufacturers
2. Processors
3. Distributors
4. Importers
5. Exporters

DA

RA 7394 – Unprocessed food

RA 10511 – Fresh foods

RA 10536 – Meat

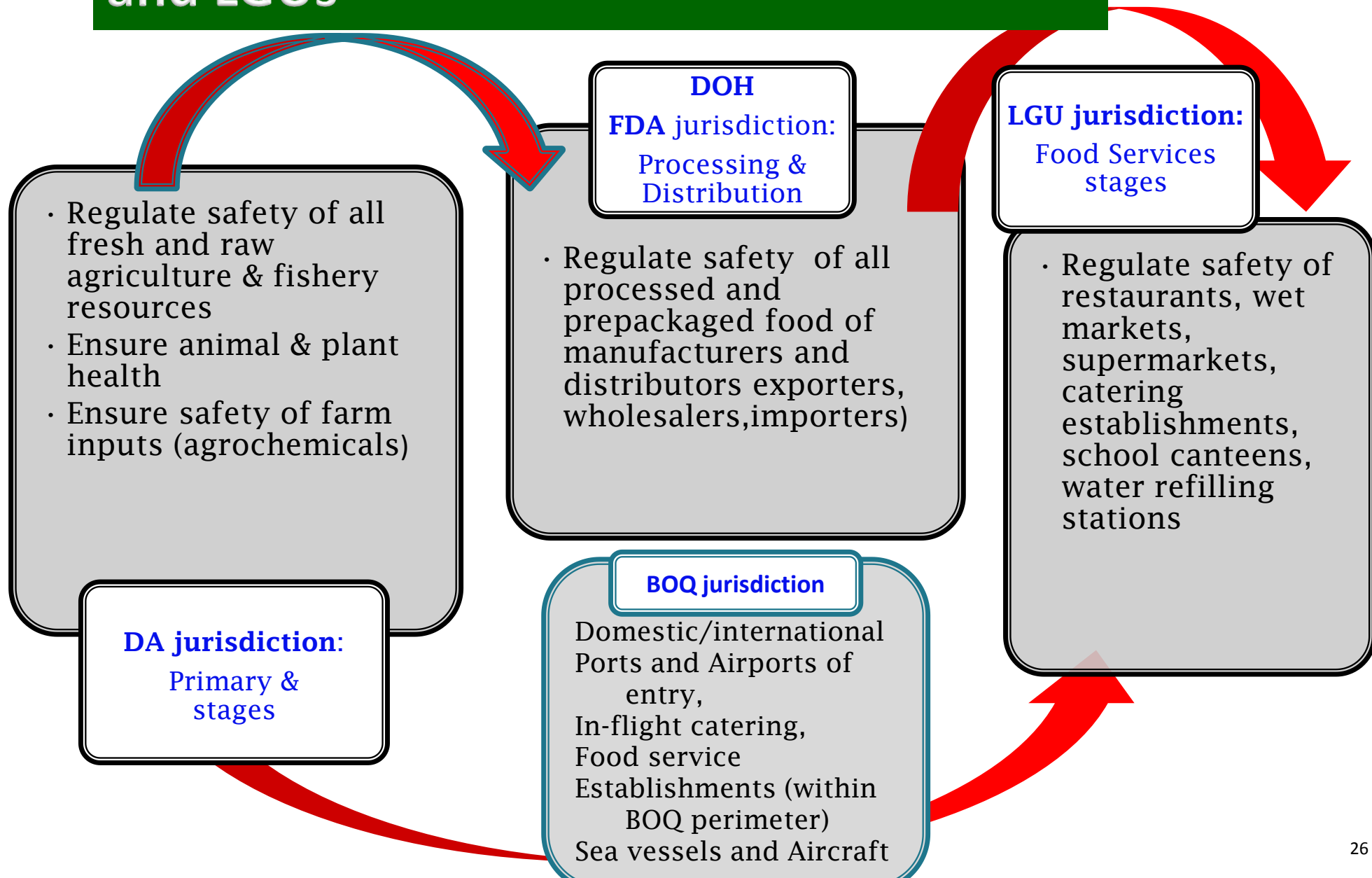
LGU

PD 856 Code of Sanitation of the Philippines

1. Public/Private Markets (Wet & Dry)
2. Food Terminals
3. Hotels
4. Caterers
5. Restaurant
6. Satellite Markets/Talipapa
7. Supermarket
8. Canteens



Flowchart on Work Process of DA, DOH and LGUs



National Government Agencies

- Department of Agriculture ***
- Department of Health ***
- Department of Interior and Local Government
 - * Local Government Units

*** *Food Safety Regulatory Agencies (FSRAs)*



Department of Agriculture

- Primary production and postharvest stages of food supply chain and foods locally produced and imported in this category
- **Primary production** refers to the production, rearing or growing of primary products including harvesting, milking and farmed animal production up to slaughter; and the rearing and growing of fish and other seafood in aquaculture ponds. It also includes fishing and the hunting and catching of wild products.
- **Post harvest stages** refer to the stages in the food supply chain involving the minimal transformation of plant and animal foods after primary production such as removal of field heat for fruits, slaughter of animals, sorting, grading and cutting of fresh plant and animal foods, icing and freezing, and the milling and storage of grain.

Department of Health

- ***Processed*** and ***pre-packaged foods***, foods locally produced or imported under this category and the conduct of monitoring and epidemiological studies on food-borne illnesses
- **Processing (under FDA)** refers to any action that substantially alters the initial raw materials or product or ingredients including, but not limited to, heating, smoking, curing, maturing, drying, marinating, extraction, extrusion and a combination of those processes intended to produce food.



Department of Interior and Local Government (DILG) /Local Government Units (LGUs)

- Proper sanitation and the safety of foods within their territorial jurisdictions (e.g. activities in slaughterhouses, dressing plants, fish ports, wet markets, supermarkets, school canteens, restaurants, catering establishments and water refilling stations)
- Also responsible for street food sale including ambulant vending

SHARED RESPONSIBILITIES OF GOVERNMENT AGENCIES

DA, DOH, DILG, LGU



Shared responsibilities – DILG and LGU

- DILG, in collaboration with DA, DOH
 - * enforcement of food safety and sanitary rules and regulations within its territorial jurisdiction
- LGUs (as needed by the DOH and DA)
 - * to assist in the implementation of food laws, other relevant regulations

Shared responsibilities – DA and DOH

- Shall capacitate the DILG and LGUs through provision of the necessary technical assistance in the implementation of their food safety functions under their jurisdiction
- Shall periodically assess the effectiveness of these training programs in coordination with the DILG
- Monitor the presence of contaminants in food to determine food safety hazards in the food supply chain



How DOH Work/Link with DA, DILG/LGU



Risk Analysis & Responsible Agency			Areas of Concern	Regulatory/ Food control tools	Link/Work with DA,DILG/LGU include but not limited to:
Risk Assessment Quantitative & Qualitative data on:	Risk Management Evaluation of risk management options and policy issuance on:	Risk Communication Sharing info/views among risk assessors & risk managers & Info dissemination	>Food laws/policies in addition to local food code to regulate retail food establishments including micro & small enterprises, equip/train LGU on food safety focus on risk-based approach* >Collaborate with private/public competent entities (PPCE), LGU, DTI: accredit PPCE on training thru MOU/MOA		
DA - Agriculture & fisheries, farm inputs (animal feeds, pesticides, antibiotics etc.)	Primary and Post Harvest (PPH)	Advisory/Alert on food safety within DA jurisdiction and implications on plant and animal	Plant & animal food in PPH stages	GAP, HACCP, SPS, Lab test, Standard, Policies, Certification, surveillance etc.	>Trace product or ingredient, farm inputs/sources; >Collaborate on research & standard development (Codex, ASEAN, SPS WTO)
DOH - Processing & packaging, additives, contaminants, food processing substance carry-over	Processed food products	Health & Food Advisory/Alert/ Public information concerning food safety & implication to human health, info on open date markings (expiry date, best before date)	Processed and Labeled food	GMP, HACCP, Standard, Policies, Lab testing, Authorization, Post market monitoring (PMS) etc.	Determine exposure & characterize nature of risks to food hazards which may result in harm or disease; conduct, document & establish data base on epidemiological studies, AMR, Regulatory Impact Assessment
DILG/LGU* - Street foods/ ambulant vending, wet market, fast food, micro & small food processing etc.	Food preparation, selling under DILG/LGU mandate	Warning/Advisory within DILG/LGU jurisdiction	Food for immediate consumption and within LGU territory	Sanitation code, Business permit, Checklist/ guidelines on monitoring	>Respond to outbreaks of food borne & waterborne illness >Train LGU sanitary inspectors, provide technical support, share info* >Conduct PMS



Food Safety Regulatory Agencies and Other Concerned Agencies

Article V, Section 16 and 18



DA's Food Safety Regulatory Agencies



- Bureau of Animal Industry (BAI)
 - For food derived from animals including eggs and honey production



- National Dairy Authority (NDA)
 - For milk production and post harvest handling



- National Meat Inspection Service (NMIS)
 - For meats



- Bureau of Fisheries and Aquatic Resources (BFAR)
 - For fresh fish and other seafoods including those grown by aquaculture

DA's Food Safety Regulatory Agencies



- Bureau of Plant Industry (BPI)
 - For plant foods



- Fertilizer and Pesticide Authority (FPA)
 - For pesticides and fertilizers used in the production of plant and animal food



- Philippine Coconut Authority
 - For fresh coconut

DA's Food Safety Regulatory Agencies



- Sugar Regulatory Administration
 - For sugar cane production and marketing



- National Food Authority (NFA)
 - For rice, corn, and other grains

Concerned DA offices

- Bureau of Agriculture and Fisheries Standards (BAFS)
 - Develop food safety standards for fresh plant, animal, fisheries and aquaculture foods
- Food Development Center (FDC) of the NFA
 - Provide scientific support in testing, research and training



DOH Food Safety Regulatory Agencies

- Food and Drug Administration (Center for Food Regulation and Research)
 - Responsible for implementing a performance-based food safety control management system which shall include, but not limited to, the following:
 - Development of food standards and regulations
 - Post-market monitoring
 - Enforcement of HACCP and other risk-based control measures

DOH Food Safety Regulatory Agencies

- Food and Drug Administration (Center for Food Regulation and Research)
 - Strong participation in Codex and other international standard setting bodies
 - Communication of risks and development of interactive exchange among stakeholders
 - Establishment of laboratories for food safety and strengthening the capabilities of existing laboratories

DOH Food Safety Regulatory Agencies

- Food and Drug Administration (Center for Food Regulation and Research)
 - Development of a database for food safety hazards and food-borne illness from epidemiological data
 - Strengthening the R&D capabilities on product safety and quality standards
 - Certification of food safety inspectors



DOH Food Safety Regulatory Agencies

- Bureau of Quarantine
 - Provide sanitation and ensure food safety in its area of responsibility in both domestic and international ports and airports of entry, including in-flight catering, food service establishments, sea vessels and aircrafts as provided for in the IRR of RA 9271 (Quarantine Act of 2004) and PD 856 (Code on Sanitation of the Philippines)

CONCERNED DOH OFFICES



- National Epidemiology Center (NEC) now known as Epidemiology Bureau (EB)
- Research Institute for Tropical Medicine (RITM)
- National Center for Disease Prevention and Control (NCDPC) now known as Disease Prevention and Control Bureau (DPCB)
 - Conduct and document epidemiological monitoring studies on food-borne illnesses for use in risk-based policy formulation

CONCERNED DOH OFFICES

- National Center for Health Promotion (NCHP) now known as Health Promotion and Communication Service (HPCS)
 - Responsible for advocating food safety awareness, information and education to the public

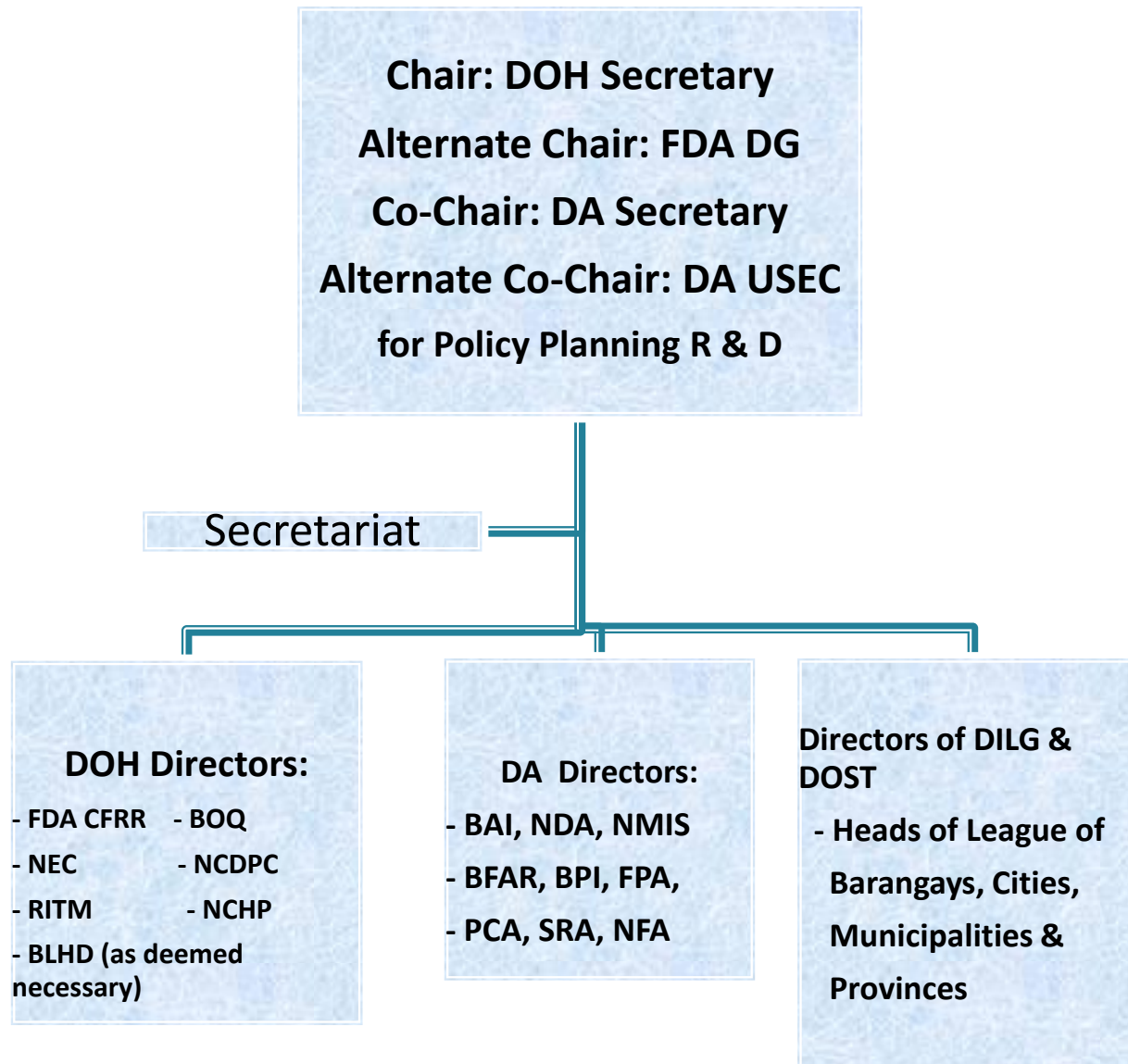


Food Safety Regulation Coordinating Board (FSRCB)





FSRCB Structure



FSRCB Powers and Functions

- Monitor and coordinate the performance and implementation of the mandates of the DA, the DOH, the DILG and the LGUs in food safety regulation;
- Identify the agency responsible for enforcement based on their legal mandates when jurisdiction over specific areas overlap;
- Coordinate crisis management and planning during food safety emergencies;
- Establish the policies and procedures for coordination among agencies involved in food safety

FSRCB Powers and functions

- Continuously evaluate the effectiveness of enforcement of food safety regulations and research training programs
- Regularly submit reports to the Congressional Committees on Health, Agriculture and Food, and Trade and Industry; and
- Accept grants and donations from local and international sources



Responsibilities of Food Business Operators (FBOs)



RESPONSIBILITIES OF FBOS

- FBOs shall ensure that food satisfies the requirements of food law relevant to their activities in the food supply chain and that control systems are in place to prevent, eliminate, or reduce risks to consumers
- FBOs are the prime entity responsible to produce safe and quality food

PRIMARY RESPONSIBILITIES OF FBOS

- Ensure safety of their food products and compliance to the requirements of the Act.
- Ensure the prevention or minimization of food safety hazards or reduction of hazards to acceptable levels.

PRIMARY RESPONSIBILITIES OF FBOs

- Farmers and fisher folks as well as FBOs in small and micro industries shall be assisted by the DA and the DOH in coordination with the LGUs to implement the standards and codes of practice.
- FBOs shall be encouraged to implement a HACCP-based approach or an equivalent food safety control program in their operations. (may be required)

PRIMARY RESPONSIBILITIES OF FBOS

- FBOs operating within the jurisdiction of the BOQ of the DOH shall ensure that their food products comply with Good Manufacturing Practices (GMP)/HACCP provisions and that their food handlers and stewards have valid BOQ health certificates.

SPECIFIC REQUIREMENTS FOR FBOS



- All food businesses shall designate a Food Safety Compliance Officer (FSCO) who has passed a prescribed training course for FSCO recognized by the DA and/or the DOH.

SPECIFIC REQUIREMENTS FOR FBOS

- MICRO AND SMALL ENTERPRISES, the owner may serve as the FSCO or a consultant FSCO may be employed on part-time or full-time basis.
- LARGE- AND MEDIUM- SCALE FOOD BUSINESSES shall designate an FSCO who is preferably a graduate of food-related courses

SPECIFIC REQUIREMENTS FOR FBOS

- FBOs (self-initiated) shall do the following:
- Identify hazards
- Implement preventive controls
- Ensure that such food is not adulterated, contaminated, misbranded, and misleading.
- Monitor the performance of control measures and maintain
- Actively monitor sustained compliance to standards and relevant regulatory policies (e.g. cooking demonstrations, cooking shows, product launching of primary, postharvest, or processed food and other similar activities)

Specific requirements for FBOs

- Upon the occurrence of any food safety incident, FBOs shall immediately implement appropriate control measures. FBOs shall immediately report to the concerned FSRA any food safety incident which has caused or contributed to the death, serious illness or serious injury of any person.
- Thereafter, subject to Rule 12.1.7, the FBO shall be summoned by the concerned FSRA to attend a technical conference to resolve any food safety issue or determine whether or not a death, serious illness or serious injury suffered by a consumer is attributable to a food safety issue.

Specific requirements for FBOs

FBOs shall be required to:

- Develop a PRODUCT RECALL PROGRAM (for approval) and implement as the need arises
- Develop a Risk Management Plan as basis for issuance of authorizations (DOH)
- Undertake measures prescribed by FSRAs to address a food safety issue
- Establish a traceability system

Specific requirements for FBOs



FBOs shall:

- Allow authorized officers of the FSRAs entry or to any establishment, access to relevant records and inspection of any food transport vehicle, while in transit or otherwise.



Prohibited Acts

SEC. 37. *Prohibited Acts.* – It shall be unlawful for any person to:

- (a) Produce, handle or manufacture for sale, offer for sale, distribute in commerce, or import into the Philippines any food or food product which is not in conformity with an applicable food quality or safety standard promulgated in accordance with this Act;
- (b) Produce, handle or manufacture for sale, offer for sale, distribute in commerce, or import into the Philippines any food or food product which has been declared as banned food product by a rule promulgated in accordance with this Act;
- (c) Refuse access to pertinent records or entry of inspection officers of the FSRA;
- (d) Fail to comply with an order relating to notifications to recall unsafe products;
- (e) Adulterate, misbrand, mislabel, falsely advertise any food product which misleads the consumers and carry out any other acts contrary to good manufacturing practices;
- (f) Operate a food business without the appropriate authorization;
- (g) Connive with food business operators or food inspectors, which will result in food safety risks to the consumers; and
- (h) Violate the implementing rules and regulations of this Act.

Penalties and Sanctions



Penalties and Sanctions

	Fine	Relevant Authorization	Additional Penalty
1st Conviction	50K-100K	Suspension for 1 mo	None
2nd Conviction	100K-200K	Suspension for 3 mos	None
3rd Conviction	200K-300K	Suspension for 6 mos	None
Violation Resulting to slight Physical Injury***	200K-300K	Suspension for 6 mos	Hospitalization and rehabilitation
Violation Resulting in less serious to serious Physical Injury***	200K-300K	Suspension for 12 mos	Hospitalization and rehabilitation
Violation Resulting to Death***	300K-500K	Permanent revocation	Imprisonment

Penalties and Sanctions

- Any director, officer or agent of a corporation who shall authorize, order or perform any of the acts or practices constituting in whole or in part a violation of the prohibited acts, and who has knowledge or notice of noncompliance received by the corporation from the concerned department, shall be subjected to the penalties.

Conclusion

- A structure for food safety regulation that brings the currently fragmented food safety system to a higher level of coordination and harmonization
- Programs for strengthening effectiveness and capabilities of stakeholders



For Inquiries

Website of FDA:


www.fda.gov.ph

Center for Food Regulation & Research DLs:

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info@fda.gov.ph (Subject: CFRR-_____)

A close-up photograph of two hands, palms up, holding a small, rectangular piece of white paper with deckled edges. The paper is held horizontally between the fingers of both hands. On the paper, the words "Thank You" are written in a black, elegant cursive script. The background is dark and out of focus.

Thank You