

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7723



Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party),
FRANCE L. CASTRO (ACT Teachers Partylist),
and RAOUL DANNIEL A. MANUEL (Kabataan Partylist)

AN ACT PROHIBITING THE SALE AND USE OF GLYPHOSATE IN THE PHILIPPINES

EXPLANATORY NOTE

Glyphosate or N-(phosphonomethyl) glycine is a broad-spectrum herbicide developed and commercially introduced by Monsanto in 1974 under the brand name Roundup. It is believed to inhibit protein synthesis in weeds leading to the mortality of the pests. It persists in some soils for up to three years and can bio-accumulate. It is used in plantations, parks, gardens, and orchards.

A growing body of independent scientific evidence suggests that glyphosate is harmful to humans. Use of glyphosate formulations was found to induce DNA damage and has been associated with increased risk of a) cancer especially non-Hodgkin's lymphoma; b) neurobehavioral disorders in children; c) birth defects and other diseases.

In the laboratory, glyphosate formulations were found to a) inhibit the production of steroid hormones e.g. progesterone; b) cause cell death and necrosis in various human cell cultures at fairly low levels; c) induce congenital craniofacial malformations on frog and chicken embryos; and d) be highly toxic to frogs.

According to the Pesticides Action Network-Asia Pacific (PANAP), glyphosate is among the top 20 pesticides that are toxic to children. It is linked to cancer, birth defects, skin conditions, kidney damage, allergic responses, disruption of hormones particularly progesterone and testosterone, alters the progression of puberty, and cause breast cancer cells to grow. It is also linked to Parkinson's disease.

It is also included in the *List of Highly Hazardous Pesticides* targeted for global phase-out. The PAN monographs detail glyphosate's adverse effects on humans, ecosystem functioning, pollination services, biological controls, soil fertility, and crop health. PAN has strongly urged governments to adopt agroecological approaches to pest/weed management.

Continuous use of glyphosate disrupts soil microbial communities and makes RR crops more susceptible to disease, deficient in key nutrients, and less productive than conventional crops. Glyphosate increases the severity of sudden death syndrome – a serious plant disease caused

by *Fusarium* – in RR soybeans. Low-level glyphosate spray has caused reduced leaf concentrations of calcium, manganese, and magnesium as well as reduced seed concentrations of calcium, magnesium, iron, and manganese in non-transgenic soybeans.

Intensive glyphosate use led to the emergence of glyphosate-resistant (GR) weeds, and that resistance is now recorded in 35 weed species in 27 countries. Such widespread use also contaminated the environment with glyphosate residues being detected in food, drinking water, wine, beer, and in RR cotton products. The extent of human exposure is confirmed by the presence of glyphosate in human urine and breast milk.

The UN's International Code of Conduct on Pesticide Management discourages the use of pesticides whose handling and application require the use of personal protective equipment (PPE) that is uncomfortable, expensive, or not readily available especially in the case of small-scale users and farm workers in hot climates. Glyphosate is a human carcinogen and a highly hazardous pesticide, entails the use of PPE, and thus, should not be marketed nor sold in the Philippines where a hot climate prevails and where companies are not conscientious in providing adequate PPE.

With voluminous evidence on the hazards of glyphosate, the severity of its effects on humans and biodiversity in the areas where it is in use, its banning and phasing out in several countries, and the inappropriateness of PPE in the Philippine climate and conditions of use, the sale and use of glyphosate in the country must be stopped.

We are submitting this bill in the 19th Congress to push for a nationwide ban on glyphosate in order to protect life and health, especially women and children, and yet to be born, from its severely hazardous effects.

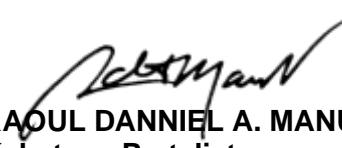
In view of the foregoing, the approval of this bill is earnestly sought.



ARLENE D. BROSAS
Gabriela Women's Party



FRANCE L. CASTRO
Act Teachers Partylist



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AN ACT PROHIBITING THE SALE AND USE OF GLYPHOSATE IN THE PHILIPPINES

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

Section 1. Title. This Act shall be known as the 'Glyphosate Use Prohibition Act of 2023'.

Section 2. Declaration of State Principles and Policies. Pursuant to Section 15, Article II of the Philippine Constitution, which declares that the State shall protect and promote the right to health of the people and instill health consciousness among them, as well as Section 16, Article II of the Philippine Constitution, which further declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, it is hereby the declared policy of the State:

1. To ensure the protection and promotion of these Constitutionally guaranteed rights to health and balanced ecology of the people, including generations yet to be born;
2. To protect the people from the hazards of the environmentally degrading and health threatening practice of using glyphosate to control weeds; and
3. To adopt the precautionary principle in assessing projects which are environmentally critical.

Section 3. Definition of terms. For purposes of this Act, the following terms shall be understood as follows:

- a. **Back spraying** refers to the application of substances, including but not limited to pesticides and any other hazardous substances.
- b. **Agricultural activity** refers to the cultivation of the soil, sowing of seeds, planting of crops, growing of fruit trees, and shall include the following activities: land preparation, seeding, planting, cultivation, harvesting, bagging, and other activities and practices performed in conjunction with farming operations.

- c. **Agricultural entity** refers to any person, whether natural or juridical, who is involved in agricultural activities.
- d. **Banned pesticide** is a pesticide for which all registered uses have been prohibited by final government action or for which all requests for registration or equivalent action for all uses have, for health or environmental reasons, not been granted.
- e. **Global Positioning System survey** refers to a survey plan to be made with the aid of Global Positioning System showing the metes and bounds of each agricultural farm/plantation that shall be submitted to the Office of the Mayor of the municipality/city which has jurisdiction over concerned agricultural farms/plantations.
- f. **Hazardous substances** refer to substances which present either:
 - 1. **short-term acute hazards**, such as acute toxicity by indigestion, inhalation or skin absorption, or other skin or eye contact hazards, or the risk of fire or explosion; or
 - 2. **long-term hazards**, including chronic toxicity upon repeated exposure, carcinogenicity, resistant to detoxification process, such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors; or those substances which the Fertilizer and Pesticides Authority (FPA) under the Department of Agriculture and other government agencies will identify as hazardous.
- g. **Herbicide** refers to any substance or product, or a mixture thereof, including active ingredients, adjuvants and formulations, intended to control, prevent, destroy repel or mitigate, directly or indirectly, any unwanted plant/weed.
- h. **Imminent hazard** refers to a situation which exists when the continued use of a pesticide will likely result in unreasonable adverse effects on the public and/or the environment or will involve unreasonable hazards to the survival of species declared endangered by the appropriate authorities.
- i. **Glyphosate** refers to herbicides with N-(phosphonomethyl)glycine as the active ingredient (chemical formula C₃H₈NO₅P). Technical grade glyphosate is a colorless, odorless crystalline powder, formulated as water-soluble concentrates and granules. Most formulations contain the isopropylamineammonium salt of glyphosate (glyphosate-isopropyl ammonium), but here the term glyphosate is taken to mean all salts of N-(phosphonomethyl)glycine.
- j. **Pest** refers to any form of plant or animal life, or any pathogenic agent injurious or potentially injurious to plants or plant products.
- k. **Pesticide** refers to any substance or product, or a mixture thereof, including active ingredients, adjuvants and pesticide formulations, intended to control, prevent, destroy repel or mitigate, directly or indirectly, any pest. The term shall be understood to include insecticide, fungicide, bactericide, nematocide, herbicide, agaricide, molluscicide, avicide, rodenticide, plant regulator, defoliant, dessicant, and the like.

- I. **Restricted pesticide** is a pesticide for which virtually all registered uses have been prohibited by final government regulatory action, but for which certain specific registered use or uses remain authorized. It may not be allowed for distribution, sale and use in certain crops and/or areas of the country; and may be used only by and under the supervision of certified applicators, or under such conditions as the FPA executive director may require.
- m. **Toxicity** refers to a physiological or biological property determinative of the capacity of a chemical to do harm or produce injury to a living organism through non-mechanical means.
- n. **Unauthorized pesticide** is a pesticide for which registration has been denied by the government.
- o. **Weed** refers to any form of plant injurious or potentially injurious or perceived to be injurious to agricultural crops.

Section 4. Ban on the sale and use of glyphosate in agriculture and other activities. The sale and use of glyphosate for agriculture and other pest management activities are hereby declared as contrary to law. Its manufacture, sale and use in the Philippines are hereby declared unauthorized.

Section 5. Scope and presumption. The provision of this Act shall apply to the use of glyphosate in all agricultural and pest management activities; Provided, that the application of glyphosate and/or detection of glyphosate residues in the agricultural crops, food, and environment is a *prima facie* evidence of the commission of the act.

Section 6. Who may be held liable. Any person, natural or juridical, who sells, buys and applies glyphosate shall be held liable. Provided, that if the violator is a corporation, partnership or any other juridical entity, the penal provisions hereof shall be applied to the president or the chief executive officer of the corporation, the managing partner in the case of partnership, or the equivalent head in the case of any other juridical entity or any other person acting on their behalf. In the case of a corporation, the indictment shall include the manager of the department directly responsible for aerial spraying and similar operations.

Section 7. Implementing agencies. The Fertilizer and Pesticide Authority (FPA) shall be primarily responsible for the implementation and enforcement of this Act. Other responsible agencies are:

1. The Department of Environment and Natural Resources-Environmental Management Board (DENR-EMB), in coordination with the established municipality/city-based monitoring teams, shall conduct quarterly monitoring to ensure compliance with Presidential Decree No. 1586, otherwise known as The Philippine Environmental Impact Statement System (PEIIS).
2. The Department of Health, in coordination with the regional and local health offices, shall conduct regular community health monitoring in areas located within or near agricultural farms/plantations.
3. The Department of Interior and Local Government (DILG), through the Office of Provincial Governor of each province or the Office of the City Mayor of each highly urbanized or chartered city, where such agricultural farms/plantations are located, shall be responsible in monitoring to ensure compliance of this Act. The Provincial governor or City mayor shall form municipality/city-based monitoring teams from among farmers'/farmworkers' organizations,

environment protection advocates, civil society, church people, and youth organizations. The municipal/city mayor, municipal/city agriculturist, municipal/city health officer, community environmental officer, and the municipal/city chief of police shall be automatic members of the monitoring team.

4. The municipality/city-based monitoring teams shall have inspectorial powers with respect to compliance of providing buffer zones as mentioned in Section 7 of this Act.

Section 8. Documentation/Inventory. The municipality/city-based monitoring teams shall have a record of, but not limited to, the following:

1. Agricultural farms/plantations:
 - a. Number of agricultural farms/plantations within their territorial jurisdiction;
 - b. Area covered by these agricultural farms/plantations
 - c. Main crop produced by these agricultural farms/plantations
2. Agricultural farms/plantations and companies engaged in pesticides use or have been engaged in the business of providing pesticides before the enactment of this Act:
 - a. Businesses/Corporations/Stores manufacturing or selling pesticides:
 - i. Name of the entity and business permit number;
 - ii. Location/address; and
 - iii. Tax identification number
 - b. Location of the “mother” corporation if any
 - c. Other relevant information/description

Section 9. Administrative fines. Upon the *motu proprio* finding of the Fertilizer and Pesticides Authority, based on the report of the Municipality/City-based monitoring team, and its corresponding recommendation to the Secretary of the Department of Agriculture, the following administrative fines shall be imposed upon everyday use of glyphosate:

In violation of Section 4 and in relation to the presumption in Section 5 of this Act: An administrative fine of not less than fifty thousand Philippine pesos (P50,000.00) but not more than one hundred thousand Philippine pesos (P100,000.00) upon the owner of the plantation who actually instructed the use of glyphosate;

In violation of Section 7 of this Act: An administrative fine of not less than fifty thousand Philippine pesos (P50,000.00).

Section 10. Penal provisions. The following penalties shall be imposed for acts in violation of Section 4 and in relation to the presumption in Section 5 of this Act:

The penalty of *prision mayor* shall be imposed upon the (i) owner of the plantation or the person who actually instructed/required the use of glyphosate, and (ii) owner of the corporation that sold the glyphosate. In the case of juridical persons, such penalty shall be imposed in relation to Section 6 of this Act.

The filing of a criminal action under this Act shall be without prejudice to the filing of civil and administrative cases by the persons or communities affected because of the use of glyphosate.

Section 11. *Implementing Rules and Regulations.* Within sixty (60) days after the effectivity of this Act, the Department of Agriculture, through the Fertilizer and Pesticide Authority, in coordination with the DILG, DENREMB, and DOH, shall formulate and issue Implementing Rules and Regulations of this Act.

Section 12. *Separability clause.* If any part or provision of this Act is declared void or unconstitutional, the remaining provisions thereof shall remain in full force and effect.

Section 13. *Repealing clause.* All other laws, decrees, rules and regulations, orders, and issuances inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 14. *Effectivity clause.* This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in any newspaper of general circulation.

Approved.