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Phil. Star



Republic of the Philippines
DEPARTMENT OF HEALTH
Manila

R.A. 8172 (ASIN LAW)

Implementing Rules and Regulations For Republic Act No. 8172 An Act Promoting Salt Iodization Nationwide

BACKGROUND

Pursuant to Section 2 of Republic Act No. 8172, entitled "An Act Promoting Salt Iodization Nationwide" (ASIN), approved by the President on 20 December 1995 and which took effect on 20 January 1996, mandating the Department of Health (DOH) as the lead agency in the implementation of said Act and, in accordance with Section 11 of said Act mandating the DOH to formulate the Implementing Rules and Regulations (IRR) in cooperation with the other government agencies involved in the implementation of the law, the following Rules and Regulations are hereby adopted to implement effectively the provisions of R.A. No. 8172.

RULE I COVERAGE

SECTION 1. These Rules and Regulations shall apply to:

- All producers/manufacturers/importers/traders of salt for human or animal consumption;
- All restaurants and other food establishments where food is being served or sold;
- All food manufacturers/processors using salt in their manufacturing processes;
- All Local Government Units (LGUs);
- All other government agencies;
- All non-government agencies and related professional organizations; and
- All government and private hospitals and other institutions.

RULE II INTERPRETATION

SECTION 1. These Rules and Regulations shall be construed in a manner that can achieve the objectives of R.A. 8172 namely: a) to contribute to the elimination of micronutrient malnutrition, particularly iodine deficiency disorders; b) to require salt producers/manufacturers to iodize the salt they manufacture, produce, distribute, trade and/or import; c) for the government agencies to undertake their roles and responsibilities in carrying out the provisions of this Act; d) for the food processing and the food service industries to use only iodized salt; e) to provide mechanisms and incentives for the salt industry; and f) to ensure the sustainability of the salt iodization program.

Any question or doubt as to the intent and meaning of the provisions shall be construed

- Mixing process: shall be monitored regularly to ensure consistent mixing and homogeneity of iodine content in the batch being processed.
- Monitoring of salt ready for distribution: each lot shall be sampled to ensure conformity to prescribed iodine level.
- Packaging and labeling inspection: shall be routinely conducted to ensure integrity of package and conformity to the prescribed iodine level.
- Record keeping: daily control charts and weekly summaries of activities and corrective actions taken shall be maintained for a period of at least 12 months from date of manufacture. Manufacturers of iodized salt shall provide traders with a Certificate of iodization of the specified batch or lot sold to the traders.

SECTION 4. Iodized salt shall be distributed and sold according to the principle of first in, first out. Iodized salt may be sold at retail or final distribution points within a period of not more than 12 months from the date of manufacture, after which it shall be considered expired. Expired salt shall be replaced by or replaced by or returned to the last seller or distributor in the manufacturing-distribution chain.

SECTION 5. The DOH shall put in place a system to monitor the quality of iodized salt in collaboration with the LGUs and the Department of the Interior and Local Government (DILG). It shall also seek the assistance of the Department of Finance (DOF) and LGUs to determine the volume of production and sale of the locally manufactured and imported iodized salt.

SECTION 6. Until such time when all food-grade salt shall be iodized in accordance with the R.A. 8172, salt manufacturer/producers, traders and retailers shall maintain the proper identification and segregation of iodized salt from non-iodized salt in storage and during display at retail. They shall make sure that salt buyers or consumers get the appropriate kind of salt they purchase.

SECTION 7. Within one (1) year from the effectivity of the Act, all food manufacturers and processors shall utilize iodized salt in their products except when the use of iodized salt will have an adverse effect on a specified product. In such cases, the food manufacturers/processors shall present appropriate evidence to the BFAD which shall serve as basis for exemption from compliance with Section 3 (e) of this Act. The BFAD shall submit to SIAB a list of food manufacturers utilizing iodized salt and those with definite exemption, and shall update this list annually.

SECTION 5. The Technology and Livelihood Resource Center (TLRC) shall:

- Assist the DOST in the development and implementation of a comprehensive program for the acquisition of, design and manufacture of salt iodization machines and transfer of salt iodization technology to small and subsistence local salt producers/manufacturers;
- Provide funding assistance to qualified small producers, especially if located in one of the priority provinces in support of the government's poverty alleviation and industry decentralization drive;
- Develop a program of training entrepreneurs in setting up micro/cottage/small business enterprises to be located in its Technology and Livelihood Development Center (TLDC) in the provinces;
- Undertake an all-out information campaign to promote the use of iodized salt nationwide through their tri-media information program and in its business technology courses.

SECTION 6. The Cooperative Development Authority (CDA) shall provide assistance to the small and subsistence salt producers/manufacturers/ so that they may organize themselves into cooperatives and undertake salt iodization and marketing of iodized salt in the spirit of cooperativism. The organized cooperatives shall be registered in accordance with the CDA guidelines, rules, regulations and applicable laws

SECTION 7. The Department of Environment and Natural Resources (DENR) shall provide assistance to the prospective salt producers/manufacturers in identifying suitable land areas appropriate for use as salt works/farms. The conversion of such lands into salt farms shall require the concurrence of the landowner and the concerned agency/entity. The DENR shall ensure, through the Environmental Impact Statement (EIS) System, that proposed activities near the salt farms do not adversely affect the latter. The DENR shall also monitor the adoption of anti-pollution control measures by iodized salt producers/manufacturers.

SECTION 8. The Bureau of Customs of the Department of Finance (DOF) shall assist the DOH in monitoring salt importation by providing quarterly reports of entries, including names and addresses of importers/consignees and quantity of shipment. It shall likewise inform the DOH on the quality and quantity of importation of the iodized salt.

SECTION 9. Any assistance to salt manufacturers/producers/traders/importers shall take into favorable consideration the size and capability of such salt producers as well as their faithful compliance with laws on health, labor and employment, environment and ecology.

RULE VII ADVISORY BOARD

SECTION 1. Creation of the Salt Iodization Advisory Board- The Salt Iodization Advisory Board (SIAB) shall be composed of all members of the NNC Governing Board namely the Departments of Agriculture; Health; Social Welfare and Development; Education, Culture and Sports; Science and Technology; the Interior and Local Government; Labor and Employment; Trade and Industry; and Budget and Management; the National Economic and Development Authority; its three (3) private sector representatives, and a representative from the DENR, the medical profession and the salt manufacturers, as mandated by Section 8 of the Act. The Chairman of the NNC Governing Board shall chair the SIAB. The Chairman shall convene the SIAB within one (1) month upon the approval of these IRR.

SECTION 2. Role The SIAB shall function as the policy and coordinating body on the national salt iodization program and activities. It shall coordinate and monitor all activities concerning the salt iodization program from production and marketing, to public information campaign. It shall analyze the effectiveness of the salt iodization activities and then evaluate the progress of the program annually based on the reports submitted by DOH and other concerned agencies in the implementation of this Act. The SIAB shall submit an annual report every end of December to the Congress of the Philippines on the status of the salt iodization program and offer recommendations for its improvement.

RULE VIII SANCTIONS

SECTION 1. The BFAD Director is hereby authorized to impose an

RULE II INTERPRETATION

SECTION 1. These Rules and Regulations shall be construed in a manner that can achieve the objectives of R.A. 8172 namely: a) to contribute to the elimination of micronutrient malnutrition, particularly iodine deficiency disorders; b) to require salt producers/manufacturers to iodize the salt they manufacture, produce, distribute, trade and/or import; c) for the government agencies to undertake their roles and responsibilities in carrying out the provisions of this Act; d) for the food processing and the food service industries to use only iodized salt; e) to provide mechanisms and incentives for the salt industry; and f) to ensure the sustainability of the salt iodization program.

Any question or doubt as to the intent and meaning of the provisions shall be construed or resolved in accordance with the Policy and Purposes as provided in R.A. 8172.

RULE III DEFINITION OF TERMS

In the implementation of the Act, terms that have specific meaning shall be construed in accordance with the general definitions provided in Section 4 of the Act, to wit:

- a) **Distribution** - means the exchange, transmittal, conveyance, consignment, supply delivery, trade, sale, or disposal of food grade salt, whether for remuneration or other considerations.
- b) **Distributor** - refers to an establishment which distributes, sells or imports salt for distribution to retailers
- c) **Fortificant** - in relation to the process of salt iodization, the term shall refer to potassium iodate or other suitable fortificant as recommended by DOH, taking into consideration the circumstances of quality, effectiveness, stability, availability and new discoveries that can bring salt iodization in the most effective and economic manner.
- d) **Food fortification** - the addition of nutrients to processed foods at levels above the natural state;
- e) **Food-grade salt** - refers to salt for human and animal consumption as distinguished from industrial salt.
- f) **Food manufacturers/processors** - refer to the business/enterprise of manufacturing or processing food using salt in their products.
- g) **Food service establishments** - refer to hotels, restaurants, carinderias, catering firms, hospitals and other related outlets which serve or sell food to consumers.
- h) **Industrial salt** - refers to salt used in the treatment, processing, and/or manufacture of non -food commercial products;
- i) **Iodine deficiency disorders** - a broad spectrum of manifestations resulting from lack of iodine in the diet which leads to the reduction of intellectual and physical capacity affecting everyone who is iodine deficient and may manifest as goiter, mental retardation, physical and mental defects, and cretinism;
- j) **Manufacturer** - one who produces, imports, trades in and distributes salt and is categorized as follows:
 - 1) **Large producer/manufacturer** - one who produces, imports, trades and/or distributes salt exceeding two thousand metric tons (2,000 MT.) per year
 - 2) **Medium producer/manufacturer** - one who produces, imports, trades in, distributes salt ranging from more than three hundred metric tons (300 MT) to two thousand metric tons (2,000 MT) per year.
 - 3) **Small salt producer/manufacturer** - one who produces, imports, trades in or distributes salt ranging from more than two metric tons (2 MT) to three hundred metric tons (300 MT) per year;
 - 4) **Subsistence producer/manufacturer** - one who produces, trades in or distributes salt not exceeding two metric tons (2 MT) of salt per year;
- k) **Method** - refers to the scientifically accepted technique that is perceived to bring about the best and most effective way of salt iodization
- l) **Micronutrient malnutrition** - refers to a disorder resulting from deficiencies in vitamin A, iron, iodine and other micronutrients which the body needs in minute quantities everyday.

with the R.A. 8172, salt manufacturers/producers, traders and retailers shall maintain the proper identification and segregation of iodized salt from non-iodized salt in storage and during display at retail. They shall make sure that salt buyers or consumers get the appropriate kind of salt they purchase.

SECTION 7. Within one (1) year from the effectivity of the Act, all food manufacturers and processors shall utilize iodized salt in their products except when the use of iodized salt will have an adverse effect on a specified product. In such cases, the food manufacturers/processors shall present appropriate evidence to the BFAD which shall serve as basis for exemption from compliance with Section 3 (e) of this Act. The BFAD shall submit to SIAB a list of food manufacturers utilizing iodized salt and those with definite exemption, and shall update this list annually.

RULE V REGISTRATION OF IODIZED SALT MANUFACTURERS AND SALT IMPORTERS/DISTRIBUTORS

SECTION 1. All iodized salt manufacturers and salt importers/distributors shall register with the BFAD according to the following schedule: The large and medium manufacturers shall register within one (1) year from the effectivity of this Act; small manufacturers within two (2) years; and subsistence manufacturers within five (5) years. After the effectivity of these IRR, new salt producers/manufacturers shall register before operation.

SECTION 2. The BFAD shall issue a License to Operate (LTO) to iodized salt manufacturers and salt importers/distributors upon their compliance with prescribed documentary and technical requirements in Annexes 2 and 3. Those engage in manual salt iodization shall secure a Certificate of Training from the DOH before they can be provided with a LTO. If an importer is already holding a valid LTO as importer, he/she need not apply for another license; however, the importer must comply with the technical requirements and their products shall be subject to monitoring.

SECTION 3. The BFAD may delegate to the LGU's its authority to issue LTOs in cities and municipalities other than those in the National Capital Region (NCR) and in areas where the seat or office of the DOH-Regional Field Offices (RFOs) is located, through a memorandum of agreement between the BFAD and the LGU, or the BFAD and the RFO, with the suggested terms and conditions contained in Annex 4 hereof. Such agreements shall be considered part of these IRR.

SECTION 4. All distributors/traders of locally produced iodized salt, whether or not engaged in repacking iodized salt from bulk to retail containers, shall register with the LGUs.

RULE VI ROLE OF AGENCIES CONCERNED IN THE SALT IODIZATION PROGRAM

SECTION 1. The DOH shall lead in the implementation of this Act. Specifically, it shall:

- a) Spearhead a public information drive in cooperation and coordination with the LGUs, and other agencies particularly the Department of Education, Culture and Sports (DECS), Philippine Information Agency (PIA), Provincial Science Centers-Department of Science and Technology (DOST), private sectors and students. All sectors in salt industry shall also assist in such information campaign through tri-media and all other social marketing activities for a systematic and sustained public information campaign;
- b) Provide training on salt iodization technology and quality assurance and control through its Nutrition Service (NS) in coordination with the DOST and the Technology and Livelihood Resource Center (TLRC); and
- c) Set and enforce standards for food-grade iodized salt and monitor compliance thereof by the food-grade salt manufacturers through its BFAD.

SECTION 2. The LGUs shall support the development and sustainability of the salt industry through:

- a) The formulation of ordinances and information campaigns promoting the availability and use of iodized salt;
- b) Provision of budget for health and nutrition programs;
- c) Assistance to other government agencies in the implementation of the salt iodization program;
- d) Monitoring the quality of salt as provided by law through its respective health officers and nutritionist-dietitians or, in their absence, through the sanitary inspectors; and

SECTION 2. The BFAD shall function as the policy and coordinating body on the national salt iodization program and activities. It shall coordinate and monitor all activities concerning the salt iodization program from production and marketing, to public information campaign. It shall analyze the effectiveness of the salt iodization activities and then evaluate the progress of the program annually based on the reports submitted by DOH and other concerned agencies in the implementation of this Act. The SIAB shall submit an annual report every end of December to the Congress of the Philippines on the status of the salt iodization program and offer recommendations for its improvement.

RULE VIII SANCTIONS

SECTION 1. The BFAD Director is hereby authorized to impose an administrative fine to existing salt producers/manufacturers/importers/traders based on the applicability of this Act. The provisions of this Act shall be immediately applicable to salt producers/manufacturers/importers/traders newly established or organized after the effectivity of the Act. The LGUs are authorized to impose administrative fine to food service establishments and outlets one year after the effectivity of the Act. The administrative fine shall be in the amount of not less than One Thousand Pesos (P1,000.00) but not more than One Hundred Thousand Pesos (P100,000.00), after notice and hearing for violation of any of the provisions of R.A. 8172 or its implementing rules and regulations.

In the imposition of the said administrative penalty, the imposable fine of One Thousand Pesos (P1,000.00) to Thirty Thousand Pesos (P30,000.00) shall be considered minimum penalty, Thirty One Thousand Pesos (31,000.00) to Sixty Thousand Pesos (P60,000.00) as medium penalty, and Sixty One Thousand Pesos (P61,000.00) to One Hundred Thousand Pesos (100,000.00) as maximum penalty; provided that the maximum fine shall be in addition to the revocation of the offender's License to Operate, and provided further that in all cases where the subject matter of the offense is a prohibited product, the Director shall order the recall and/or withdrawal of the product from the market.

SECTION 2. When the offense is committed with the following circumstances, the minimum penalty shall be imposed:

- 1) a history or record of satisfactory compliance with the rules and regulations prior to the commission of the offense, or absence or previous violation of the R.A. 8172 or its IRR; and
- 2) lack of information on the part of the offender about the rules and regulations or requirements of the subject matter of the violation/offense.

SECTION 3. When the act or omission in violation of R.A. 8172 and its implementing rules and regulations is attended by a manifest intention to mislead, defraud or deceive the consuming public, the maximum fine and revocation of License to Operate shall be imposed.

SECTION 4. The medium penalty shall be imposed when the offense committed is not attended by any of the circumstances described in Sections 2 and 3 hereof.

SECTION 5. The BFAD Director may delegate the conduct of administrative investigation of any violation of R.A. 8172 or its IRR to the head of the LGU; provided that the recommendation shall be subject to review and confirmation by the BFAD Director before the same shall be deemed final and executory. In such case, the LGU may be authorized by the BFAD Director to collect the fine that may be imposed provided that such fine collected shall be held in trust for the exclusive use by the investigating LGU in the implementation of this Act.

RULE IX SEPARABILITY CLAUSE

If any provision of these Implementing Rules and Regulations is declared null and void, for any reason, the remaining provision shall not be affected thereby and shall remain valid.

RULE X EFFECTIVITY

These Implementing Rules and Regulations shall take effect thirty days after its publication in a newspaper of general circulation.

APPROVED:


HON. CARMENCITA NORIEGA-REODICA, MD., MPH
Secretary of Health

or distributes salt ranging from more than two metric tons (2 MT) to three hundred metric tons (300 MT) per year;

4) **Subsistence producer/manufacturer** - one who produces, trades in or distributes salt not exceeding two metric tons (2 MT) of salt per year;

k) **Method** - refers to the scientifically accepted technique that is perceived to bring about the best and most effective way of salt iodization

l) **Micronutrient malnutrition** - refers to a disorder resulting from deficiencies in vitamin A, iron, iodine and other micronutrients which the body needs in minute quantities everyday.

m) **Registration** - the process of acquiring a business/enterprise license/permit to manufacture, produce, trade or import iodized salt with the Bureau of Food and Drug (BFAD) or appropriate LGU.

n) **Regulatory requirements** - the provisions of all applicable laws, regulations, executive orders, and other enactments related to food quality and safety, purity, nutritional composition, and other aspects of food regulations and control. In applying or interpreting the regulatory requirements, reference may also be made to scientifically accepted standards or regulations.

o) **Salt industry** - refers to the business sector engaged in the production, distribution, trading, retailing and importation of salt.

p) **Salt iodization** - the addition of iodine to salt intended for human or animal consumption in accordance with specifications as to form, fortificant, method, manner and composition as may be prescribed by the BFAD of the DOH.

q) **Salt Iodization Advisory Board (SIAB)** - composed of the National Nutrition Council (NNC) Governing Board, including a representative each from the Department of Environment and Natural Resources (DENR), the medical profession, and the salt manufacturers.

r) **Stores** - refer to department stores, shops, groceries, mini-marts, and other outlets which wholesale or retail iodized salt for the consumers and users.

s) **Trading** - refers to the buying and selling of food-grade salt by wholesale or retail.

RULE IV STANDARDS and REQUIREMENTS

SECTION 1. Iodized salt to be sold/distributed in the Philippines, whether locally produced or imported, shall conform with the standards formulated by the BFAD of DOH which is in Annex 1 of these implementing rules and regulations. Such standards shall be periodically reviewed and updated by the BFAD in consultation with the SIAB and other concerned parties.

SECTION 2. Failure to comply with the quality specifications and labeling requirements prescribed in the standards shall mean a violation of the provisions on adulteration and misbranding under Sections 14 and 15 of RA 3720, otherwise known as the Food, Drug and Cosmetics Act, as amended and the relevant provisions of R.A. 7394 otherwise known as the Consumer Act of the Philippines.

SECTION 3. To ensure the quality of iodized salt prior to distribution, all manufacturers of iodized salt shall conduct routine quality assurance activities. Such activities shall include, but shall not be limited, to the following:

a) Iodine levels testing: at regular intervals on a daily basis, samples of iodized salt shall be collected from the production line and tested for iodine content.

b) Equipment inspection: at least twice daily to ensure its proper operation.

a) The formulation of ordinances and information campaigns promoting the availability and use of iodized salt;

b) Provision of budget for health and nutrition programs;

c) Assistance to other government agencies in the implementation of the salt iodization program;

d) Monitoring the quality of salt as provided by law through its respective health officers and nutritionist-dietitians or, in their absence, through the sanitary inspectors; and

e) Establishment and maintenance of a list of salt producers in their respective territorial jurisdiction. A list of registered salt producers in every province shall be submitted to the BFAD within 6 months from the effectivity of these IRR and shall be updated annually. The list shall reflect the following information per salt producer/manufacturer:

- 1) Name and address of company and/or owner
- 2) Location of salt production site (sitio/barangay)
- 3) Annual production capacity (in metric tons)
- 4) Types of salt produced:
 - i. food-grade (course or fine)
 - iodized salt
 - non-iodized salt
 - ii. industrial salt
- 5) Distribution channels, such as:
 - direct sale to consumers within the province
 - traders within the province
 - traders from other provinces/regions
 - food manufacturers within the province
 - food manufacturer outside the province/region

SECTION 3. The Department of Trade and Industry (DTI) shall assist and support the local salt producers/manufacturers in upgrading their production technologic to include iodization by helping them obtain soft loans and financial assistance for the procurement of salt iodization machines, packing equipment and technology, and fortificants; and by ensuring the systematic distribution of the iodized salt in the market. Specifically it shall:

a) Regulate and monitor the trading of iodized salt in accordance with R.A. 7581 otherwise known as the Price Act;

b) Provide incentives to the salt industry by including salt iodization as a priority investment program of the government through its Board of Investment;

c) Assist salt producers/manufacturers obtain soft loan for machines, equipment and other materials such as fortificant and other chemicals needed to upgrade the salt industry, through its Bureau of Small and Medium Business Development (BSMBD) and Small Business Guarantee and Finance Corporation (SBGFC); and

d) Provide assistance to salt producers/manufacturers on matters of package design and packaging technology through its Product Development and Design Center of the Philippines (PDDCP).


SECTION 4. The Department of Science and Technology (DOST) shall develop and implement a comprehensive program for the acquisition of, design, and manufacture of salt iodization equipment, and transfer of the salt iodization technology to salt producers/manufacturers.

RULE X EFFECTIVITY

These Implementing Rules and Regulations shall take effect thirty days after its publication in a newspaper of general circulation.

APPROVED:


HON. CARMENITA NORIEGA-REODICA, MD., MPH
Secretary of Health

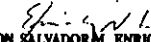

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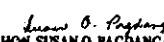

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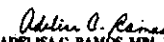

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