



Republic of the Philippines  
**OFFICE OF THE SECRETARY**  
Elliptical Road, Diliman  
1100 Quezon City

**DEPARTMENT ORDER**

No. 08  
Series of 2023

**SUBJECT: RULES AND PROCEDURES FOR THE ADOPTION OF FOOD SAFETY-RELATED PHILIPPINE NATIONAL STANDARDS (PNS) AS BASIS FOR THE DEVELOPMENT OF TECHNICAL REGULATIONS**

Pursuant to Section 16, Rule 16.6 of the Implementing Rules and Regulations of Republic Act (RA) No. 10611, otherwise known as the 'Food Safety Act of 2013', this Department Order (DO) prescribing the rules and procedures for the adoption of food safety-related PNS as basis for technical regulations is hereby issued.

**ARTICLE I  
OBJECTIVE**

Section 1. This Order aims to provide the rules and procedures to the Department of Agriculture Food Safety Regulatory Agencies (DA FSRA) in adopting food safety related-PNS for primary and postharvest foods developed by the Bureau of Agriculture and Fisheries Standards (BAFS) as the basis of their respective technical regulations.

**ARTICLE II  
SCOPE**

Section 2. This Order shall cover the following:

- 2.1 Food safety-related PNS for primary and postharvest stages of food production developed by BAFS;
- 2.2 Food safety-related PNS classified as product standards, Codes of Practice/Codes of Hygienic Practice, and guidelines; and
- 2.3 Technical regulations issued under the food regulatory functions of the DA FSRA as identified in Section 16 of RA No. 10611 in consideration of Section 4 of RA No. 11203 or the Rice Tariffication Law of 2019 that transferred the food safety mandate of the National Food Authority (NFA) to the Bureau of Plant Industry (BPI).

**ARTICLE III**  
**DEFINITION OF TERMS**

Section 3. For this Order, the following definitions shall apply:

- 3.1 *Codes of practice (including codes of hygienic practice)* - standards that define the production, processing, manufacturing, transport, and storage practices for individual foods or groups of foods that are considered essential to ensure the safety and suitability of food for consumption. For food hygiene, the basic text is the Codex General Principles of Food Hygiene, which introduces the use of the Hazard Analysis and Critical Control Point (HACCP) food safety management system (Codex Alimentarius Commission [CAC], 2020)
- 3.2 *Food Business Operators (FBO)* – persons engaged in the food business including one’s agents and is responsible for ensuring that the requirements of Republic Act No. 10611 are met by the food business under one’s control (Food Safety Act of 2013, 2013)
- 3.3 *Food safety* - assurance that food will not cause harm to the consumers when it is prepared or eaten according to its intended use (Food Safety Act of 2013, 2013)
- 3.4 *Food Safety Regulatory Agencies (FSRA)* – national government agencies under the DA namely: (1) Bureau of Animal Industry (BAI), (2) National Meat Inspection Service (NMIS), (3) National Dairy Authority (NDA), (4) Bureau of Fisheries and Aquatic Resources (BFAR), (5) BPI, (6) Fertilizer and Pesticide Authority (FPA), (7) Philippine Coconut Authority (PCA), and (8) Sugar Regulatory Administration (SRA)(Food Safety Act of 2013, 2013)
- 3.5 *Food Safety Focal Group (FSFG)* - an internal consultative and coordinating mechanism in the DA composed of FSRA and Food Safety Support Agencies (FSSA) designed for unified coordination and collaboration on food safety between and among agencies under DA (DA, 2022)
- 3.6 *Food Safety Focal Person* - technical personnel designated by the head of the agency to coordinate with other divisions/units within their agency and represent the agency in the DA FSFG on food safety concerns affecting the agriculture and fishery sector
- 3.7 *Food Safety Related-PNS* – product standards, codes of practice/codes of hygiene practice, and guidelines developed by BAFS that contain food safety requirements
- 3.8 *Guidelines* - standards that provide principles that set out policy in certain key areas and the interpretation of these principles
- 3.9 *Philippine National Standards (PNS)* - standards for food and industrial products developed by the National Standards Body (NSB) and Standards Development Organizations (SDOs) in the Philippines as mandated by relevant legislations (Bureau of Philippine Standards [BPS], n.d, *modified*)



- 3.10 *Primary and postharvest food* - food produced from the primary and postharvest stages of production
- 3.11 *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, the slaughter of animals, sorting, grading and cutting of fresh plant and animal foods, icing and freezing, and the milling and storage of grain (Food Safety Act of 2013, 2013)
- 3.12 *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 (Food Safety Act of 2013, 2013)
- 3.13 *Regulatory Impact Assessment (RIA)* – policy instrument for the determination and assessment of the impact of a proposed regulation, regarding its cost, benefit, and adverse effects. (AC 8 series of 2022, 2022, *modified*)
- 3.14 *Risk assessment* – scientific evaluation of known or potential adverse health effects resulting from human exposure to biological, chemical, and physical hazards (Food Safety Act of 2013, 2013)
- 3.15 *Standard* – document approved through consensus by a recognized body that provides, for repeated and common use, rules, guidelines, or characteristics for products or related processes and production methods, with which compliance is not mandatory (World Trade Organization [WTO], 1995)
- 3.16 *Technical regulation* – a legal policy instrument or issuance of a formal authority that lays down government-regulated standards/ product characteristics or their related codes of practices/codes of hygienic practices and guidelines, including applicable administrative provisions, with which compliance by relevant persons, natural or juridical, is mandatory and enforceable (WTO 1995 Annex 1, 1995, *modified*)

**ARTICLE IV**  
**GENERAL GUIDELINES IN ADOPTING FOOD SAFETY-RELATED PNS AS TECHNICAL REGULATIONS**

Section 4. Conduct of Regulatory Impact Assessment (RIA)

- 4.1 As far as practicable and based on the analysis of food safety issues, the concerned DA FSRA shall conduct RIA before adopting food safety-related PNS as technical regulation in compliance with the procedure provided in the Department of Agriculture Administrative Circular No. 08, series 2022 - Requiring the Conduct of Regulatory Impact Assessment (RIA) in the Modification, Repeal, or Formulation of Existing or New Regulations in the Department of Agriculture.



The DA FSRA may also refer to the RIA Manual of the Anti-Red Tape Authority (ARTA) which provides the tools and procedures for ensuring that regulations are subjected to proper consultations and evidence-based analysis before its issuance. The RIA manual is available for download at the ARTA website.

In exceptional circumstances such as sudden or emergency environmental or health crises and situations where the information available may not be sufficient, the DA FSRA can forgo the application of RIA. The FSRA may decide on issuing a technical regulation based on available information.

#### Section 5. Method of Adoption

- 5.1 When adopting a technical regulation based on a food-safety-related PNS, the FSRA may adopt only a selected portion of the PNS or adopt the whole PNS with a citation of the current version of the standard with undated reference.

#### Section 6. Types of Technical Regulations

- 6.1 Food safety technical regulations shall be developed using prescriptive or performance-based approaches, described as follows:
- 6.1.1 *Performance-based regulations* – specifies required outcomes or objectives, rather than how they must be achieved.
- 6.1.2 *Prescriptive regulation* - based on adherence to explicitly prescribed actions. This approach to regulation provides detailed specifications of rules and standards which must be followed.

### **ARTICLE V PROCEDURES IN ADOPTING FOOD SAFETY-RELATED PNS AS BASIS OF TECHNICAL REGULATIONS**

#### **A. *Creation of Technical Working Group (TWG)***

##### Section 7. Composition

- 7.1 A TWG shall be created depending on the scope and type of the technical regulation to be issued.
- 7.2 For each type of technical regulation, the composition of the TWG shall be as follows:
- 7.2.1 For commodity-specific food safety technical regulations, the concerned FSRA shall create the TWG and designate the Secretariat. The designated TWG Chair should be with a rank of at least a Division Chief. The head of the FSRA may also designate their Food Safety Focal Person to Chair the TWG. The members of the TWG are composed of designated technical personnel





from relevant Divisions/Sections. Other members of the TWG may include representatives from the private sector.

7.2.2 For food safety regulations that cut across several DA FSRA, the DA FSFG shall be the TWG. The Office of the Assistant Secretary for Regulations (OASR) shall be the Chair and shall subsequently designate the Secretariat. Representatives from the private sector, academe, or Civil Society Organizations (CSO) may be invited to become members of the TWG.

7.3. The Head of the concerned FSRA shall approve the creation of the TWG for commodity-specific food safety technical regulations. Meanwhile, the DA Secretary shall approve the creation of TWG for food safety regulations that cut across several DA FSRA.

#### Section 8. Terms of reference

8.1 The TWG created for commodity-specific food safety technical regulations and food safety regulations that cut across several DA FSRA shall have the following functions:

8.1.1 Assess the food safety issues that will be addressed and come up with the corresponding priority list of food safety-related PNS that will be adopted as technical regulations;

8.1.2 Prepare the draft technical regulations;

8.1.3 Facilitate consultations with relevant stakeholders;

8.1.4 Facilitate the submission of draft technical regulations for legal review;

8.1.5 Finalize the draft technical regulations taking into consideration the comments received during the consultation and results of the legal review; and

8.1.6 Endorse the final draft technical regulation to the Head of the FSRA, Office of the Undersecretary for Policy, Planning, and Regulations, or Department Secretary, as may be appropriate for final review and subsequent approval.

#### **B. Preparation and Drafting of Food Safety Technical Regulations**

#### Section 9. Development of Priority List of Food Safety-Related PNS for Adoption as Technical Regulations

9.1 Every 4th quarter of each year, BAFS shall provide the DA FSRA the list of all food safety-related PNS developed within the year. BAFS shall course the information through the DA FSFG.

9.2 Once received, the DA FSRA shall review the list and assess the food safety issues that need to be addressed. From the results of the assessment, the TWG shall develop a priority list of relevant food safety-related PNS for adoption as technical



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regulations. The development of technical regulation shall follow the conduct of RIA, as may be applicable.

- 9.3 The TWG shall discuss the type of regulation that will be drafted and the method of adoption. The development of regulation is based on the generated priority list.
- 9.4 The TWG shall develop a corresponding work plan to adopt food safety-related PNS as technical regulations.

#### Section 10. Drafting of Food Safety Technical Regulations

- 10.1 The TWG shall prepare the draft of the technical regulation based on the format prescribed in Annex A.
- 10.2 For commodity-specific food safety regulations, the concerned FSRA shall submit the draft technical regulation to the Office of the Undersecretary for Policy, Planning, and Regulations for review and clearance before the stakeholder consultations.
- 10.3 For food safety regulations that cut across commodities, the OASR shall submit the draft technical regulation to the Office of the Undersecretary for Policy, Planning, and Regulations for review and clearance before stakeholders' consultation.

#### Section 11. Conduct of Stakeholder Consultations

- 11.1 The draft technical regulation shall be subjected to stakeholder consultations to solicit inputs and recommendations and ensure transparency. Stakeholder consultations may be in a public fora, meetings, postings of announcements, and other similar approaches wherein the stakeholders can provide their comments.
- 11.2 Stakeholder consultations shall be led and funded by the relevant DA FSRA or through a collaboration with other DA agencies for commodity-specific regulations, and any relevant office within the DA for technical regulations that cut across commodities, in coordination with DA-Policy Research Service (PRS).

#### Section 12. Finalization of the Food Safety Technical Regulations

- 12.1 The TWG shall incorporate the inputs and recommendations gathered from the stakeholder consultations in the draft technical regulation. The draft technical regulation shall be submitted to the appropriate office/s within the DA FSRA and/or the OASR and the Office of the Undersecretary for Policy, Planning, and Regulations for final technical review.
- 12.2 The draft technical regulation shall be revised based on the comments received from the appropriate office/s within the DA FSRA and/or OASR and the Office of the Undersecretary for Policy, Planning, and Regulations.. The final revised draft technical regulation shall be endorsed to the legal office of the DA FSRA and/or the DA Legal Service for legal review.





- 12.3 The TWG shall develop the final draft of the technical regulation following the inputs from the relevant legal office/s.

**C. Issuance of the Food Safety Technical Regulation**

**Section 13. Issuance and Registration of Approved Food Safety Technical Regulation**

- 13.1 Upon receipt of the final draft of the commodity-specific food safety regulations, the Head of the concerned FSRA shall endorse the same to the Office of the DA Secretary for approval, through the DA-PRS, OASR, and Undersecretary for Policy, Planning, and Regulations.
- 13.2 For food safety regulations that cut across several DA FSRA, the OASR shall endorse the final draft of the technical regulations to the Office of the DA Secretary for approval, through the DA-PRS and Undersecretary for Policy, Planning, and Regulations.
- 13.2 Approved technical regulation shall be forwarded by the Office of the DA Secretary to the DA Records Division and/or by the concerned Head of the DA FSRA to their Records Division, as applicable, for proper numbering.
- 13.3 The concerned DA FSRA or the OASR shall arrange for the publication of the approved technical regulation in the official gazette or newspapers of general circulation. The concerned DA FSRA or the Office of the Secretary shall shoulder the publication fees.
- 13.4 Once published, the DA FSRA or the OASR shall file the published technical regulation to the National Administrative Register of the University of the Philippines Law Center.
- 13.5 Approved technical regulation shall be notified to the WTO Secretariat and simultaneously forwarded to DA-Information and Communication Technology Service (ICTS) for uploading in the SPS e-portal by the SPS Enquiry Point, and disseminated to all relevant stakeholders.

**ARTICLE VI  
ANNEXES**

All annexes, or any part thereof, referred to in this Order are deemed an integral part of this document.

**ARTICLE VII  
SEPARABILITY CLAUSE**

If any part or provision of this Order is held invalid, other provisions not affected thereby shall remain in force and effect.



**ARTICLE VIII  
REPEALING CLAUSE**

All other Circulars, Orders, issuances, rules, and regulations inconsistent with this Order's provisions are hereby repealed, amended, modified, or superseded accordingly.

**ARTICLE IX  
EFFECTIVITY**

This Order shall take effect immediately and upon registration with the Office of the National Administrative Register (ONAR) and remain in force until revoked or amended.

Done this 29<sup>rd</sup> day of June 2023.

**DOMINGO F. PANGANIBAN**  
Senior Undersecretary



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