

Department of Agriculture

**BUREAU OF PLANT INDUSTRY**

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**BPI ADMINISTRATIVE CIRCULAR**

No. 02

Series of 2021

**SUBJECT: REQUIREMENTS FOR DESIGNATION AND REGISTRATION OF FOOD SAFETY COMPLIANCE OFFICER (FSCO)**

Pursuant to Rule 14a.1 of the Republic Act (RA) No. 10611 and its implementing rules and regulation (JDA-DOH-AO No. 2015-007) which states that all food businesses shall designate a Food Safety Officer (FSCO) who has passed a prescribed training course for FSCO recognized by the DA and/or the DOH; and Section 16 which mandates the Bureau of Plant Industry as the Food Safety Regulatory Agency of DA for plant foods, this Circular is hereby issued.

**ARTICLE I  
INTRODUCTORY PROVISIONS**

Section 1. *Objective.* This Circular aims to put in place the requirements for the designation and registration of FSCO who is engaged in plant food businesses.

Section 2. *Definition of Terms.* For the purposes of this Circular the terms as defined in the Definition of Terms of Joint Department of Agriculture-Department of Health Administrative Order No. 2015-0007 (JDA-DOH AO No. 2015-0007) "The Implementing Rules and Regulations of RA No. 10611, and DA Department Circular No. 6 series of 2020 "Rules and Regulations Governing the Importation and Exportation of Plant Foods are hereby adopted, unless otherwise defined hereunder. For this Circular, the following shall mean:

1. *Licensed Distributor* refers to any person, individual or juridical entity authorized by the BPI who buys and sells agricultural products and is involved in pre-retail distribution activities, including wholesaler, wholesale storage and multipurpose wholesalers;
2. *Food Safety Officer (FSO)* refers to a professionally qualified and properly trained officer appointed by the BPI Director as his representative in implementing and enforcing the provisions of the Food Safety Act, its IRR and this Circular.
3. *Food Safety Compliance Officer (FSCO)* refers to persons designated by the FBO who shall oversee the implementation of the plant food safety programs and activities of the food business consistent with the provisions of the Food Safety Act, its IRR and this Circular;

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*JR 10/3/21*  
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*A food-secure and resilient Philippines*

*with empowered and prosperous farmers and fisherfolk*



4. *Micro, Small and Medium Enterprises (MSME)* refers to any business activity or enterprise engaged in industry, agri-business and/or services based on the criteria of asset and employment size regardless of the type of business ownership (i.e., single proprietorship, cooperative, partnership, or corporation)\*:

Business Enterprise	Asset size	Employment size (no. of employees)
Micro	Up to P3,000,000	1-9
Small	P3, 000,001 - P15, 000,000	10 - 99
Medium	15,000,001 - 100,000,000	100-199

\*Republic Act No. 9501 or the *Magna Carta for MSMEs*, which amended RA 8289 and RA 6977 (*Magna Carta for Small Enterprises*); and on the establishment category from the 2012 Census of Philippine Business and Industry Volume XIII: Professional, Scientific and Technical Activities, used by the Philippine Statistics Authority), respectively

5. *Non-Compliant Plant Food* refers to plant food which is produced, handled, minimally-processed for sale, packed for sale, offered for sale, distributed in commerce, or imported into the Philippines under any of the following conditions:
- Has in or upon it any poisonous or harmful substance;
  - Has in or upon it unacceptable level of contaminants;
  - Is injurious to human health;
  - Is unfit for human consumption; and,
  - Is adulterated / misbranded / falsely advertised;
6. *Primary Producers* refer to food business at the primary production stage producing raw food for consumption, e.g. rice farms, fruits and vegetable farms;
7. *Processing facilities* refer to food business establishments at the secondary production stage participating in minimal-processing (slicing, dicing, chilling, freezing, grinding, shredding, peeling, milling) and packing of plant food, e.g. rice milling facility, banana and mango packing facilities, etc).
8. *Retailers* refer to food business participating in food retail activity that sell the food to final consumer such as supermarket and market stalls;
9. *Show Cause Order* refers to the document issued by the BPI to the concerned FBO to notify any non-compliances requiring the concerned FBO to explain in writing the reported non-compliance or violations.

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*for 12/3/21*  
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10. *Storage Facility* refers to food business establishment used for storing plant food prior to processing or distribution for commerce. This shall refer to dry and cold warehouses and other storage facilities;
11. *Licensed Transport Facility* refers to food business establishment licensed by BPI engaged in transporting plant food for storing, processing or distribution for commerce; and,
12. *Service sectors* include all forms of catering, including take away food stalls and catering facilities in firms, school canteens and public institutions.

Section 3. *Scope*. Consistent with Article I, Section 3 of the DA Department Circular No. 6 series of 2020 (DA DC 06 s.2020) this Circular shall apply to the designation and registration of FSCO of food business operators (FBOs) engaged in the plant food business.

Section 4. *Non-coverage*. FBOs engaged in the plant food business as retailers and service sectors are not covered under this Circular pursuant to Section 15 of the Food Safety Act and Rule 15c.1 of its IRR. The mandate lies with the LGUs which has responsibility guided by national regulations for the implementation of safety requirements in food businesses such as wet markets, supermarkets, school canteens, restaurants, catering establishments, water refilling stations including street food sale and ambulant vendors.

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## ARTICLE II DESIGNATION OF FOOD SAFETY COMPLIANCE OFFICER

Section 5. *Designation of FSCO*. Consistent with the provisions of Rule 14a.1 of JDA-DOH AO No. 2015-007, all FBOs shall designate an FSCO who shall oversee the implementation of the food safety programs and activities of the plant food business, including compliance with the food safety requirements and standards.

Section 6. *Qualifications for Designation as FSCO*. In addition to the requirements as provided in Rule a.1.1, Rule a.1.2 and Rule a.1.3 of JDA-DOH AO No. 2015-007, applicants for *Designation as FSCO* must have passed the BPI-prescribed training course for FSCO conducted by the BPI or its officially-accredited training service provider.

Section 7. *Eligibility for Designation as FSCO*.

7.1 Preferably, the FSCO is a graduate of food-related courses, including but not limited to, agriculture, food technology, chemistry, and chemical/ industrial/ sanitary engineering. Graduates of other courses must have work experience on plant food safety.

7.2 For micro and small enterprises, the owner may serve as the FSCO or a consultant FSCO may be employed on a part time or full time basis. Provided, that if the owner of the enterprise is not a graduate of food-related course or has no experience on plant food safety, she/he must have attended the BPI-prescribed training course to qualify as FSCO.

7.3 Large and medium scale food businesses engaged in the production of food in the primary and postharvest sector of the food supply chain shall designate an FSCO on a full time basis.

*Section 8. Duties and Responsibilities of a FBO designated FSCO.*

The FBO designated FSCO shall have the following duties and responsibilities among others:

- a. Prepare the Food Safety Plan;
- b. Supervise the implementation of the ICS and Food Safety Plan to include Traceability System, Recall Program and Withdrawal of non-compliant plant food;
- c. Ensure compliance of the FBO to codes of practices of Good Agricultural Practices (GAP), Good Manufacturing Practices (GMP), Good Hygienic Practices (GHP), Good Storage Practices (GSP), Good Warehousing Practices (GWP), Sanitation Standard Operating Procedure (SSOP) and if available, Hazard Analysis Critical Control Point (HACCP) and other relevant standards/ practices;
- d. Monitor activities of the FBO in ensuring their compliance with food safety law, rules and regulations and standards;
- e. Submit to the BPI-Plant Product Safety Services Division (PPSSD) the Internal Control System (ICS) and Food Safety Plan, and if there is any, HACCP plan thirty days (30) before the scheduled inspection of FBO/facilities;
- f. Promptly submit monitoring reports and internal audit reports the time required by the BPI;
- g. May act as liaison officer of the FBO to the BPI;
- h. Attend meetings/seminars for FSCOs or FBOs which may from time to time be required and conducted by the BPI; and,
- i. Facilitate compliance of the concerned FBO with the other requirements that may be prescribed by the BPI.

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**ARTICLE III  
REGISTRATION OF FBO-DESIGNATED FSCO**

- Section 9. *Registration of FBO-Designated FSCO*. All FBO-designated FSCOs shall register with the BPI in accordance with the qualifications set forth in Rule 14a.1 of JDA-DOH AO No. 2015-007 and Section 6 hereof. The following procedure shall be observed in the Registration of FBO designated FSCO:
  - a. The FBO shall apply for the registration of its designated FSCO at the BPI or concerned BPI regional offices.
  - b. The application shall be accompanied by the *curriculum vitae* and supporting document/s showing proof of appointee's qualification;
  - c. The BPI Director shall act on the application within three (3) working days from receipt of the application;
  - d. A "*Certificate of Registration as a Designated FSCO of \_\_\_\_\_*" shall be issued to FBO-designated FSCO with approved application;
  - e. For disapproved applications, the BPI shall officially inform the applicant of the reason(s) and direct the same to submit the deficiencies, if any, and/or require the concerned FBO to appoint another FSCO; and,
  - f. The BPI shall be the main repository of registration records and shall develop an FSCO database to be posted on BPI website.

Section 10. *Registration Fees*. Pursuant to Section 36 of the *Food Safety Act*, the regulatory fees for registration of FBO designated FSCO shall be as follow:

- a. Registration of FBO Designated FSCO - 200.00

Section 11. *Annual Proof of FBO Designated FSCO*. It is incumbent upon the FBO to provide the BPI with annual certification, or upon demand, that his /her designated FSCO is still the FBO's duly designated FSCO.

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*Jan 12/3/21*  
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**ARTICLE IV  
MONITORING FOR FOOD SAFETY**

Section 12. *Internal Control System (ICS) and Food Safety Plan*. The FSCO shall conduct monitoring of the ICS and Food Safety Plan.

12.1. The FSCO shall conduct in-house monitoring of the implementation of the ICS and Food Safety Plan. The results of monitoring shall be submitted to BPI-PPSSD on a biannual basis or as deemed necessary by the BPI.

12.1.1 If applicable, the FSCO shall conduct periodic monitoring of produce for the presence of pesticide residues and/or contaminants to be submitted to in-house laboratories, BPI laboratories or BPI accredited laboratories. Results shall be submitted to BPI as part of the in-house monitoring conducted.

## ARTICLE V SANCTIONS AND PENALTIES

Section 13. *Suspension of Registration of FBO Designated FSCO.* The registration of the FBO designated FSCO shall be suspended if he/she fails to implement the food safety plan and submit promptly the monitoring reports and annual internal audit report. The FSCO may also be suspended for failure to perform any of the functions enumerated in Section 8 of this Circular.

Section 14. *Revocation of the Registration of FSCO.* The registration of the FSCO shall be revoked if he/she poses as a Food Safety Officer (FSO).

Section 15. *Show Cause Order (SCO).* For purposes of commencing the process of suspension or revocation of the FSCO's registration, the BPI shall issue an SCO to the FSCO stating the violation as provided in Section 13 and/or Section 14 hereof. Failure to comply with the SCO, or an unsatisfactory response submitted, the BPI shall order the suspension or revocation of the registration of the FSCO.

The suspension shall be in effect until the FSCO has provided a satisfactory response to and accepted by the BPI. While the designated FSCO is suspended or when the registration is revoked, the FBO shall designate immediately a new FSCO within one week after suspension or revocation.

Section 16. *Effects of Revocation of Registration.* The FSCO whose registration is revoked shall not be qualified to re-apply for designation and registration.

Section 17. *Right to Appeal.* Any person aggrieved by an action or decision of the BPI Director under this Circular may appeal to the Secretary of the Department of Agriculture within fifteen (15) days from receipt of the decision.

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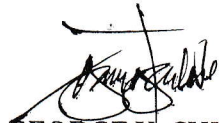
## ARTICLE VI FINAL PROVISIONS

Section 18. *Transitory Provisions.* Upon effectivity of this Circular, all FBOs engaged in plant food shall designate their FSCO. All FBOs are given six months to register with BPI their respective FSCO.

Section 19. *Repealing Clause.* All other orders, memorandum circulars, rules and regulations inconsistent with the provision of these guidelines and policies are hereby repealed, amended or modified accordingly.

Section 20. *Separability Clause.* If any provision of this Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 21. *Effectivity.* This Circular shall take effect after fifteen (15) days following the completion of its publication in two (2) newspapers of general circulation and registration with the Office of the National Administrative Register, UP Law Center.



**GEORGE Y. CULASTE, Ph.D.**

Director

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