

DENR ADMINISTRATIVE ORDER
No. 18
Series of 2000

**Subject: CHEMICAL CONTROL ORDER FOR OZONE DEPLETING
SUBSTANCES (ODS)**

Pursuant to the provisions of *Executive Order No. 192*, Series of 1987, Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990), Section 30 of Republic Act No. 8749 (The Philippine Clean Air Act of 1999) and *Resolution No. 25 dated 10 March 1993* of the Senate of the Republic of the Philippines ratifying the *Montreal Protocol on Substances that Deplete the Ozone Layer* as adjusted and amended by the Second Meeting of the Parties in *London, 27-29 June 1990* and further amended by the Third Meeting of the Parties in *Nairobi, 19-21 June 1991*, the Department hereby promulgates the following Chemical Control Order, hereinafter referred to as CCO:

Section 1. DECLARATION OF POLICY. It is the policy of the State to regulate, restrict or prohibit the import, export, use, manufacture, transport, processing, storage, possession or sale of ozone-depleting substances to abate or minimize their risks and hazards to the stratospheric ozone, public health, and the environment.

Section 2. COVERAGE. This CCO covers the ban, limit and/or regulate the use, manufacture, import, export, transport, processing, storage, possession or sale of the following chemical substances, to wit:

2.1 Groups I and II of Annex A, and Groups I, II, and III of Annex B of the Montreal Protocol. Regardless of source, these substances listed below can be in forms defined under Article I, paragraph 4 of the Montreal Protocol as clarified under Decision I/12A of the First Meeting of the Parties and Decision II/4 of the Second Meeting of the Parties, herein enclosed as Appendix I.

In general, these substances can be existing alone or in mixtures, can be contained in bulk for transport and/or storage, part of a use system or equipment, or used and/or contained in a manufactured prouct, to wit:

Annex A: CONTROLLED SUBSTANCES		
Group	Substance	Ozone-Depleting Potential¹
Group I		
CFCI ₃	CFC-11	1.0
CF ₂ Cl ₂	CFC-12	1.0
C ₂ F ₃ Cl ₃	CFC-113	0.8
C ₂ F ₄ Cl ₂	CFC-114	1.0
C ₂ F ₅ Cl	CFC-115	0.6

¹ ODP is an index pertaining to the extent to which a chemical product may cause ozone depletion using the reference level of 1, which is the ODP assigned to CFC-11 and CFC-12. It is calculated from mathematical models that take into account factors such as the stability of the product, the rate of diffusion, the quantity of depleting atoms per molecule, and the effect of ultraviolet light and other radiation on the molecules.

Group	Substance	Ozone-Depleting Potential
Group II		
CF ₂ BrCl	halon-1211	3.0
CF ₂ Br	halon-1301	10.0
C ₂ F ₄ Br ₂	halon-2402	6.0

Annex B: CONTROLLED SUBSTANCES

Group	Substance	Ozone-Depleting Potential
Group I		
CF ₂ Cl	CFC-13	1.0
C ₂ FCl ₃	CFC-111	1.0
C ₂ F ₂ Cl ₄	CFC-112	1.0
C ₂ FCl ₂	CFC-211	1.0
C ₂ F ₂ Cl ₃	CFC-212	1.0
C ₂ F ₃ Cl ₃	CFC-213	1.0
C ₂ F ₄ Cl ₄	CFC-214	1.0
C ₂ F ₃ Cl ₃	CFC-215	1.0
C ₂ F ₆ Cl ₂	CFC-216	1.0
C ₂ F ₇ Cl	CFC-217	1.0

Group II carbon tetrachloride 1.1
CCl₄

Group III 1,1,1,-trichloroethane/methyl chloroform 0.1
C₂H₃Cl₃

2.2 The substances listed below as Annex C and Annex E are not covered by Section 3 of this CCO unit such time that the Senate of the Philippines ratifies the amendments and adjustments to the Montreal protocol starting on the agreements of the Fourth Meeting of the Parties (*Copenhagen, 23-25 November 1992*) onwards. However, any importation of these substances is subject to Pre-shipment Importation Clearances as required under Section 6 hereof except for Group I of Annex E (*methyl bromide*) which is being regulated by the Fertilizer and Pesticide Authority of the Department of Agriculture.

Annex C

Group	Substance	# of Isomers	Ozone-Depleting Potential ²
Group I			
	CHFCl ₂	1	0.04
	CHF ₂ Cl	1	0.055
	CH ₂ FCI	1	0.02
	C ₂ HFCl ₄	2	0.01-0.04
	C ₂ HF ₂ Cl ₃	3	0.02-0.08
	C ₂ HF ₃ Cl ₂	3	0.02-0.06
	CHCl ₂ CF ₃	-	0.02
	C ₂ HF ₄ Cl	2	0.02-0.04
	CHFClF ₃	-	0.022
	C ₂ H ₂ FCI ₃	3	0.007-0.05
	C ₂ H ₂ F ₂ Cl ₂	4	0.008-0.05
	C ₂ H ₂ F ₃ Cl	3	0.02-0.06
	C ₂ H ₃ FCI ₂	3	0.005-0.07
	CH ₃ CFCl ₂	-	0.11
	C ₂ H ₃ F ₂ Cl	3	0.008-0.07
	CH ₃ CF ₂ Cl	-	0.065
	C ₂ H ₄ FCI	2	0.003-0.005
	C ₃ HFCl ₆	5	0.015-0.07
	C ₃ HF ₂ Cl ₅	9	0.01-0.09
	C ₃ HF ₃ Cl ₄	12	0.01-0.08
	C ₃ HF ₄ Cl ₃	12	0.01-0.09
	C ₃ HF ₅ Cl ₂	9	0.02-0.07
	CF ₃ CF ₂ CHCl ₂	-	0.025
	CF ₂ ClCF ₂ CHClF	-	0.033
	C ₃ HF ₆ Cl	5	0.02-0.10
	C ₃ H ₂ FCI ₅	9	0.05-0.09
	C ₃ H ₂ F ₂ Cl ₄	16	0.08-0.10
	C ₃ H ₂ F ₃ Cl ₃	18	0.007-0.23
	C ₃ H ₂ F ₄ Cl ₂	16	0.01-0.28
	C ₃ H ₂ F ₅ Cl	9	0.03-0.52
	C ₃ H ₃ FCI ₄	12	0.004-0.09
	C ₃ H ₃ F ₂ Cl ₃	18	0.005-0.13
	C ₃ H ₃ F ₃ Cl ₂	18	0.007-0.12
	C ₃ H ₃ F ₄ Cl	12	0.009-0.14
	C ₃ H ₄ FCI ₃	12	0.001-0.01
	C ₃ H ₄ F ₂ Cl ₂	16	0.005-0.04
	C ₃ H ₄ F ₃ Cl	12	0.003-0.03
	C ₃ H ₅ FCI ₂	9	0.002-0.02
	C ₃ H ₅ F ₂ Cl	9	0.002-0.02
	C ₃ H ₆ FCI	5	0.001-0.03

Where a range of ODP is indicated, the highest value in that range shall be used for the purpose of the Montreal Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isometric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

Section 3. CONTROL MEASURES AND PHASE-OUT SCHEDULES

3.1 BAN ON THE MANUFACTURE OF SUBSTANCES LISTED UNDER SECTION 2.1 AND THEIR USE IN THE MANUFACTURE OF PRODUCTS

3.1.1 Starting 01 January 2000, no person, natural or juridical, will be allowed to locally manufacture these substances in whatever quantity, either alone or in mixtures. Further, the use of these substances in the manufacture of products shall also be prohibited unless otherwise duly certified as for essential uses by the DENR-EMB pursuant to Section 3.2.2 hereof.

3.1.2 The use of these substances in the manufacture of products that are certified as for essential uses will be allowed only until 31 December 2010. This deadline may be moved forward by the DENR-EMB, *motu proprio*, as may be deemed necessary.

3.2 PROHIBITIONS AND CONTROLS OF IMPORTATION

3.2.1 This CCO affirms the previous ban on imports in any amount of the following substances whether alone or in mixtures:

(a) CFC 11 and CFC 12 banned for importation for use on new equipment and/or products starting 01 January 1999. Importation of these substances will only be allowed to service existing products and/or equipment.

(b) CFC 113 since January 1997 and CFC 114 and CFC 115 since 01 January 1999.

(c) Group II Annex A since 01 January 1999

(d) Group I Annex B starting 01 January 2000

(e) Group II Annex B since 01 January 1997

For mixtures or blends containing any of the substances above, the ban will be imposed starting 01 January 2000.

3.2.2 The DENR-EMB will accept importation of these substances solely for essential uses (medical application such as in metered dose inhalers, laboratory and analytical uses, quarantine and pre-shipment) and for the servicing requirements of existing equipment/products.

3.2.3 Consistent with Section 3.2.1(a) hereof, individual annual import quota per substance of Group I of Annex A shall be determined by the DENR-EMB for each registered importer.

3.2.4 In case of mixtures or blends containing any of the substances under Group I of Annex A and/or Group I of Annex B, the calculation of import quota shall be based on the percent content by weight of these substances.

3.2.5 The 1996 estimated consumption (based on the Updated Philippine Country Program) shall be used as baseline level³. The annual import quota *is noncumulative*⁴. The total annual imports shall strictly follow the phase-out schedule below:

- (a) At the year ending 31 December 1999, imports shall not exceed ninety per cent (90%) of 1996 recorded imports by weight;
- (b) At the year ending 31 December 2000, imports shall not exceed eighty per cent (80%) of 1996 recorded imports by weight;
- (c) At the year ending 31 December 2001, imports shall not exceed seventy-five per cent (75%) of 1996 recorded imports by weight;
- (d) At the year ending 31 December 2002, imports shall not exceed seventy per cent (70%) of 1996 recorded imports by weight;

3 the 1996 levels were only estimated consumption based on available data. An allowance of 75%

is added to consider unaccounted imports.

4 at the end of every calendar year, any remainder of the allowable quota for a particular substance is deemed consumed.

- (e) At the year ending 31 December 2003, imports shall not exceed sixty five per cent (65%) of 1996 recorded imports by weight.
- (f) At the year ending 31 December 2004, imports shall not exceed sixty per cent (60%) of 1996 recorded imports by weight.
- (g) At the year ending 31 December 2005, imports shall not exceed fifty per cent (50%) of 1996 recorded imports by weight.
- (h) At the year ending 31 December 2006, imports shall not exceed forty five per cent (45%) of 1996 recorded imports by weight.
- (i) At the year ending 31 December 2007, imports shall not exceed fifteen per cent (15%) of 1996 recorded imports by weight.
- (j) At the year ending 31 December 2008, imports shall not exceed ten per cent (10%) of 1996 recorded imports by weight.
- (k) At the year ending 31 December 2009, imports shall not exceed five per cent (5%) of 1996 recorded imports by weight.
- (l) At the year ending 31 December 2010, imports shall not exceed five per cent (5%) of 1996 recorded imports by weight.

3.2.6 Beginning 01 January 2011, all kinds of importation of substances (alone or in mixtures) under Section 2.1 hereof either *for servicing or for essential uses* as provided under Section 3.2.2 will be absolutely prohibited. The DENR-EMB, through the issuance of an appropriate policy instrument, may accelerate the phaseout schedules for servicing and essential uses as may be deemed necessary.

3.2.7 With regard to applications for Pre-Shipment Importation Clearances for Group I of Annex A substances received by the DENR-EMB before the closing of regular office hours on 31 December 2010, only those where actual shipment is undertaken on or before 30 June 2011 may be approved.

3.3 CONTROL MEASURES ON IMPORTS OR SUBSTANCES UNDER SECTION 2.1 CONTAINED IN USE SYSTEM OR EQUIPMENT

3.3.1 In case these substances are contained in a use system or equipment, the control measures for importation under Section 3.2 hereof does not apply.

3.3.2 After the conduct of appropriate studies in coordination with the Bureau of Customs and Department of Trade and Industry, the DENR shall issue separate procedures not later than 1 year after the effectivity of this CCO, by which to realize the target reductions in imports of these use systems and equipment. However, these use systems or equipment shall not be imported beyond 31 December 2010

Section 4. REGISTRATION OF IMPORTERS

4.1 Any person, natural or juridical, who imports ozone-depleting substances (regardless of source as allowed under the agreements of the Montreal Protocol) in any of the forms mentioned under Sections 2 hereof, and with respect to any industry or activity

listed under APPENDIX II must be duly registered with the DENR-EMB. A Certificate of Registration may be granted only upon showing proof of the following:

4.1.1 Understanding and appreciation of the role of these substances in depleting the stratospheric ozone, and its consequences.

4.1.2 Capability to take effective measures, including the necessary equipment, technology, training and infrastructure, for the purpose of effectively handling ozone-depleting substances, minimizing their emissions, and ultimately phasing out their use by replacing with substitutes/alternatives duly recognized and certified by the DENR-EMB.

4.1.3 Did not violate any provisions of RA 6969 and its implementing rules and regulations and other pertinent environmental laws and regulations.

4.2 Application for registration must include the following information, to wit:

4.2.1 Duly accomplished registration form;

4.2.2 Copy of the Environmental Compliance Certificate issued by the appropriate office of the DENR, if warranted;

4.2.3 Whether the applicant is an Importer-Distributor or an Importer -End-user;

4.2.4 Certified copy of the SEC, CDA or DTI Registration and updated list of its officers; and,

4.2.5 Such other information and/or documents as may be required by the DENREMB.

4.3 Certificates of Registration are valid only for one year. It is therefore required that the same be renewed every year.

4.4 The foregoing requirements for registration do not preclude other requirements and conditions already prescribed by Administrative Order 98-58.

4.5 In case an importer is also a service provider, the Certificate of Registration will suffice and is deemed accredited pursuant to Section 5 hereof, provided that the services offered are so declared in the registration form.

4.6 The DENR-EMB shall, upon evaluation of application, determine the annual quota per substance for every importer pursuant to Section 3.2 hereof.

4.7 Violation of the provisions of this CCO, DAO 92-29, DAO 98-58, RA 6969 and other relevant environmental laws and regulations shall constitute grounds for the cancellation of the certificate of registration.

Section 5. ACCREDITATION OF DEALERS, RETAILERS AND SERVICE PROVIDERS

5.1 There is hereby a system of accreditation established to determine the capability of any person, natural or juridical, in handling ozone-depleting substances who provides the servicing requirements for individuals and industries using these substances in any of the forms and with respect to any industry or activity listed under APPENDIX II. The DENR-EMB shall grant a certificate of accreditation to applicants only upon showing proof of the following:

5.1.1 Understanding and appreciation of the role of these substances in depleting the stratospheric ozone, and its consequences.

5.1.2 Capability to take effective measures, including the necessary equipment, technology, training and infrastructure, for the purpose of effectively handling ozone-depleting substances, minimizing their emissions and ultimately phasing out their use by replacing with substitutes/alternatives duly recognized and certified by the DENR-EMB.

5.2 Application for accreditation must include the following information, to wit:

5.2.1 Duly accomplished accreditation form;

5.2.2 Copy of the Environmental Compliance Certificate issued by the appropriate office of the DENR, if warranted;

5.2.3 Certified copy of the SEC, CDA, or DTI Registration and updated list of its officers; and,

5.2.4 Such other information and/or documents as may be required by the DENREMB,

5.3 Certificates of Accreditation are valid only for one year. It is therefore required that the same be renewed every year.

5.4 The foregoing requirements for accreditation do not preclude other requirements and conditions already prescribed by Administrative Order 98-58.

Section 6. PRE-SHIPMENT IMPORTATION CLEARANCE

6.1 Under allowable circumstances, any person, natural or juridical, duly registered with the DENR-EMB who engages in the importation of ozone-depleting substances listed under Section 2 pursuant to Section 3 hereof, must secure importation clearance from the DENR-EMB prior to the entry of these substances in any area within the Philippine Territory. As such, any shipment not covered by an importation clearance shall be deemed illegal import and shall be confiscated and forfeited in favor of the Government.

6.2 Applications for importation clearance must observe the following, to wit:

6.2.1 For alternative or substitute substances for halons, the applicant shall secure a certification from the Bureau of Products Standards (DTI-BPS) on the conformance of the same to established product standards.

6.2.2 Any application for importation clearance for substances under Section 2 must be within the prescribed quota pursuant to Section 3.2.3 hereof.

6.2.3 Duly accomplished application forms shall only be received for processing after payment of prescribed application fees and charges.

6.2.4 Application forms are accomplished in two (2) copies -- i.e., the original copy shall be filed with the DENR-EMB for assessment and evaluation, and duplicate copy which serve as reference document of the applicant.

6.2.5 Application forms shall only be processed until the following information are provided, to wit:

- (a) Commercial name or the trade/brand name of the substance as usually promoted/marketed by the manufacturers;
- (b) Generic name of the substance;
- (c) Name of the manufacturing company;
- (d) Port of loading or the country or port immediately before the substance enters into the Philippine territory;
- (e) Exporting company or any entity that transacts or brokers the chemical substance from the manufacturer to the importing company;
- (f) Current inventories of the substance that is the subject of the application for importation clearance, including the area/building within which the same is stored either for further transshipment or distribution.

6.2.6 All accomplished application forms must include the following documents:

- (a) Proof that application fees are paid;
- (b) Copy of the Material Safety Data Sheet (MSDS) from the manufacturing firm every time an importer applies for clearance of a new chemical;
- (c) Photocopy of the Pro-forma Invoice;
- (d) Description of the applicant's handling procedure, safety precautions and emergency response for the chemical;
- (e) Original accomplished copy of the Record of Actual Arrival of Shipment accompanied by a photocopy of the Bill of Lading issued by the Carrier (shipping/transport contractor) of the most recent importation of the chemical made by the applicant;
- (f) Summary of Transactions of the most recent importation clearance issued on the same chemical applied for (not applicable to new importers); and,

(g) List of Intended Buyers and/or End-Users.

5 This requirement is not applicable to first-time importer.

6.3 Pursuant to Section 3 hereof, importers shall distribute these substances only to accredited Service Providers pursuant to Section 5 hereof or those entities utilizing these substances for essential uses duly certified by the DENR-EMB.

6.4 Clearances shall only be issued on a per substance per shipment basis.

6.5 Clearances shall be issued in three copies, one each for the DENR, the Bureau of Customs, and the importer.

6.6 The validity of Pre-Shipment Importation Clearance must not exceed six consecutive calendar months from the date of issuance. Any transaction not covered under the terms and conditions of the Pre-Shipment Importation Clearance shall be considered a violation of this CCO.

Section 7. RECORDS KEEPING. Those issued various importation clearance must keep records of all transactions. These records are requisites for applying subsequent clearances or must be submitted to the DENR-EMB annually whichever is earlier. However, the same shall be available for inspection any time, upon request, by an authorized officer of the DENR-EMB or by other authorized government agency.

Section 8. CONFIDENTIAL BUSINESS INFORMATION

8.1 Any person, natural or juridical, submitting a report under this CCO may assert a business confidentiality claim for all or part of the report, pursuant to Section 40(1) of DAO 92-29. It is the burden of the reporting person to justify the confidentiality claim. The Department may consider that the information is confidential and treat the reported information accordingly.

8.2 When confidentiality is not applied for, the report shall be considered as a public document, provided that any disclosure of information subject to this section and Sections 40(1) and 40(2) of DAO 92-29, shall be done only in cases allowed under Section 40(3) of the same.

Section 9. FINES AND PENALTIES. Any person, natural or juridical, who violates any provision of this CCO, shall be administratively and criminally liable pursuant to Sections 43 and 44 of DAO 92-29 and Section 13, 14 and 15 of RA 6969.

Section 10. SEPARABILITY CLAUSE. If any provision of this CCO is declared void or unconstitutional, by a competent court, the other provisions hereof shall continue to be in force and effect as if the section or provision so declared void or unconstitutional had never been incorporated herein.

Section 11. EFFECTIVITY. This CCO shall take effect 15 days after its publication in the Official Gazette or in at least two- (2) newspaper of general circulation.

(Sgd.) ANTONIO CERILLES
Secretary

February 23, 2000

Appendix II:
List of Industries and Activities
(Derived from Annex D of the Montreal Protocol)

Industry	Activity
Dry cleaning	Service, operation, and installation and decommissioning
Motor vehicle air conditioning	Service and installation
Commercial and industrial refrigeration and air conditioning	Service, installation and decommissioning
Domestic refrigeration/air-conditioning	Service
Fixed flooding fire protection	Service, design, installation, commissioning and decommissioning
Portable fire extinguisher	Service, and decommissioning