CONSOLIDATED GUIDELINES FOR HANDLERS OF METHYL BROMIDE IN LINE WITH THE IMPLEMENTATION OF THE PHILIPPINE NATIONAL METHYL BROMIDE PHASE-OUT STRATEGY

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I. Rationale

The alarming depletion of the Ozone Layer led the community of nations to draw up an agreement for a global action to stop its destruction. In 1987, the Montreal Protocol on Substances that Deplete the Ozone Layer was promulgated. The Protocol defined measures to limit production and use and prescribed phase-out schedules for the various categories of ozone depleting substances (ODS). The Philippines became a signatory to the Montreal Protocol on September 14, 1988.

In 1992, the Copenhagen Amendment to the Protocol included Methyl Bromide, a fumigant, as an ODS and introduced control measures on its usage. The Copenhagen Amendment was ratified by the Philippine Senate on March 19, 2001.

To meet the country's obligation as a party to the Montreal Protocol, a National Methyl Bromide Phase-out Strategy was instituted and implemented in 2005 by the Fertilizer and Pesticide Authority (FPA).

Pursuant to Section 6 of Presidential Decree No. 1144, the Fertilizer and Pesticide Authority hereby issues this Memorandum Circular to consolidate, amend and modify rules and regulations and procedures set forth under FPA Memorandum Circular No. 02, s. 2005 and No. 01 s. 2006.

II. Definitions

1. Fertilizer and Pesticide Authority (FPA) - a government regulatory agency mandated to regulate the importation, distribution, and use of ail pesticides including MB by virtue of Presidential Decree No. 1144. The FPA implements the Philippine National Methyl Bro mide Phase-out Strategy

2. Methyl Bromide (MB) - a broad-spectrum pesticide registered with the FPA for use as space and soil fumigant for the control of weeds, nematodes, fungi and insect pests. MB is an ozone-depleting substance.

3. National Methyl Bromide Phase-Out Strategy (NMBPS) - a regulatory, technical, informational and investment project that primarily aims to phase-out national consumption of 10.3 ozone depleting potential ton of MB, help in having availability of alternative products and provide technical assistance to sectors that will be affected by the phase-out.

4. Bureau of Plant Industry (BPI) - the National Plant Protection Organization mandated to prevent the introduction of foreign/quarantine plant pests and prevent further spread of those plant pests already present in the country.

5. BPI-Plant Quarantine Service (PQS) - a section of the BPI that has jurisdiction on quarantine and pre-shipment (QPS) MB treatments. It accredits fumigators who are in volved in QPS treatments and issue Phytosanitary and/or Fumigation Certificate to the FPA licensed and BPI accredited fumigators.

6. Quarantine Treatment Provider (QTP) - BPI-accredited fumigators involved in fumigation of products eitherfor quarantine or pre-shipment purposes.

7. International Standards for Phytosanitary Measures (ISPM) - the basis for phytosanitary measures applied for members of the World Trade Organization. ISMPs are adopted by contracting parties to the International Plant Protection Convention (IPPC) and by Food and Agriculture Organization (FAO) members that are not contracting parties, through the Interim Commission on Phytosanitary Measures (ICPM).

8. ISPM 15- ISMP Publication No. 15 provides the guidelines for regulating wood packaging materials in international trade. Approved phytosanitary measures include heat treat ment and/or MB fumigation.

9. Wood Packaging Materials (WPM) -include pallets, dunnage, crates, packing blocks, drum cases, load boards, pallet collars, skids that are used in international trade.

10. QPS Applications- MB applications exempted from phase-out.

> a. Quarantine Application - in relation to MB, are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, that is performed or authorized by a national plant, animal or environmental protection or health authority.
>
> b. Pre-Shipment Application -any treatment, other than quarantine application applied within 21 days prior to export to meet the official requirements of the . importing country or existing official requirements of the exporting country. Official requirements are those that are performed or authorized by a national plant, animal, environmental, health or stored product authority.

11. Non-QPS Application - usage of MB other than for QPS purposes that is being regu lated and is scheduled for phase-out by 2009. Non-QPS applications include fumigation of soil, stored grains/commodity and flourmills.

12. Pest Control Operator (PCO) - refers to establishments engaged in commercial application of pesticides and other pest control services. The term applies to both exterminator and fumigator companies. Each PCO must have under its employ at least one certified pesticide applicator.

13. Certified Pesticide Applicator (CPA) -a person who has attended a certification train ing and has been duly licensed as such for purposes of handling pesticides by FPA.

14. Certificate Authorizing Import of Pesticide (CAIP) -An FPApermit.for pesticide importations.

15. Baseline consumption - the amount of non-QPS MB applications in the Philippines that will be phased-out by year 2009. The country's baseline consumption is 10.3 Ozone Depleting Potential (ODP) metric tons.

16. Ozone Depleting Potential (ODP) - the capacity of ozone depleting substances to destroy ozone molecules. The ODP of MB is 0.6 compared to CFC rated as 1.0.

III. Coverage

All handlers of Methyl bromide to include importers, distributors, PCO-Fumigators, in-house CPAs along with the exporters/importers of trade commodities engaging the services of fumigators for MB treatments and national plant, animal, environmental protection and health authorities.

IV. Importation, Purchase, Movement, Distribution and Usage of Methyl Bromide

All handlers of MB should necessarily be licensed by the FPA, relatively, only FPA registered MB shall be allowed to be imported, distributed and used in the country.

1. Importation - In addition to the usual requirements for pesticide importation, application for CAIP for MB necessitates the following documents:

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a. Disposition Report (previous MB importation, inventory and sales)
b. Projected QPS and non-QPS use for current volume of importation

2. Purchase and Movement - All purchase and movement (ex. transfer of stock from one handler to another, borrowing/movement of stock pending release of Permit to Purchase MB (PP), etc.) of MB should be covered by a corresponding PP issued by the FPA. purchase or movement of MB of the following handlers should be covered by a correspond ing PP:

a. Area distributors
b. Licensed PCO-fumigators
c. in-house CPAs
d. National plant, animal, environmental protection or health authorities

To secure a PP, the following documents shall be required:

a. Request for PP
b. Disposition Report (acquisition, inventory, sales and/or usage of MB)
c. Phytosanitary or Fumigation Certificate from the BPI to support QPS application. In the event that these BPI certificates have not been issued, acknowledgement from the BPI that the particular MB application is a QPS treatment, may be accepted in the interim as supporting documents provided that the appropriate certificates will be submitted upon release by the BPI.
d. Official request from the concerned government authority

PP shall be issued within seven (7) working days from receipt of application/ request to enable FPA to review and evaluate reports and documents submitted. Processing and issuance depend on the probity, accuracy.and completeness of the report submitted as a requirement.

Permit to Purchase is valid only on the date of issuance and is non-transferable. A NO PERMIT NO SALE policy stays.

3. Distribution - Importers/Distributors of MB should sell only to FPA licensed PCOs and in-house CPAs or government authority with appropriate Permit to Purchase issued by FPA.

4 Usage-

a. Controlled or non-QPS MB Applications

Controlled MB usage or non-QPS applications include soil fumigation, treatment of grains/stored commodities and fumigation of structures such as flourmills, bins and silos. Non-QPS application is subject to allocation/quota system based on the 20% yearly reduction from the country's baseline consumption.

Quota/allocation for controlled or non-QPS uses of MB for the baseline of 10.30 ODP tons.

Year

2005

2006

2007

2008

2009

Allocation in

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ODP MT

8.24

6.18

4.12

2.06

0

Percenrage

80%

60%

40%

20%

0%

b. QPS or Exempt MB Applications

1. FPA Licensed Fumigators/PCOs/service providers who shall undertake QPS MB application should likewise be accredited by the BPI-PQS as Quarantine Treatment Provider.

2. For MB applications to be considered as quarantine or pre-shipment fumigation, BPI inspection is required and a corresponding certificate shall be issued by the BPI. The following conditions should be taken into account:

2.1 If the importing country requires MB fumigation without the need for a Phytosanitary or Fumigation Certificate from the BPI, a written communication from the National Plant Protection Office (NPPO)of the importing country ad dressed to the BPI, as the Philippines' NPPO, must be presented to the BPI- PQS providing details of such requirement. This request merits BPI-PQS inspection as the MB application falls under QPS fumigation.

2.2 For countries that require MB fumigation such as Australia and New Zealand, BPI shall provide inspection by Plant Quarantine Officers upon proper request by exporters.

2.3 Acceptable treatments for entry of goods to importing countries, such as phosphine fumigation and heat treatment for pre-shipment application imposed by NPPOs worldwide is not confined to MB. This is in line with the spirit and intent of the Montreal Protocol that encourages the use of alternatives to MB where they are available and accepted.

V. Monitoring and Reporting System

Disposition report from MB importers, distributors and applicators should be submitted to FPA monthly not later than fifteen (15) days of the succeeding month. Data/information that should be reported are listed on Annex A[*]

Inspection and spot-checking shall be conducted by FPA to verify reports, assure compliance and to prevent unauthorized use of MB.

VI. Occupational Health

1. Safety Training

a. All workers handling pesticides should undergo pre-employment and peri odic training on the proper and

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safe handling and application of pesticides/MB, proper use of personal protective equipment, basic knowledge of pesticide/MB they are handling/applying and first aid procedures in cases of pesticide poisoning.

2. Health Examination

a. Pre-employment, periodic and exit health examinations shall be required for personnel who are actually applying pesticides/MB that consist of complete physical/medical examinations, laboratory tests and biologic monitoring (hematologic. liver and kidney function tests).

b. Occupational health certificate requirement for renewal of license shall cover employees who are actually applying pesticides/MB as their regular duty and function in the PCO entity.

3. Safety in the Establishment

a. Emergency equipment to meet accidents shall be available and ready for usage.

b. Conduct of appraisal of workplace to include all facilities to detect occupational health hazards.

c. Each team of applicator shall have at least one person trained on first aid treatment of pesticide poisoning.

d. Emergency and safety related equipment shall be frequently and regularly checked and maintained and subsequently recorded. Records on inspection checks and maintenance conducted shall be made available and ready during FPA inspection.

VII. Penalties

Administrative sanctions shall be imposed against violators of this Circular, which include suspension of FPA license as a pesticide importer or distributor or handlers, as the case maybe, and cancellation or non-issuance of CAIP for importers and Permit to Purchase Methyl Bromide for fumigators and other sanction and penalty the FPA is empowered under its charter without prejudice to the filing of a criminal case under the- penal provision of Presidential Decree No. 1144.

VIII. Repealing Clause

Pertinent provisions under FPAMC No. 02, s. 2005 and FPAMC No. 01, s. 2006 and other issuance and existing rules inconsistent with this circular are hereby amended, modified and repealed accordingly.

This Circular takes effect fifteen (15) days from the date of filing with the Office of the National Administrative Register - University of the Philippines Law Center.

Adopted: 8 Dec. 2007

Recommending Approval:

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Deputy Executive Director and National Coordination for NMBPS

Approved:

(SGD.) NORLITO R. GICANA, Ph. D., CESO IV
Executive Director

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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