CHEMICAL CONTROL ORDER (CCO) FOR LEAD AND LEAD COMPOUNDS

DENR ADMINISTRATIVE ORDER NO. 2013 - 24, December 23, 2013

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Pursuant to Republic Act 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Wastes Act of 1990, DENR Administrative Order (DAO) No. 29, s. 1992 (Implementing Rules and Regulations of Republic Act 6969) and DAO 05, Series of 2005 (Toxic Chemical Substances for Issuance of Chemical Control Orders), the following pertinent rules and regulations with procedural requirements for the Chemical Control Order (CCO) for Lead and Lead Compounds are hereby promulgated.

Section 1. Policy and Objectives. It is the policy of the State to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals. Pursuant to this policy statement, this Order aims to do the following:

1.1

Increase awareness about the toxicity of lead and lead compounds and the availability of technically superior and safer alternatives;

1.2

Develop the framework for proper implementation of appropriate prevention based programs to reduce and eliminate risks from the use of lead;

1.3

Provide guidelines and assistance to identify and release potential lead exposure industrial facilities to reduce workers' lead exposure; and

1.4

Enforce the provisions within the specified limits provided under this Order

Sec. 2. Definition of Terms. As used in this Order, the following terms are hereby defined:

2.1

Applicant - persons or entities engaged in importation, manufacturing, using, distributing, recycling and providing service (Treatment, Storage and Disposal) on lead and lead compounds.

2.2

Chemical Control Order (CCO) - a policy issuance that prohibits, limits or regulates the use, manufacture, import,

export, transport, process, storage, possession and wholesale of those priority chemicals that DENR determined to be regulated, phased-out or banned due to the serious risks they pose to public health, workplace and the environment.

2.3

Disposal - treatment, temporary storage and systematic destruction of lead and lead compounds' wastes in accordance with the applicable provisions of the Implementing Rules and Regulations of Hazardous Wastes Management (IRR-HWM)

2.4

Equipment - used for disposal purposes shall include, but not limited to tools, devices, furnishings, apparatus, and materials such as hoods, enclosures, ducts, dust suppressants, among others with lead contamination.

2.5

Importer - any juridical person or corporation that undertakes the entry of a product or substance into the country.

2.6

Industrial User - any entity or corporation that uses and processes lead and/or lead compounds for industrial purposes only.

2.7

Lead – a heavy, bluish-gray metal in granules, shot, foil, sheet or powder (physical appearance) that is naturally occurring in the earth's crust which is very soft, highly malleable, ductile and a relatively poor conductor of electricity. As lead is obtained mainly from the mineral galena (PbS), the common lead ores are anglesite (PbSO4) and cerussite (PbCO3).

2.8

Lead Compounds - are chemical compounds that contain lead (Chemical Abstract Service Registry No. 7439-92-1).

2.9

Lead Paints - paints or other similar surface coating materials containing lead or lead compounds (calculated as lead metal) in excess of .009 percent (90 ppm) of the weight of the total non-volatile content of the weight of the dried paints film.

2.10

Lead Wastes - discarded materials that contain or have been contaminated with lead or lead compounds that are without any safe commercial, industrial, agricultural or economical usage and contain the updated standard of Hazardous Wastes based on the analysis of the extract under the Toxicity Characteristic Leaching Procedure (TCLP) method.

2.11

Manufacturer - any juridical person or corporation that undertakes the physical or chemical transformation of substances into new products performed either by power-driven machines or by hand and markets it under his name or trademark.

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2.12

Pigment - a material that changes the color of reflected or transmitted light as the result of wavelength-selective absorption used for coloring paints, ink, plastic, fabric, cosmetic, food and other materials.

2.13

Premises - shall include, but not limited to, buildings or parts of buildings, tents, stalls or other facility structures whether permanent or temporary.

2.14

Preparations - mixtures or solutions (in the form of liquid, semi-solid and solid materials), in this case, containing lead which will be used in any industrial application/processes.

2.15

Recyclers - any person or corporation that engages in reusing and reprocessing activities of any materials intended for commercial, industrial, agricultural and economic purposes.

2.16

Recycling - treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may use as raw materials for the production of other goods or services.

2.17

Storage - containing area for supply or stock reserve kept for future use, safekeeping or disposal.

2.18

Unreasonable risk - any undesirable effects or adverse responses arising from a given exposure to a substance.

Sec. 3. Coverage. This Order shall cover the following:

3.1

Importers

3.2

Distributors

3.3

Manufacturers

3.4

Industrial users

3.5

Recyclers

3.6

Waste service providers (Transporters, Treaters and Disposers)

Sec. 4. Prohibited Use. The use of lead and lead compounds shall be strictly prohibited in the following production/manufacturing of:

4.1

Packaging for food and drink

4.2

Fuel additives

4.3

Water Pipes

4.4

Toys

4.5

School supplies

4.6

Cosmetics

4.7

Paints (as a pigment, a drying agent or for some intentional use) with more than 90ppm threshold limit beyond three (3) years (2013-2016) for architectural, decorative, household applications and six (6) years (2013- 2019) for industrial applications.

Sec. 5. General Requirements and Procedures

5.1

Registration and Permitting

The following applicant shall register with the Environmental Management Bureau (EMB) by submitting a duly accomplished Registration Form (Annex A) after the effective date of this Order.

5.1.1

Any person or entity with existing Priority Chemical List (PCL) Compliance Certificate involved in the importation, manufacture, distribution and use of any lead and lead compounds

5.1.2

Any person or entity involved in the recycling, treatment, storage and disposal of lead containing wastes must register and comply all of applicable provisions of the Implementing Rules and Regulations of Hazardous Waste Management (IRR-HWM)

5.1.3

Any person or entity that are newly involved in the importation, manufacture, distribution and use of any lead and

lead compounds and engaged in recycling in treatment, storage and disposal of leadcontaining wastes

5.2

Lead and Lead Compounds Management Plan

The applicant shall provide the company's information contained in the Safety Data Sheet (SDS) to ensure that lead and lead compounds are managed in a manner that will eliminate or minimize its release to the environment (Annex B).

5.3

Labeling Requirements

The applicant shall abide with the following:

5.3.1

Labeling requirements conforming to the provisions of Globalized Harmonized System (GHS); and

5.3.2

A warning label stating that lead dust is hazardous for children, pregnant women, and the elderly people.

5.4

Manufacturing and Training Requirements

The applicant shall comply with the following:

5.4.1

Management Operation Flow Chart and process description where lead and lead compounds are used;

5.4.2

Appropriate engineering controls and preventive measures and good housekeeping program to reduce the dispersion of lead into the environment;

5.4.3

Provision of appropriate personal protective equipment (PPE) to workers.

5.4.4

Appropriate environmental permits or requirements such as Discharge Permit, Permit to Operate and ECC. Regular water and air monitoring and the workplaces shall be done;

5.4.5

Regular monitoring of each potential source of emissions and discharges following the standards for lead in the Clean Air Act (RA 8749) and Clean Water Act (RA 9275); and

5.4.6

Regular basic awareness, knowledge and training of employees and industrial users shall be conducted for appropriate work practices to minimize the creation and exposure to lead hazards during production or on the risks and hazard potentials involved in the storage, handling, use, manufacture, transport and/or disposal of

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generated wastes of lead and lead compounds. The following evidences shall be submitted:

5.4.6.1

Copies of Training Certifications or Training Modules on Chemical Lead Management

5.4.6.2

Dates or frequency of training

5.5

Storage requirements

The applicant shall provide the following:

5.5.1

Proper inventory, stacking/stockpiling and security practices; and

5.5.2

Adequate storage facility with proper chemical labeling, signages, compatibility with other chemicals and safety equipment.

5.5.3

Maintenance of storage records and packaging.

5.6

Transport, Treatment and Disposal Requirements

All the regulated premises must comply with the GHS procedures and applicable provisions of the IRR-HWM and those to be prescribed by the EMB for the transport and treatment, storage and disposal of lead wastes and contaminated equipment off-site.

5.7

Substitution and Phase-out Plan

For the use of any alternative raw material (in place of leaded materials) in manufacturing toys, school supplies, cosmetics and packaging for food and drink, the restrictions by the Food and Drug Administration (FDA) of the Department of Health (DOH) shall be followed.

Sec. 6. Information, Education, Communication (IEC). The DENR, through the EMB, in collaboration with the industry, concerned government agencies, the academe and the non-government organizations, shall promote industrial compliance and public awareness on this Order’s requirements and on the hazards posed by the use and release of lead and lead compounds in the workplace and into the environment.

Sec. 7. Public Access to Records and Confidential Business Information (CBI). The public shall have access to records, reports or information obtained by the DENR upon request pursuant to this Order, in accordance with Section 12 of RA 6969 except information regarding trade secrets (formulations), sales figures, methods of production or industrial processes, distributions that would adversely affect the competitive position of such importers, manufacturers and industrial users.

Exemptions to this “no disclosure of information” shall be made subject to the conditions of Section 40 (3), DAO

92-29 of RA 6969 or as may be amended.

Sec. 8. Compliance Monitoring Procedure. The EMB Regional Offices shall monitor compliance based on duly accomplished and submitted Self- Monitoring Report (SMR) per DAO No. 27, Series of 2003 (Amending DAO 26, DAO 29 and AO 2000-81) and the EMB-CO shall integrate the regional monitoring report for management action. In any complaints of non-compliance, sampling and testing (if necessary) shall be made using a method that conforms to good laboratory practices (GLP), The concentrations of total lead present in a surface coating of dried sample must not be more than 90 ppm.

Sec. 9. Revision of Requirements. The DENR may amend, modify, and/or supplement the requirements and standards in this Order after prior consultation with the stakeholders and after due notice and hearing with the public on matters to be revised. The DENR-EMB Director may issue clarificatory guidelines, if necessary.

Sec. 10. Capacity Building. In support to the effective implementation of this Order, the following activities shall be undertaken:

10.1

Development and conduct of continuing training program for EMB Regional Officers to ensure proper implementation of this Order.

10.2

Development and conduct of continuing training program for the industrial sector to ensure proper compliance of this Order.

10.3

Development of capability building program that will initiate research to support implementation period for 90 ppm level for lead paint

10.4

Continuing training and information, education and communication (lEC) efforts on lead paint and other uses for both regulated community and regulators.

10.5

Harmonization and facilitation in consulting and discussing the lead paint, other allowable uses and regulation of lead and lead compounds with the following government agencies and parties:

10.5.1

Food and Drug Administration (FDA) of the Department of Health (DOH)

10.5.2

Bureau of Product Standardization (BPS) and Bureau of Trade Relation and Consumer Protection (BTRCP) of the Department of Trade and Industry (DTI)

10.5.3

Bureau of Custom (BOC) of the Department of Finance (DOF)

10.5.4

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Philippine Association of Paint Manufacturers (PAPM)

10.5.5

Ecological Waste Coalition and IPEN-Philippines

Sec. 11. Transitory Provision. The DENR-EMB shall develop standards (threshold limits) relative to existing uses of Lead.

Lead in paints shall be allowed for the next six (6) years (2013-2019) as transitional provision provided precautionary labeling is placed in the products:

11.1

Automobiles paints

11.2

Industrial and commercial building and equipment maintenance coatings

11.3

Refinish coatings for industrial equipment

11.4

Catalyzed coatings for use on radio-controlled model powered airplanes

11.5

Touch up coatings for appliances and lawn and garden equipment

Architectural, decorative and household applications of Leaded paints shall be allowed for the next three (3) years (2013-2016).

Standards for other uses of Lead shall be developed in collaboration with concerned government agencies and other entities for uniform Standards or joint issuance for the effective implementation of this Order.

The DENR shall coordinate with concerned government agencies and other entities for uniform standards or joint issuance for the effective implementation of this Order.

Sec. 12. Penalty Provision. Any violation of the requirements specified in this Order shall subject the person(s) liable thereof to the applicable administrative and criminal sanctions as provided for under Sections 41 and 43 of DAO 92-29 and DENR Memorandum Circular No. 2005-003 (Prescribing Graduated Administrative Fines Pursuant to Republic Act No. 6969 and DENR Administrative Order No. 29, Series of 1992).

Sec. 13. Separability Clause. Should any provisions or portion of this Order be declared unconstitutional or invalid all the other provisions of this Order shall remain valid and enforceable.

Sec. 14. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy hereof by the Office of the National Administrative Register

(ONAR). (SGD) RAMON J.P. PAJE
Secretary

Recommending Approval:

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