Legislation and Regulations Updates on Chemical Management in the Philippines

Purpose: Information
Submitted by: Philippines
LEGISLATION AND REGULATIONS
UPDATES ON CHEMICAL MANAGEMENT
IN THE PHILIPPINES

BY:
EMMANUELITA D. MENDOZA
Supervising Environmental Management Specialist

APEC Regulators’ Forum Meeting
Singapore, 30 March 2012

LAWS ON CHEMICAL MANAGEMENT
WITHIN THE MANDATE OF
THREE (3) AGENCIES

• RA 3720: “foods, drugs, and cosmetics” administered by the BFAD now the Food and Drugs Administration (FDA) and revised to RA 9711 “strengthening and rationalizing the regulatory capacity of BFAD and renaming it to FDA (2009)

• PD 1144: “all types of agricultural chemicals in the Philippines” administered by the Fertilizer and Pesticide Authority (FPA)

• RA 6969: “industrial chemicals administered by the DENR through the Environmental Management Bureau
**Laws, Regulations and Policies Address the Life-cycle of Chemicals**

**Cradle**
- Processing/Sampling
  - Importation
  - Testing
  - Handling
  - Storage

**Transport**
- Labeling
- Loading
- Unloading
- Contingency Measures

**Handling/Distribution**
- Storage
- Contingency Measures

**Use/Manufacture**
- Handling
- Storage
- Unintentional generation
- Contingency Measures

**Phase Out**
- Substitution alternative plan

**Grave**
- Treatment
- Storage
- Disposal

**Philippine Environmental Laws**

- RA 3931 (An Act Creating the National Water and Air Pollution Control Commission)
- PD 856 (Sanitation Code)
- PD 984 (Pollution Control Law)
- PD 1152 (Phil. Environment Code)
- PD 1586 (EIS System)
- EO 192 (Reorganization Act)
- DA0 34
- DA0 35
- RA 6969
- DA0 29
- DA0 2000-02
- RA 9003
- DAO 01
- RA 9275

- Address manufacture, import and use
- Address environmental impacts to water, air, and land
RA 6969 is an Act that directs the Department of Environment and Natural Resources (DENR) through the Environmental Management Bureau (EMB) to establish rules, regulations, and programs for controlling chemical substances and hazardous wastes in the Philippines.

The objective of the DENR is to reduce hazards and risks to human health and the Environment from the improper use, management, disposal, and subsequent release and exposures to harmful substances."
DENR ADMINISTRATIVE ORDER NO. 29
Implementing Rules and Regulation of RA 6969

Signed by DENR Secretary Fulgencio S. Factoran, Jr. on 06, July 1992

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.

Various Provisions of the IRR (DAO 29)

- Title I. General Provisions & Administrative Procedures
- Title II. Toxic Chemical Substances
- Title III. Hazardous Wastes
- Title IV. Common Provisions
- Title V. Prohibited Acts & Penalties
- Title VI. Final Provisions

Title II. Toxic Chemical Substances

Existing Chemicals

- Philippine Inventory of Chemical of Chemical Substances (PICCS)
- Regulated

New Chemicals

- Small Quantity Importation (SQI)
- Pre-Manufacturing and Pre-Importation Notification (PMPIN)

Priority Chemical List (PCL)

Chemical Control Order (CCO)
A. INVENTORY OF EXISTING CHEMICALS – Sec. 14 of DAO 29

 Philippine Inventory of Chemicals and Chemical Substances (PICCS) is a consolidated list of all existing chemicals used, sold, distributed, imported, processed, manufactured, stored, exported, treated or transported in the economy.

 Every year updating of the inventory of existing chemicals in collaboration with US CAS Office to match the chemicals with the correct CAS or IUPAC names.

 Existing chemical and chemical substances can now viewed and checked at the website through emb.gov.ph

 Exempted from PICCS are those naturally occurring substances, mixtures and non-chemical substances.

 Complete listing of PICCS is available in CD for only US$7.50 per CD

<table>
<thead>
<tr>
<th>Year</th>
<th>PICCS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>24,000</td>
</tr>
<tr>
<td>2005</td>
<td>28,000</td>
</tr>
<tr>
<td>2007</td>
<td>37,000</td>
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<tr>
<td>2008</td>
<td>43,600</td>
</tr>
<tr>
<td>2009</td>
<td>44,863</td>
</tr>
<tr>
<td>2011</td>
<td>46,963</td>
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B. NOTIFICATION AND SCREENING - Section 17 of DAO 29

 Pre Manufacture and Pre Importation Notification (PMPIN) is a process of prior notification of all new chemical substances to be manufactured in or imported not listed in the PICCS.

 It screen toxic chemical substances prior to its importation, use, sale and distribution in commerce.

 Currently, an In-house group reviewed and evaluated the characteristics of new substances (previously, Interagency committee (IAC) ensuring information to government authorities

<table>
<thead>
<tr>
<th>Year</th>
<th>PMPIN</th>
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<tbody>
<tr>
<td>2008</td>
<td>162</td>
</tr>
<tr>
<td>2009</td>
<td>130</td>
</tr>
<tr>
<td>2010</td>
<td>128</td>
</tr>
<tr>
<td>2011</td>
<td>119</td>
</tr>
</tbody>
</table>
REGULATORY CONTROL

C. EXEMPTION FOR NOTIFICATION - Section 22

- Small Quantity Importation (SQI) - New chemical substance (PICCS reference) manufactured, imported and distributed in quantities in less than 1,000 kg. per year
- Importation of such new chemicals is used for non-commercial or research and developmental purposes

1. Pure chemical substance
2. Component in percentage by weight, on a product and mixture

- Exemption from the PMPIN process but require to submit MSDS/SDS, Declaration of Intent and letter covering request

<table>
<thead>
<tr>
<th>Year</th>
<th>SQI</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>445</td>
</tr>
<tr>
<td>2009</td>
<td>447</td>
</tr>
<tr>
<td>2010</td>
<td>563</td>
</tr>
<tr>
<td>2011</td>
<td>592</td>
</tr>
</tbody>
</table>

REGULATORY POLICY AND CONTROL

D. PRIORITY CHEMICAL LIST – Sec. 19

- List of new and existing chemicals that DENR has determined to potentially pose unreasonable risk to public health, workplace and the environment.
- Adding new additional 20 chemicals listed on the Revised PCL (DAO 2005-27) in reference to international regulated chemicals and/or with international commitment to have total 48 chemicals based on:
  - **Primary Criteria** (Persistence, Bioaccumulation potential and Toxicity), and
  - **Secondary Criteria** (Quantity/volum of chemicals importation Quantity of chemicals manufactured and used)
REGISTRATION
D. PCL COMPLIANCE CERTIFICATE
DAO 2007-23

Under the said DAO, the DENR authorizes to prescribe additional requirements and establish procedural requirements for issuance of a PCL Compliance Certificate.

The Certificate contains post requirements that state on risk management measures to protect human health and environment.

Addresses the potential hazards and impacts of chemicals.

The Certificate requires compliance with the other applicable policies and procedures based on national laws and international treaties.

<table>
<thead>
<tr>
<th>Year</th>
<th>PCL</th>
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</thead>
<tbody>
<tr>
<td>2008</td>
<td>303</td>
</tr>
<tr>
<td>2009</td>
<td>434</td>
</tr>
<tr>
<td>2010</td>
<td>532</td>
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<tr>
<td>2011</td>
<td>771</td>
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</tbody>
</table>

REGULATORY CONTROL
FOR CHEMICAL MANAGEMENT
E. Chemical Control Orders – Sec. 20

<table>
<thead>
<tr>
<th>Mercury &amp; Mercury Compounds</th>
<th>DAO 1997-38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cyanide &amp; Cyanide Compounds</td>
<td>DAO 1997-39</td>
</tr>
<tr>
<td>Asbestos</td>
<td>DAO 2000-02</td>
</tr>
<tr>
<td>PCB</td>
<td>DAO 2004-01</td>
</tr>
<tr>
<td>ODS</td>
<td>DAO 2004-08</td>
</tr>
</tbody>
</table>

Regulate, limit, gradually phase out, or ban those chemical substances that are determined to pose unreasonable risks to public health and Environment.

Formulation of DAOs for the CCOs are based on international regulations and references and require stakeholders’ consultation to make it adopted local scenarios.

<table>
<thead>
<tr>
<th>Year</th>
<th>CCO</th>
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</thead>
<tbody>
<tr>
<td>2008</td>
<td>224</td>
</tr>
<tr>
<td>2009</td>
<td>231</td>
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<tr>
<td>2010</td>
<td>183</td>
</tr>
<tr>
<td>2011</td>
<td>206</td>
</tr>
</tbody>
</table>
INFORMATION GENERATION  ANALYTICAL and LABORATORY CAPACITY  RISK REDUCTION

CHEMICAL MANAGEMENT PLAN

Ensure annual industrial administrative and substantive compliance on the provisions of chemical rules, regulations and policies

Encourage and promote improvement on the industry’s chemical management good practices through IECs, chemical safety and substitution, among others

EDUCATION AND AWARENESS RAISING  ACCIDENT PREVENTION AND CONTROL

SUBSTITUTION PLAN

PERMITTING & CLEARANCES SYSTEM (PRIOR TO IMPORTATION)

<table>
<thead>
<tr>
<th>TYPES</th>
<th>APPLICABLE SCOPE</th>
<th>PROCESSING DAYS AT AUTHORIZED OFFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PICCS CERTIFICATION</td>
<td>All common chemicals listed at PICCs for Inspectors of BOC’s Information</td>
<td>15 working days – EMB-Regional Offices</td>
</tr>
<tr>
<td>SQI CLEARANCE</td>
<td>New chemical substances with &lt;1,000 tons</td>
<td>20 working days – EMB Regional Offices</td>
</tr>
<tr>
<td>PMPIN COMPLIANCE CERTIFICATE</td>
<td>New chemical substances &gt;1,000 tons</td>
<td>90-180 days – EMB-Central Office</td>
</tr>
<tr>
<td>PCL COMPLIANCE CERTIFICATE</td>
<td>48 Regulated chemicals excluding the controlled chemicals per DAO 2007-23</td>
<td>20 days – EMB-Central Office</td>
</tr>
<tr>
<td>CCO REGISTRATION CERTIFICATE</td>
<td>5 Controlled chemicals (Cn, Hg, ODS, Asbestos, PCB)</td>
<td>20 days – EMB-Central Office</td>
</tr>
<tr>
<td>CCO IMPORTATION CLEARANCE</td>
<td>5 Controlled chemicals (Cn, Hg, ODS, Asbestos, PCB)</td>
<td>20 days – EMB – Central Office</td>
</tr>
</tbody>
</table>

Different forms and documentary requirements for each type of Permitting and Clearance system
PROCEDURAL MANUAL ON HAZARDOUS WASTES (DENR AO 2004-36)

There are 13 classifications of Hazardous Wastes covering industrial wastes, commercial wastes and trade activities.

Prohibit the entry, even in the transit, or hazardous wastes and their disposal into the Philippines territorial limits.

Management of HW through policy formulation, permitting system, IECs and regular capacity building of generators, transporters, waste service providers and TSD facilities.

The DENR-EMB- EQD is revising the Procedural Manual (already for approval) to incorporate the provisions on E-waste, special waste and vegetable oil.

UPDATEs

DRAFT CHEMICAL CONTROL ORDER FOR LEAD AND LEAD COMPOUNDS

DENR 2005-05 Identified Lead Compounds as one of the priority chemicals to be controlled along with Arsenic, Cadmium, Benzene, VinylChloride, Chromium6.

Lead is one of the widely used chemical in the Philippines (electronics, paints, semiconductors, AVGAS, etc.) in relation to PCL Compliance Certificate issuance from 2008-2010. It is the policy of DENR to minimize hazards and risks posed to human health and the environment from the use, management, disposal and subsequent releases their wastes and exposure to toxic substances.

This Draft CCO for lead & lead compounds applies to the importation, distribution, manufacture, storage, transport and the use of lead and lead compounds, and disposal of lead wastes. The use of lead in paints and its limits are still for discussion.
UPDATES
CHEMICALS LABELING & CLASSIFICATION
ADOPTING GLOBALLY HARMONIZED SYSTEM (GHS)

 Draft DENR Administrative Order for GHS Adoption and Implementation is in process of finalization. Only awaiting for the supporting Guidance documents i.e., labeling procedure, SDS, how to classify, among others.

 The DENR-EMB has existing regulatory framework for GHS requirements that can accommodate the concept of hazard communication through the requirements on the use of SDS and strengthening the enforcement of labels.

 The Draft DAO will be implemented in seven (7) years of 4-transition period prioritizing CCO/PCL chemicals, high volume, under IATA and IMDG lists of dangerous goods.

UPDATES
DRAFTING OF BILL ON BANNING LEAD IN TOYS, SCHOOL SUPPLIES

 A new proposed House Bill in Regulating the importation, distribution, manufacture and sale of toys, school supplies and other Childcare Articles, imposing penalties thereof and for other purposes (draft) as introduced by Reps. Susan A. Yap, Anthony A. del Rosario and Cinchona Cruz-Gonzales

 Strengthening of the Food and Drugs Administration (FDA) of DOH is proposed.

 Current deliberation at the Technical Working Group in Congress on the proposed document by concerned government agencies, NGOs and other stakeholders
COMPLIANCE AND ENFORCEMENT

- On-Site Inspection and Compliance of Industrial facility premises and Observation of its operations
- Desk Review of Reports/Records CCO Quarterly thru Self Monitoring Reports
- Review of the submitted post-requirements Collection of samples and testing
- Determination of violations, technical conference and corresponding sanctions and penalties under MC 2003-003 (Graduated Fines and Penalties)

Local Networking and Coordinating
Mechanisms Related to Chemical Management

<table>
<thead>
<tr>
<th>Environmental Policies (IATAC)</th>
<th>DENR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental and Health (IACEH)</td>
<td>Department of Health</td>
</tr>
<tr>
<td>Tariff &amp; Importation</td>
<td>Tariff Commission and Bureau of Customs</td>
</tr>
<tr>
<td>Energy &amp; Environment</td>
<td>Department of Energy</td>
</tr>
<tr>
<td>Illegal Drugs &amp; its Precursors</td>
<td>Phil. Drugs &amp; Enforcement Agency</td>
</tr>
<tr>
<td>Occupational Safety</td>
<td>DOLE – Bureau of Working Conditions and OSHC</td>
</tr>
<tr>
<td>Agricultural Chemicals (PPTAC)</td>
<td>DA- Fertilizer and Pesticides Authority</td>
</tr>
<tr>
<td>Phil. Council for Sustainable Devt(PCSD)</td>
<td>National Economic Development Authority</td>
</tr>
<tr>
<td>Globally Harmonized System (NGHSICC)</td>
<td>Department of Trade &amp; Industry</td>
</tr>
</tbody>
</table>
DENR – EMB International Participation & Collaboration Serving as Focal Point

<table>
<thead>
<tr>
<th>Treaties and Agreements</th>
<th>On all aspects of risk assessment and sound management of chemicals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kyoto Protocol</td>
<td>GHG/ Climate Change (1994/1997)</td>
</tr>
<tr>
<td>Stockholm Convention</td>
<td>Persistent Organic Pollutants (POPs) – 2001/2004</td>
</tr>
<tr>
<td>SAICM &amp; Mercury Assessment</td>
<td>QSP in ASGM, National Profile on Chem. Management, among others</td>
</tr>
<tr>
<td>WB/UNIDO/UNEP-GEF</td>
<td>IPOPs Proj./Non-Com POPs</td>
</tr>
</tbody>
</table>

Challenges and Opportunities

- Comprehensive in scope in managing toxic chemicals with limited capacity building and resources
- Tracking/monitoring and enforcing the provisions of various issued permits and clearances
- Structural flaw of implementation to perform the demands of chemicals-related tasks
- Sustaining the promotion, IECs, research for safe alternative chemicals.
- Insufficient knowledgeable and skilled manpower to address on various toxic chemical related issues
- Cross-cutting issues and overlapping concerns on toxic chemicals in products
- Very dynamic and flexible policies
- Strong Private-NGO-Government Partnerships with accountabilities and responsibilities
Overview of Chemical Management and Initiatives

- Regulatory Policy & Control
- Administrative & Supports to Operations
- Voluntary Initiatives and Pollution Control
- Supports and Linkages

PICCS, PMPIN/SQI, PCL, CCO, Monitoring

- SDS
- Code of Practice
- Database
- Capability Building
- IECs

- EMS
- Cleaner Production
- Pollution Control
- Research
- BAT/BEP

Various Interagency Committees
- Montreal Protocol
- Kyoto Protocol
- Rotterdam Convention
- Stockholm Convention
- Chemical Weapons

THANK YOU

Contact us at (632) 920-22-63/(632) 928-88-92

Related Laws and Policies' Information can be downloaded from www.emb.gov.ph

PICCS Verification at emb.gov.ph