

SUBJECT : Omnibus Guidelines on investigation, enforcement of preliminary/permanent preventive measures, prosecution, and imposition of fines on the sale, storage, possession, use, manufacture, transport, import or export of Ozone Depleting Substances, and other prohibited acts provided under Republic Act No. 6969, DAO No. 1992-29, and DAO No. 2004-08.

Section 1. PURPOSE

This Circular is issued to implement Sections 11 and 12 of the DENR Administrative Order No. 2004-08 (Revised Chemical Control Order for Ozone Depleting Substance), ¹ and Sections 8, 9, 10, 11, 23, 41, and 42 of DENR Administrative Order No. 29, series of 1992 (Implementing Rules and Regulations of Republic Act 6969). ²

Section 2. COVERAGE

This Circular covers all the administrative and criminal violations and offenses mentioned in Sections 41 and 42 of DAO 1992-29, and Sections 11 and 12 of DAO No. 2004-08. Likewise, it embraces all the situations and circumstances mentioned in Sections 10, 11 and 23 of DAO 1992 -29.

Section 3. DEFINITION OF TERMS

The following words and phrases when used in this Circular shall have the following meanings, unless the context clearly indicates otherwise:

1. Alternative Substances - a replacement of *ODS* with zero Ozone Depleting Potential.
2. Back Conversion - the act of charging with CFC a system designed for and/or using non-CFC.
3. Chlorofluorocarbons (CFCs) - a family of chemicals that contain chlorine, fluorine and carbon commonly used as refrigerants, aerosol propellants, cleaning solvents and in the manufacture of foam.
4. Confiscation - legal seizure without compensation.
5. DAO No. 1992-29 - Implementing Rules and Regulations of RA 6969.
6. DAO No. 2004-08 - Revised Chemical Control Order for Ozone Depleting Substances.
7. Duly authorized representatives - Officers and/or employees of the DENR or of other agency/ies authorized by the Secretary to perform acts specified in this circular who may be any of the following:

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- a. Regional Executive Directors of the Department of Environment & Natural Resources (DENR),
 - b. Directors of Environmental Management Bureau (EMB) Central Office and Regional Offices,
 - c. Chiefs of the Environmental Quality Division of the EMB Central Office and Pollution Control Division of the EMB Regional Offices,
 - d. Program Manager of the Philippine Ozone Desk,
 - e. Deputy Head of the National Anti-Environment Crime Task Force (NAECTAF), and
 - f. Other officers and employees of the Department which the Secretary may further deputize through the issuance of a Special Order.
8. EMB - Environmental Management Bureau
 9. Environmental Protection Officer - an officer appointed or deputized by the Secretary to execute the provisions of DAO 1992-29 subject to conditions, limitations or restrictions as prescribed by the Secretary.
 10. Ex-Parte Confiscation - immediate/outright seizure under circumstances mentioned in Sections 11 and 23 of DAO 1992 -29.
 11. Flushing - an act of cleaning a contaminated refrigeration/air conditioning system or system with burnt compressor by pumping or blowing gas, medium/solvent through the system then releasing the compounds to the atmosphere or a system in contact with atmosphere.
 12. Gas Chromatograph (GC) -a system consisting of a liquid with a high boiling point impregnated on an inert solid support as the stationary phase and helium gas as the mobile phase. The stationary phase is packed into a thin metal column and helium gas is allowed to flow through it.
 13. Importation - entry of an equipment, substance, or product into the country that is intended for direct consumption, warehousing, sale or distribution.
 14. Installation - any permanent mounting or setting up of system; or transfer of equipment from one location to another, which involve opening the system to the atmosphere e.g. the piping has to be cut and reconnect or involving fixed installation to water piping or electricity.
 15. Montreal Protocol - the Protocol to the Vienna Convention, signed in 1987, which commits Parties to take concrete measures to protect the ozone layer by freezing, reducing or ending production and consumption of controlled substances, as amended.
 16. *ODS* - Ozone Depleting Substances as enumerated under the Montreal Protocol and its amendments ³.

17. *ODS* Identifiers - Either refrigerant identifiers or gas chromatograph.
18. Offenses - those mentioned either in Section 11 and 12 of DAO No. 2004-08 or in Sections 41 and 42 of DAO 1992-29 4.
19. Placing in the market - possessing, keeping, holding in one's custody cylinder/s or container/s storing *ODS* for purposes of either selling, trading, leasing or for whatever economic pursuit.
20. Pre-importation requirements - requirements specified and/or enumerated in Section 6 of DAO No. 2004 -08.
21. Refrigerant identifier- an equipment designed to determine the purity of commonly used refrigerants in Refrigeration/Air Conditioning (R/AC) equipment.
22. RA 6969 - Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990.
23. Secretary - Secretary of Environment and Natural Resources.
24. Venting - the practice of releasing and/or purging of *ODS* to the atmosphere.

Section 4. CONFERMENT OF AUTHORITY

Same comment *def. of terms

Provision-coordination with POD

The Regional Executive Directors of the Department of Environment & Natural Resources (DENR), Directors of Environmental Management Bureau (EMB) Central Office and Regional Offices, Chiefs of the Environmental Quality Division of the EMB Central Office and Pollution Control Division of the EMB Regional Offices, Program Manager of the Philippine Ozone Desk, Deputy Head of the National Anti-Environment Crime Task Force (NAECTAF), and other officers and employees of the Department which the Secretary may further deputize through the issuance of a Special Order.

- a. To conduct inspection of any establishment in which *ODS* are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
- b. To stop, detain, inspect, examine, and remove to some suitable place for inspection and examination any vehicle or boat that is believed to being or likely to be used for transport of *ODS*;
- c. To monitor and prevent the entry, even in transit, of *ODS* and their disposal into the country;

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- d. To perform all the duties and responsibilities of an Environmental Protection Officer as provided and enumerated under Section 9 of DAO 1992 -29;
- e. To conduct investigation or inquiry on alleged violation of any provision of RA 69696 and DAO 29, and to issue an order of impoundment or confiscation should subsequent findings so warrant;
- f. To issue summons/es pursuant to Section 10 of DAO 1992 -29;
- g. To issue *Ex-Parte* Order of confiscation or impoundment pursuant to Sections 11 and 23 of DAO 1992 -29;
- h. To subpoena witnesses and documents and to require other information if necessary to carry out the provisions of DAO 1992 -29;

For purposes of coordination and in order to avoid any overlapping of functions, the designated representative of the Secretary shall make appropriate coordination with the Philippine Ozone Desk.

Section 5. GUIDELINES ON INVESTIGATION AND CONFISCATION

- a. Upon receipt of an inspection report or upon a verified complaint from a private person, the Secretary or his duly authorized representative shall order and/or conduct an investigation or inquiry in such a manner as he may determine, for as long it is in compliance with the basic requirements of procedural due process, on the alleged violation of provisions of RA 6969 and DAO 1992-29 insofar as it relates to *ODS*;
- b. If after the investigation there appears to be a violation of any of the provisions of RA 6969 or DAO 1992-29, the Secretary or his duly authorized representative shall issue summons informing respondent of the nature of charges against him and requiring the said respondent or respondents to appear before him or his duly designated representative for a conference for the purpose of determining whether an Order for confiscation or impoundment or fine should be issued;
- c. For purposes of the foregoing sub-sections, summons, subpoena, and other similar processes may be served upon the respondent either by virtue of a personal or substituted service. However, should such modes of services become impracticable in view of the resistance, non-cooperation, or any other methods as the respondent may employ that would effectively result in his non-reception of the foregoing processes, the delivery, tender or posting in the respondent's work premises of the subject process shall constitute due and sufficient notice to the respondent. In which event, the process server must make a certification which must state the following: (1) date and time of the service, (2) name and exact address of the respondent, (3) a brief statement of the case, (4) the specific act being employed by respondent or his representatives so as not to receive the subject process, and (5) exact place within the work premises where the subject process was delivered, tendered or posted. The process server shall immediately execute the

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certification which shall be countersigned, preferably, by any peace officer, such as barangay officers or policeman. However, in the absence of such peace officer, any disinterested person will suffice, provided there is a statement that diligent effort was made to locate such peace officer but the same was unavailing. In any case, all the signatories to the said certification should provide his full name and designation.

Finally, if all the modes of services herein provided are unavailing, then the process server shall execute an affidavit stating the similar facts required for the certification above -mentioned.

- d. In all other violations and offenses mentioned in Section 41 and 42 of DAO 1992-29, and Sections 11 and 12 of DAO No. 2004-08, the procedure provided under the foregoing subsections shall be observed.
- e. Whenever the Secretary or his duly authorized representative finds a prima facie evidence that the sale, storage, possession, use, manufacture, transport, import, or export for a chemical substance does not comply with the Chemical Control Order or the same poses an immediate threat or hazard or presents unreasonable risk and/or injury to public health and safety or the environment, the Secretary or his duly authorized representative aforementioned may issue an Ex-Parte Order of confiscation or impoundment, provided that when the respondent files a motion for reconsideration within ten (10) working days from the date of confiscation or impoundment such motion for reconsideration shall be resolved within fifteen (15) working days from receipt of the same.

Section 6: GUIDELINES ON IMPOSITION OF FINES AND PENALTIES

- a. In making his recommendation to the Secretary for the imposition of fines, the investigating officer shall be guided by the following schedule of fines for the offenses mentioned hereunder:

Offense	First Infraction	Second Infraction	Third Infraction
1. Importation of <i>ODS</i> without compliance with pre-importation requirements of the Environmental Management Bureau	Ex-parte confiscation and a fine of P50,000		
2. Back Conversion (REVIEW JAO LTO 2006-03)	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
3. Installation of CFC-using systems	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
4. Sale and use of small disposable containers (less than 1kg) with CFCs	Ex-parte confiscation and a fine of not less than P10,000 but not exceeding P20,000	Ex-parte confiscation and a fine of not less than P20,000 but not exceeding P30,000	Ex-parte confiscation and a fine of not less than P30,000 but not exceeding P50,000

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5. Importation or placing in the market of products/equipment containing Halons or CFCs, except metered dose inhalers	Ex-parte confiscation and a fine of not less than P10,000 but not exceeding P20,000	Ex-parte confiscation and a fine of not less than P20,000 but not exceeding P30,000	Ex-parte confiscation and a fine of not less than P30,000 but not exceeding P50,000
6. Use of CFCs in Mobile Air Conditioners (MACs) starting 2006 in motor vehicles manufactured and/or initially registered from 1999 onwards, and starting 2012 in all motor vehicles	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
7. Use of CFC-11 as blowing agent for foam manufacturing	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
8. Intentional release/venting of ODS when servicing equipment	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
9. Flushing with ODS	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
10. Refusing, obstructing or hampering the entry of authorized representatives of the Secretary into any establishment in which ODSs stored or held before or after their commercial distribution during reasonable hours for the purpose of conducting inspection	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
11. Failure or refusal to comply with subpoena or subpoena duces tecum issued by the Secretary or his duly authorized representative.	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000
12. Failure or refusal to submit reports, notices or other information, access to records as required by Republic Act 6969, duly implemented by pertinent chemical control orders, as permit inspection of establishment where chemicals are manufactured, processed, stored or otherwise held	a fine of not less than P10,000 but not exceeding P20,000	a fine of not less than P20,000 but not exceeding P30,000	a fine of not less than P30,000 but not exceeding P50,000

These violations will also constitute grounds for cancellation of certificate of: a) registration of importers, dealers, retailers & resellers, b) accreditation of service shops, and c) competency of technicians.

- b. Within fifteen (15) working days from receipt of the recommendation, the Secretary shall make a personal determination as to the propriety of the imposable fine. In the event that the Secretary disagrees with the recommendation, he shall communicate his comments or objections within the given 15-working day period; otherwise, the findings shall become final as if he had approved of it. In which case, the fines that will be imposed shall be considered as having been done under the direct authority of the Secretary.

Section 7. GUIDELINES ON PROSECUTION

- a. The imposition of administrative fines herein above provided shall be without prejudice to the filing of the appropriate criminal charges against the respondent under Section 13 of RA 6969 and Section 44 of DAO 1992-29, if applicable.
- b. The officers and employees mentioned in Section 4 hereof are hereby authorized to be signatories to complaint-affidavits for purposes of filing criminal charges under Section 13 of RA 6969 and Section 44 of DAO 1992-29, before the office of the prosecutor of the appropriate jurisdiction.

Section 8. CONCLUSIVITY OF ODS IDENTIFIERS

Qualitative results of *ODS* testings using refrigerant identifiers shall be deemed conclusive unless the respondents shall assail the same in writing within three (3) working days from receipt of the official findings.

For purposes of appeal, the following requisites must be complied with:

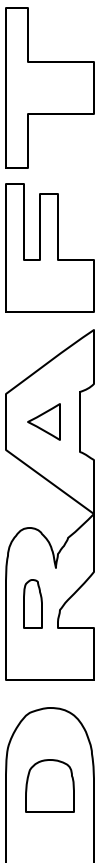
- a) official receipt to be issued by a DENR-recognized laboratory as proof of payment of appropriate fees for gas chromatograph testing,
- b) schedule of sample taking for purposes of laboratory testings, and
- c) period within which to submit laboratory results.

In case the appeal was seasonably made and all the foregoing requisites have been met, the controversy shall be settled by the utilization of the gas chromatograph.

The results of the on-site testings shall be sufficient for purposes of carrying out an investigation and/or prosecution.

Section 9. SEPARABILITY CLAUSE

If any section or provision of this Memorandum Circular is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof shall continue to be in force as if the sections so annulled or voided had never been incorporated herein.



Section 10. REPEALING CLAUSE

All Circulars inconsistent herewith are hereby repealed or modified accordingly.

Section 11. EFFECTIVITY

This Memorandum Circular shall enter into force starting _____, 2007.

ANGELO T. REYES
Secretary

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¹ Sections 11 and 12 of DAO No. 2004-08 reads:

“Section 11. PROHIBITED ACTS

Aside from the relevant provisions in sections 4 to 10, the following acts shall constitute a violation of this CCO:

- (a) Back conversion;
- (b) Installation of CFC-using systems;
- (c) Sale and use of small disposable containers (less than 1 kg) with CFCs;
- (d) Importation or manufacturing or placing in the market of products or equipment containing Halons or CFCs, except metered dose inhalers;
- (e) Use of CFCs in Mobile Air Conditioners (MACs) starting 2006 in motor vehicles manufactured and/or initially registered from 1999 onwards, starting 2012 in all motor vehicles;
- (f) Use of CFC-11 as blowing agent for foam manufacturing;
- (g) Intentional release/venting of ODS when servicing equipment; and
- (h) Flushing with ODSs.

Section 12. PENAL PROVISIONS

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 No. 29 series of 1992 and Sections 13, 14 and 15 of RA No. 6969 and other applicable laws. Such violations will also constitute grounds for cancellation of certificate of: a) registration of importers, dealers, retailers and resellers, b) accreditation of service shops, and c) competency of technicians.”

² Sections 8, 9, 10, 11, 23, 41, and 42 of DAO No. 1992-29 reads:

“Section 8. Delegation Of Powers and Functions Of The Secretary

1. The Secretary may appoint and/or deputize officers subject to conditions, limitations or restrictions as may be prescribed by him.
2. The Secretary may delegate his powers to:

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- a. conduct inspection of any establishment in which chemicals are manufactured, processed, stored or held before or after their commercial distribution and to make recommendations to the proper authorities concerned;
 - b. conduct inspection of any premises in which hazardous wastes are being generated, stored, processed, reprocessed, recycled, treated and/or disposed of and to make recommendations to the proper authorities;
 - c. stop, detain, inspect, examine and remove to some suitable place for inspection and examination any vehicle or boat that is believed to being or likely to be used for the transport of chemical substances and hazardous and nuclear wastes subject to pertinent provisions of these Rules and Regulations;
 - d. monitor and prevent the entry, even in transit, of hazardous and nuclear wastes and their disposal into the country;
 - e. subpoena witnesses and documents and to require other information if necessary to carry out the provisions of these Rules and Regulations.
3. The Secretary may, by notice, amend or revoke the:
 - a. delegated authorities previously granted under Section 8(2) of these Rules and Regulations; and
 - b. appointment of an Environmental Protection Officer.

Section 9. Duties And Responsibilities Of An Environmental Protection Officer. An Environmental Protection Officer shall have the following duties and responsibilities:

- a. To make such examination or inquiry as is necessary to determine whether these Rules and Regulations are being complied with.
- b. To enter any premises in which he reasonable believes that chemical substance or hazardous waste are being used, manufactured, stored, processed, reprocessed, generated, treated, transported or disposed of and may -
 - i. without payment take or require the occupier or person in charge of the premises or person in possession of any chemical substance to give the Environmental Protection Officer samples of the chemical substance for examination and testing subject to pertinent provisions of these Rules and Regulations;
 - ii. require the production of any relevant documents and inspect, examine and make copie s of or extracts from them or remove them to make a copy of extract; and
 - iii. take such photographs or audio or visual recordings as he considers necessary.
- c. To stop, detain, inspect, examine and remove to some suitable place for inspection and examination any vehicle or boat that he believes is being or likely to be used for the transport of chemical substances and hazardous wastes without the necessary permit from the Department.

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- d. To require a person found committing an offense under these Rules and Regulations to state the person's full name and address.
 - e. To exercise such other duties and responsibilities as may be authorized by the Secretary.

Section 10. Confiscation, Impoundment and Imposition of Administrative Fines. Upon receipt of a report from a duly authorized inspector or upon a verified complaint from a private person, the Secretary **or his duly authorized representative** shall order an investigation or inquiry in such a manner as he may determine on the alleged violation of any of the provision of RA 6969 and these Rules and Regulations. If after investigation there appears to be a violation of any of the provisions of RA 6969 or these Rules and Regulations, the Secretary **or his duly authorized representative** shall issue summons informing respondent/s of nature of charges against him and requiring the said respondent or respondents to appear him **or his duly designated representative** for a conference for the purpose of determining whether an Order for confiscation or impoundment or fine should be issued.

Section 11. Ex-Parte Order of Confiscation Or Impoundment. Whenever the Secretary or his duly authorized representative finds a prima facie evidence that the violation presents unreasonable risk and/or injury to health or the environment, the Secretary or his duly authorized representative may issue an Ex-Parte Order of Confiscation or impoundment, provided that the respondent files his Motion for Reconsideration within ten (10) days from the date of confiscation or impoundment which Motion for Reconsideration shall be resolved within fifteen (15) days from receipt of the same.

Section 23. Confiscation

1. The Secretary **or his duly authorized representative** may cause the impoundment or confiscation of any chemical substance and its conveyance and container if there is reasonable ground to believe that:
 - a. the sale, storage, possession, use, manufacture, transport, import, or export for a chemical substance does not comply with the Chemical Control Order; or
 - b. the sale, storage, possession, use, manufacture, transport, import or export of chemical substance poses an immediate threat or hazard to public health and safety or the environment.
2. Any costs incurred by the Department under Section 23 (1) shall be reimbursed by the occupier of the premises from which the Environmental Protection Officer impounded or confiscated the chemical substance.

Section 41. Administrative Violations. The following acts and omissions shall be considered as administrative violations:

1. All acts and omissions mentioned under Section (a to c) of Republic Act 6969.
2. Failure or refusal to subject for testing chemical substances and mixtures that present unreasonable risk or injury to health or to environment before said chemical substances and mixtures are manufactured or imported for the first time;
3. Failure or refusal to subject for testing chemical substances and mixtures which are presently being manufactured or processed if there is a reason to believe that said chemical substances and mixtures pose unreasonable risk or injury to health and the environment;
4. Refusing, obstructing or hampering the entry of authorized representatives of the Secretary into any establishment in which chemicals are processed, manufactured, stored or held before or after their commercial distribution during reasonable hours for the purpose of conducting inspection;
5. Failure or refusal to notify the Department with the type and quantity of hazardous wastes generated and to provide quarterly report of waste generation as provided for under Section 26 of these Rules and Regulations;
6. Failure or refusal to secure permit or authorization from the Department prior to transport, storage, or disposal of hazardous wastes as provided for in Section 27, 28 and 30 of these Rules and Regulations;
7. Failure or refusal to secure approval from the Department prior to conduct of any importation or exportation of hazardous wastes as provided for in Section 31 of these Rules and Regulations;
8. Failure or refusal to provide proper labeling as provided for under Section 29 of these Rules and Regulations regarding hazardous waste storage and labeling;
9. Failure or refusal to comply with subpoena or subpoena duces tecum issued by the Secretary or his duly authorized representative.

Section 42. Criminal Offenses.

1. Knowingly use a chemical substance or mixture which is imported, manufactured, processed or distributed in violation of these Rules and Regulations;
2. Failure or refusal to submit reports, notices or other information, access to records as required by Republic Act 6969 as permit inspection of establishment where chemicals are manufactured, processed, stored or otherwise held;
3. Failure or refusal to comply with the pre-manufacture and pre-importation requirements;
4. Cause, aid or facilitate, directly or indirectly in the storage, importation or bringing into Philippine territory including its maritime economic zones, even in transit, either by means of land, air or sea transportation or otherwise keeping in storage any amount of hazardous and nuclear wastes in any part of the Philippines.

³ Annex 2 of the Montreal Protocol

ANNEX II
(List of Controlled Substances of the Montreal Protocol)

ANNEX A: CONTROLLED SUBSTANCES

Group	Substance	Ozone-Depleting Potential	Common Uses
Group I			
CFCl ₃	CFC-11	1.0	Refrigerant Blowing agent Propellant
CF ₂ Cl ₂	CFC-12	1.0	Refrigerant Propellant Blowing agent
C ₂ F ₃ Cl ₃	CFC-113	0.8	Cleaning agent Solvent
C ₂ F ₄ Cl ₂	CFC-114	1.0	Cleaning agent Solvent
C ₂ F ₅ Cl	CFC-115	0.6	Refrigerant
Group II			
CF ₂ BrCl	(halon -1211)	3.0	Fire Extinguishant
CF ₃ Br	(halon -1301)	10.0	Fire Extinguishant
C ₂ F ₄ Br ₂	Halon -2402)	6.0	Fire Extinguishant

ANNEX B: CONTROLLED SUBSTANCES

Group	Substance	Ozone-Depleting Potential	Common Uses
Group I			
CF ₃ Cl	CFC-13	1.0	Refrigerant
C ₂ FCl ₅	CFC-111	1.0	
C ₂ F ₂ Cl ₄	CFC-112	1.0	
C ₃ FCl ₇	CFC-211	1.0	
C ₃ F ₂ Cl ₆	CFC-212	1.0	
C ₃ F ₃ Cl ₅	CFC-213	1.0	
C ₃ F ₄ Cl ₄	CFC-214	1.0	
C ₃ F ₅ Cl ₃	CFC-215	1.0	
C ₃ F ₆ Cl ₂	CFC-216	1.0	
C ₃ F ₇ Cl	CFC-217	1.0	
Group II			
CCl ₄	Carbon tetrachloride	1.1	Cleaning Agent Solvent
Group III			
C ₂ H ₃ Cl ₃	1,1,1-trichloroethane/ methyl chloroform	0.1	Cleaning Agent Solvent

ANNEX C: CONTROLLED SUBSTANCES

Group I	Substance	Ozone-Depleting Potential^p	Common Uses
CHFC _l ₂	HCFC-21	0.04	
CHF ₂ Cl	HCFC-22	0.055	Refrigerant
CH ₂ FCI	HCFC-31	0.02	
C ₂ HFCl ₄	HCFC-121	0.01-0.04	
C ₂ HF ₂ Cl ₃	HCFC-122	0.02-0.08	
C ₂ HF ₃ Cl ₂	HCFC-123	0.02-0.06	Fire Extinguishant
CHCl ₂ CF ₃	HCFC-123	0.02	Refrigerant , Blowing Agent
C ₂ HF ₄ Cl	HCFC-124	0.02-0.04	
CHFCICF ₃	HCFC-124	0.022	Refrigerant, Blowing Agent
C ₂ H ₂ FCI ₃	HCFC-131	0.007-0.05	
C ₂ H ₂ F ₂ Cl ₂	HCFC-132	0.008-0.05	
C ₂ H ₂ F ₃ Cl	HCFC-133	0.02-0.06	
C ₂ H ₃ FCI ₂	HCFC-141	0.005-0.07	
CH ₃ CFCl ₂	HCFC-141b	0.11	Blowing Agent
C ₂ H ₃ F ₂ Cl	HCFC-142	0.008-0.07	
CH ₃ CF ₂ Cl	HCFC-142b	0.065	
C ₂ H ₄ FCI	HCFC-151	0.003-0.005	
C ₃ HFCl ₆	HCFC-221	0.015-0.07	
C ₃ HF ₅ Cl ₃	HCFC-222	0.01-0.09	

$C_3HF_3Cl_4$	HCFC-223	0.01-0.08	
$C_3HF_4Cl_3$	HCFC-224	0.01-0.09	
$C_3HF_5Cl_2$	HCFC-225	0.02-0.07	Cleaning Agent, Solvent
$CF_3CF_2CHCl_2$	HCFC-225ca	0.025	Cleaning Agent, Solvent
CF_2ClCF_2CHClF	HCFC-225cb	0.033	Cleaning Agent, Solvent
C_3HF_6Cl	HCFC-226	0.02-0.10	
$C_3H_2FCl_5$	HCFC-231	0.05-0.09	
$C_3H_2F_2Cl_4$	HCFC-232	0.008-0.10	
$C_3H_2F_3Cl_3$	HCFC-233	0.007-0.23	
$C_3H_3F_4Cl_2$	HCFC-234	0.01-0.28	
$C_3H_{10}F_5Cl$	HCFC-235	0.03-0.52	
$C_3H_3FCl_4$	HCFC-241	0.004-0.09	
$C_3H_3F_2Cl_3$	HCFC-242	0.005-0.13	
$C_3H_3F_3Cl_2$	HCFC-243	0.007-0.12	
$C_3H_3F_4Cl$	HCFC-244	0.009-0.14	
$C_3H_4FCl_3$	HCFC-251	0.001-0.01	
$C_3H_4F_2Cl_2$	HCFC-252	0.005-0.04	
$C_3H_4F_3Cl$	HCFC-253	0.003-0.03	
$C_3H_5FCl_2$	HCFC-261	0.002-0.02	
$C_3H_5F_2Cl$	HCFC-262	0.002-0.02	
C_3H_6FCl	HCFC-271	0.001-0.03	

Group II	Substance	Ozone Depleting Potential	Common Uses
	CH ₂ Br ₂	1.00	
	(HBFCs)		
	CHF ₂ Br	0.74	

CH ₂ FBr	0.73
C ₂ HFBr ₄	0.3-0.8
C ₂ HF ₂ Br ₃	0.5-1.8
C ₂ HF ₃ Br ₂	0.4-1.6
C ₂ HF ₄ Br	0.7-1.2
C ₂ H ₂ FBr ₃	0.1-1.1
C ₂ H ₂ F ₂ Br ₂	0.2-1.5
C ₂ H ₂ F ₃ Br	0.7-1.6
C ₂ H ₃ FBr ₂	0.1-1.7
C ₂ H ₃ F ₂ Br	0.2-1.1
C ₂ H ₄ FBr	0.07-0.1
C ₃ HFBr ₆	0.3-1.5
C ₃ HF ₂ Br ₅	0.2-1.9
C ₃ HF ₃ Br ₄	0.3-1.8
C ₃ HF ₄ Br ₃	0.5-2.2
C ₃ HF ₆ Br	0.7-3.3
C ₃ HF ₆ Br ₂	0.9-2.0
C ₃ H ₂ FBr ₅	0.1-1.9
C ₃ H ₂ F ₂ Br ₄	0.2-2.1
C ₃ H ₂ F ₃ Br ₃	0.2-5.6
C ₃ H ₂ F ₄ Br ₂	0.3-7.5
C ₃ H ₂ F ₅ Br	0.9-14
C ₃ H ₃ FBr ₄	0.6
C ₃ H ₃ F ₂ Br ₃	0.1-3.1
C ₃ H ₃ F ₃ Br ₂	0.1-2.5

$C_3H_3F_4Br$	0.3-4.4
$C_3H_4FBr_3$	0.03-0.3
$C_3H_4F_2Br_2$	0.1-1.0
$C_3H_4F_3Br$	0.07-0.8
$C_3H_5FBr_2$	0.04-0.4
$C_3H_5F_2Br$	0.07-0.8
C_3H_6FBr	0.9-14.0

⁴ Sections 6 of DAO No. 2004-08 reads:

Section 6: Registration of Importers and Application of Pre-shipment Importation Clearance for ODS

- 6.1. Any person, natural or juridical, who imports ODS (regardless of source as allowed under the agreements of the Montreal Protocol, as amended) for any industry or activity (for example industries/activities listed under ANNEX III) must register with the Department through the Bureau. Certificates of Registration are valid only for one (1) year. It is, therefore, required that the same be renewed every year.
- 6.2. A Certificate of Registration may be granted and renewed only upon showing proof of the following:
- a. Attendance to DENR-Bureau Seminar regarding understanding and appreciation of the role of these substances in depleting the stratospheric ozone, and its consequences by the firm's chemical handler.
 - b. Capability to take effective measures, including the necessary equipment, technology, training and infrastructure, for the purpose of effectively handling ozone-depleting substances including responsible reuse of refrigerants, minimizing their emissions, and ultimately phasing out their use by replacing with substitutes/alternatives duly recognized and certified by the Department through the Bureau.
 - c. Commitment to participate in a system to re-use refrigerants under a reclamation scheme duly approved by the Department through the Bureau.
 - d. Has complied with all the relevant provisions of Republic Act (RA) No. 6969 and its implementing rules and regulations and other pertinent environmental laws and regulations.

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- 6.3. Application for registration must include the following documentary requirements, to wit:
- a. Duly accomplished registration form;
 - b. Copy of the Environmental Compliance Certificate or Certificate of Non-coverage issued by the appropriate office of the Department; Whether the applicant is an Importer-Distributor or an Importer-End user; Certified copy of the Securities and Exchange Commission (SEC), Cooperatives Development Authority (CDA), or Department of Trade and Industry (DTI) Registration and updated list of its officers;
 - c. Copy of the Material Safety Data Sheet (MSDS) from the manufacturing firm every time an importer applies for registration of a new chemical;
 - d. Description of the applicant's handling procedure, safety precautions and emergency response for the chemical; and
 - e. Other information and/or documents as may be required by the Department and the Bureau.
- 6.4 For importation covered by Section 5.2 hereof, the Department through the Bureau shall, upon evaluation of application, determine the annual quota per substance for every importer. I recommend that this is deleted to avoid that DENR need the competency to verify this capability. Does this mean that this company does not have to have DTI accreditation to do service. The DTI accreditation for service provider I would expect to require different equipment from that for an importer.
- 6.5. Registered importers must secure pre-shipment importation clearance from the Department through the Bureau prior to the entry of ODS listed in Section 2 and Annex II hereof in any area within the Philippine Territory. As such, any shipment not covered by an importation clearance shall be deemed illegally imported and shall be confiscated and forfeited in favor of the Government. Likewise, any transaction not covered under the terms and conditions of the Pre-Shipment Importation Clearance shall be considered a violation of this CCO.
- 6.6 Application for importation clearance must include the following, to wit:
- 6.6.1. Any application for importation clearance for substances under Section 2 must be within the prescribed quota pursuant to Section 5.2 hereof.
 - 6.6.2. Duly accomplished application forms shall only be received for processing after payment of prescribed application fees and charges.
 - 6.6.3. Application forms are accomplished in three (3) copies -- i.e., the original copy shall be filed with the Department through the Bureau for assessment and evaluation, and duplicate copy shall serve as reference document of the applicant and the third copy shall be filed in the Philippine Ozone Desk.
 - 6.6.4 Application forms shall only be processed when the following information are provided, to wit:

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- 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 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.

6.6.5 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 applicant's handling procedure, safety precautions and emergency response for the chemical;
- e. Copy of the accomplished Original 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 (this requirement is not applicable to first time importer);
- f. Summary of Transactions of the most recent importation clearance issued on the same chemical applied for (not applicable to new importers);
- g. Import Entry and Internal Revenue Declaration;
- h. List of Intended Buyers and/or End-Users; and
- i. Any other documents deemed appropriate and necessary by the Department and the Bureau.

6.7. Importers shall distribute these substances only to registered/accredited dealers, retailers, resellers and service providers pursuant to Section 7 hereof or those entities utilizing these substances for essential uses as duly certified by the Department through the Bureau.

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

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

6.10. The validity of Pre -Shipment Importation Clearance is, as follows: a) CFCs – within the calendar year it was issued, and b) HCFCs - must not exceed six (6) consecutive calendar months from the date of issuance.