

SUBJECT : GUIDELINES ON THE ENFORCEMENT OF THE PROVISIONS RELATED TO OZONE DEPLETING SUBSTANCES UNDER REPUBLIC ACT NO. 6969, DAO NO. 29, SERIES OF 1992, AND DAO NO. 2004-08.

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), *Resolution No. 25 dated March 10, 1993* of the Senate of the Republic of the Philippines ratifying the *Montreal Protocol on Substances that Deplete the Ozone Layer*, *Resolution No. 86 dated March 19, 2001* of the Senate of the Philippines ratifying the Copenhagen Amendments, the Department hereby adopts this Department Administrative Order to provide comprehensive guidelines on the investigation, enforcement of preliminary/permanent preventive measures, prosecution, and imposition of fines on the illegal sale, storage, possession, use, manufacture, transport, import or export of Ozone Depleting Substances, and other prohibited acts.

Section 1. Declaration of Policy. It is the policy of the State to abate or minimize their risks and hazards of the stratospheric ozone, public health and the environment. Towards this end, the state shall adopt guidelines that will enforce DAO 2004-08 otherwise known as the Revised Chemical Control Order on Ozone Depleting Substances (ODS).

Section 2. Coverage. This Order covers all the administrative and criminal violations and offenses mentioned in Sections 41 and 42 of DAO No. 29, s. 1992, and Sections 11 and 12 of DAO No. 2004-08.

Furthermore, this Order seeks to implement Sections 8, 9, 10, 11, 23 of DAO No. 29, s. 1992.

Section 3. Definition of Terms. The following words and phrases when used in this Order shall have the following meanings, unless the context clearly indicates otherwise:

- a. Alternative Substances – a replacement of ODS with zero Ozone Depleting Potential.
- b. Back Conversion – the act of charging with CFC a system designed for and/or using non-CFC.
- c. Banned ODS- refers to illegally imported ODS.

- d. 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.
- e. Confiscation – legal seizure without compensation.
- f. DAO No. 29, s. 1992 – Implementing Rules and Regulations of RA 6969.
- g. DAO No. 2004-08 – Revised Chemical Control Order for Ozone Depleting Substances.
- h. Duly Authorized Representatives – Officers and/or employees of the DENR or of other agency/ies referred to under Section 4 hereof.
- i. Environmental Protection Officer – an officer appointed or deputized by the Secretary to execute the provisions of DAO 29, s. 1992 subject to conditions, limitations or restrictions as prescribed by the Secretary.
- j. Ex-Parte Confiscation – immediate/outright seizure under the circumstances mentioned in Sections 11 and 23 of DAO 29, s. 1992. ⁱ
- k. Gas Chromatograph (GC) –a chemical analysis instrument for separating chemicals in a complex sample.
- l. Importation – entry of an equipment, substance, or product into the country that is intended for direct consumption, warehousing, sale or distribution.
- m. 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.
- n. ODS - Ozone Depleting Substances as enumerated under the Montreal Protocol and its amendments ⁱⁱ.
- o. ODS Identifiers - Either refrigerant identifiers or gas chromatograph.
- p. Offenses – those mentioned either in Section 11 and 12 of DAO No. 2004-08 or in Sections 41 and 42 of DAO 29, s.1992 ⁱⁱⁱ.
- q. Refrigerant identifier- an equipment designed to determine the purity of commonly used refrigerants in Refrigeration/Air Conditioning (R/AC) equipment.
- r. RA 6969 – Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990.
- s. Secretary - Secretary of Environment and Natural Resources.

Section 4. Conferment of Authority. The following officers and employees are hereby authorized to perform the functions stated hereunder:

- Undersecretary and/or Assistant Secretary designated for the Environment of the DENR
- Director of Environment Management Bureau (EMB)
- Regional Directors of EMB
- Regional Executive Directors of the DENR
- Deputy Head of the National Anti-Environment Crime Task Force (NAECTAF),
- Other officers and employees of the Department or of the appropriate local government units and concerned government agencies, including heads of non-government organization/civil societies 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 vessel that is believed to be 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;
- d. To perform all the duties and responsibilities of an Environmental Protection Officer as provided and enumerated under Section 9 of DAO No. 29, Series of 1992;
- e. To conduct investigation or inquiry on alleged violation of any provision of RA 69696 and DAO No. 29, s. 1992, 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 No. 29, s. 1992;
- g. To issue *Ex-Parte* Order of confiscation or impoundment pursuant to Sections 11 and 23 of DAO No. 29, s. 1992;
- h. To subpoena witnesses and documents and to require other information if necessary to carry out the provisions of DAO No. 29, s. 1992;

In performing the foregoing functions, the above enumerated officers may create a task force that would aid him/her in the carrying out the same. It is understood that said officers will head said task force and shall be the person accountable to the Secretary.

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 Environmental Management Bureau (EMB).

Please refer to Flow of Authority and Functions (Annex A)

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 No. 29, s. 1992 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 as implemented in DAO No. 29, s. 1992, 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 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.

Further, 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.

Finally, notwithstanding the resort to the alternative means of service of subpoena and other legal processes, the respondent's failure or refusal to comply therewith would result into a violation of DAO 2007-_____.

- d. In all other violations and offenses mentioned in Section 41 and 42 of DAO No. 29, s. 1992, 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.

Please refer to Procedural Flow of Investigation and Confiscation (Annex B).

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 schedule of fines under existing laws and other issuances DAO 2007-____:
- 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 as provided in DAO 2007-____ 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 No. 29, s. 1992, 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 No. 29, s. 1992, before the office of the prosecutor of the appropriate jurisdiction. (define the proper authority)

Please refer to Flow of Prosecution (Annex C).

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 by the respondent:

- 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. Coordination with Partner Agencies. The EMB Director is hereby authorized to enter Memorandum of Agreement, Memorandum of Implementation, and the like with government agencies that may contribute to the effective and efficient implementation of this DAO.

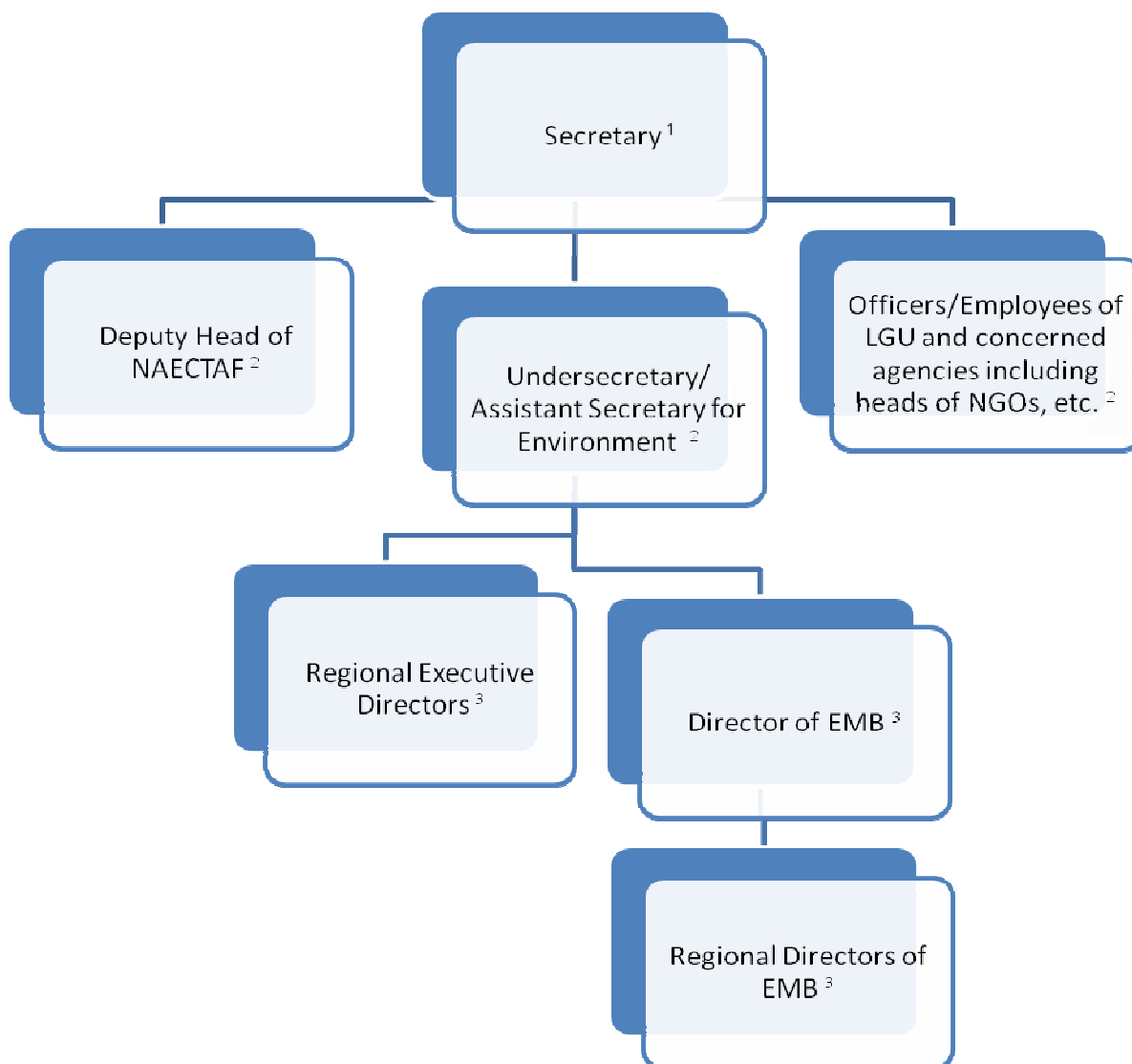
Section 10. Separability Clause. In case any portion or provision of this Order is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected shall continue in full force and effect.

Section 11. Repealing Clause. All existing rules, regulations, circulars, instructions, memoranda or portion/s thereof which are inconsistent hereby repealed or amended accordingly.

Section 12. Effectivity. This Order shall take effect immediately fifteen (15) days after its publication in a newspaper of general circulation and acknowledgement by the Office of the National Administrative Registry (ONAR).

JOSE L. ATIENZA
Secretary

FLOW OF AUTHORITY AND FUNCTIONS

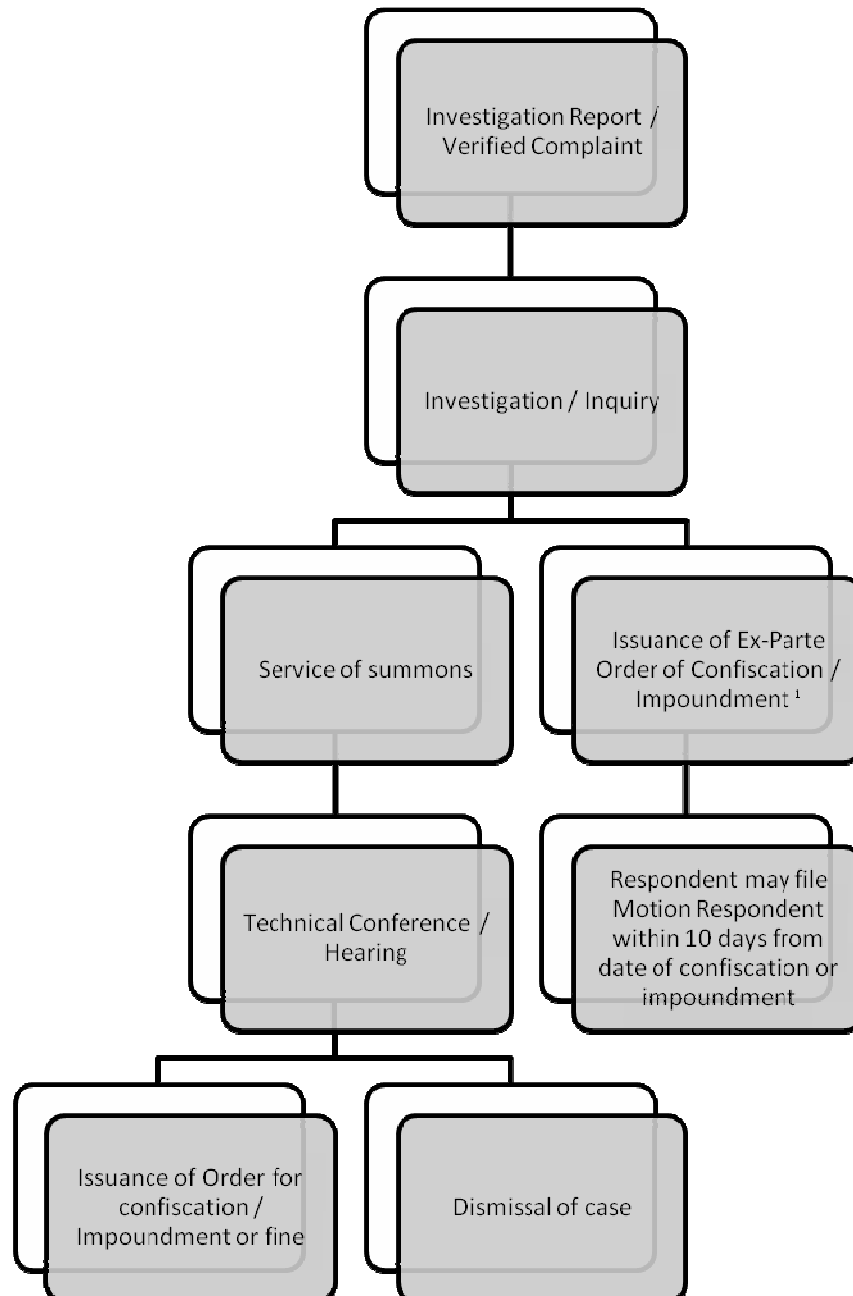


¹ Under the Section 8 (2) of the IRR of RA 6969, the Secretary may delegate his power as enumerated in said section.

² Said officers and personnel may perform any of the functions mentioned in Section 4.

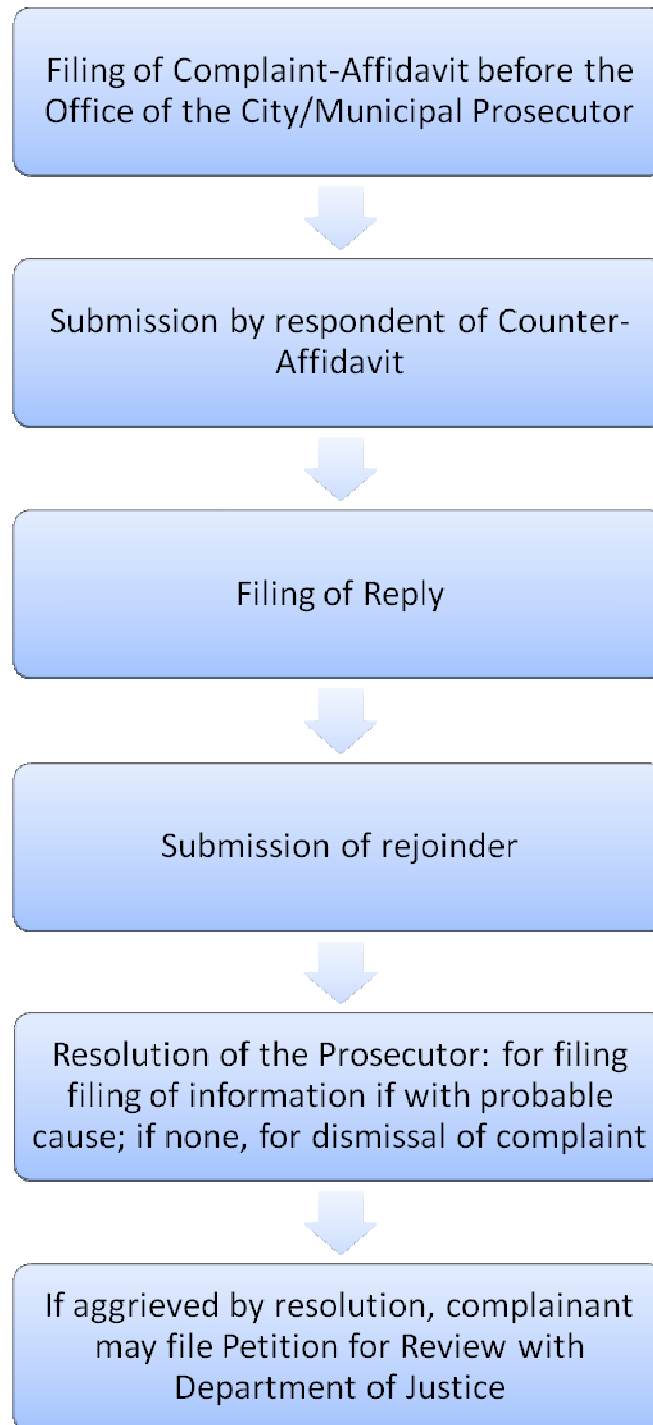
³ Said officers may perform only the functions mentioned Section 4 paragraphs a to e thereof.

PROCEDURAL FLOW OF INVESTIGATION AND CONFISCATION



¹ Section 11 of the IRR of RA 6969 provides that 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.

FLOW OF PROSECUTION



ⁱ **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.

ⁱⁱ 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
CF ₂ Cl ₂	CFC-12	1.0	Propellant Refrigerant Propellant Blowing agent
Group	Substance	Ozone-Depleting Potential	Common Uses
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	Substance	Ozone-Depleting Potential	Common Uses
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 Potentialⁱⁱ	Common Uses
CHFCl ₂	HCFC-21	0.04	
CHF ₂ Cl	HCFC-22	0.055	Refrigerant
CH ₂ FCl	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	

ANNEX C: CONTROLLED SUBSTANCES continued

Group I	Substance	Ozone-Depleting Potentialⁱⁱ	Common Uses
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	
CHFClCF ₃	HCFC-124	0.022	Refrigerant, Blowing Agent
C ₂ H ₂ FCl 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 FCl 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 FCl	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 ₃ HF ₃ Cl ₄	HCFC-223	0.01-0.08	
C ₃ HF ₄ Cl ₃	HCFC-224	0.01-0.09	
C ₃ HF ₅ Cl ₂	HCFC-225	0.02-0.07	Cleaning Agent, Solvent
CF ₃ CF ₂ CHCl ₂	HCFC-225ca	0.025	Cleaning Agent, Solvent
CF ₂ ClCF ₂ CHClF	HCFC-225cb	0.033	Cleaning Agent, Solvent
C ₃ HF ₆ Cl	HCFC-226	0.02-0.10	

C ₃ H ₂ FCl ₅	HCFC-231	0.05-0.09
C ₃ H ₂ F ₂ Cl ₄	HCFC-232	0.008-0.10
C ₃ H ₂ F ₃ Cl ₃	HCFC-233	0.007-0.23
C ₃ H ₃ F ₄ Cl ₂	HCFC-234	0.01-0.28
C ₃ H ₁₀ F ₅ Cl	HCFC-235	0.03-0.52
C ₃ H ₃ FCl ₄	HCFC-241	0.004-0.09
C ₃ H ₃ F ₂ Cl ₃	HCFC-242	0.005-0.13
C ₃ H ₃ F ₃ Cl ₂	HCFC-243	0.007-0.12
C ₃ H ₃ F ₄ Cl	HCFC-244	0.009-0.14
C ₃ H ₄ FCl ₃	HCFC-251	0.001-0.01
C ₃ H ₄ F ₂ Cl ₂	HCFC-252	0.005-0.04
C ₃ H ₄ F ₃ Cl	HCFC-253	0.003-0.03
C ₃ H ₅ FCl ₂	HCFC-261	0.002-0.02
C ₃ H ₅ F ₂ Cl	HCFC-262	0.002-0.02
C ₃ H ₆ FCl	HCFC-271	0.001-0.03

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

$C_2H_2FBr_3$	0.1-1.1
$C_2H_2F_2Br_2$	0.2-1.5
$C_2H_2F_3Br$	0.7-1.6
$C_2H_3FBr_2$	0.1-1.7
$C_2H_3F_2Br$	0.2-1.1
C_2H_4FBr	0.07-0.1
C_3HFBr_6	0.3-1.5
$C_3HF_2Br_5$	0.2-1.9
$C_3HF_3Br_4$	0.3-1.8
$C_3HF_4Br_3$	0.5-2.2
C_3HF_6Br	0.7-3.3
$C_3HF_6Br_2$	0.9-2.0
$C_3H_2FBr_5$	0.1-1.9
$C_3H_2F_2Br_4$	0.2-2.1
$C_3H_2F_3Br_3$	0.2-5.6
$C_3H_2F_4Br_2$	0.3-7.5
$C_3H_2F_5Br$	0.9-14
$C_3H_3FBr_4$	0.6
$C_3H_3F_2Br_3$	0.1-3.1
$C_3H_3F_3Br_2$	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 ₃ H ₅ F ₂ Br	0.07-0.8
C ₃ H ₆ FBr	0.9-14.0

ⁱⁱⁱ 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.

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

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- 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:

- 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.