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JUL 31 2007

DENR ADMINISTRATIVE ORDER NO. 2007-23
Series of 2007

SUBJECT: **Prescribing Additional Requirements for the Issuance of the Priority Chemical List (PCL) Compliance Certificate.**

Prefatory Statement

Pursuant to the policy of the state for the protection of public health and safety and the environment from the unwarranted impacts of chemicals' improper importation, distribution, use, handling, manufacture, transport and disposal, the Department of Environment and Natural Resources (DENR) was directed to establish and implement the pertinent rules, regulations and programs. This is to control chemical substances and hazardous wastes in the country through Republic Act 6969 (Toxic Substances and Nuclear and Hazardous Waste Control Act) and regulate the chemical-containing pollutants through discharges and emissions under Republic Act 9275 (Clean Water Act) and Republic Act 8749 (Philippine Clean Air Act), respectively.


In the various components of chemical management, the increasing numbers of regulated chemicals listed in the Revised Priority Chemical List (DENR Administrative Order No. 2005-27) that entered and used in the country without proper tracking is alarming (Annex "A"). The drafting of this DAO for PCL is prompted with the incidence of groundwater and surface water contamination due to the use of one of the PCL chemicals, Trichloroethylene. Hence, there is a need to strengthen the existing Implementing Rules and Regulations particularly, in monitoring. Likewise, there is a need for the DENR to require information for the purpose of assessing the public health and environmental risk posed by chemicals and its wastes in the Priority Chemical List (PCL). This is in addressing the hazard potentials and impacts of these PCL through proper information, communication and/or dissemination. The post requirements provided in this form of Certification shall ensure, if properly risk management measures to protect human health and environment are in place and implemented.

Through this Order, the DENR in partnership with other concerned government agencies shall ensure that chemicals in the PCL are regulated.

Section I Objectives

This Order shall have the following objectives:

- 1.1 Redefine the procedural guidelines and requirements to be followed in securing the necessary Certification.
- 1.2 Strengthen the implementation of chemical management in the Revised PCL.


Let's Go Green!

- 1.3 Guide the DENR in monitoring the importation, handling, use, distribution and disposal of these toxic chemicals. *gdmx*

Section II Scope

This Order applies to all importer-distributors and importer-user-manufacturers/user-manufacturers of chemicals and chemical substances listed under the Revised Priority Chemical List except, chemicals that are already covered by Chemical Control Orders for Mercury and Mercury Compounds (DAO 1997-38), Cyanide and Cyanide Compounds (DAO 1997-39), Asbestos (DAO 2000-02), Polychlorinated Biphenyls (DAO 2004-01) and Ozone Depleting Substances (DAO 2004-18).

Section III General Procedures and Requirements

All importer-distributors and importer-user-manufacturers/user-manufacturers of chemicals listed under the Revised Priority Chemical List (PCL) are hereby required to secure the PCL Compliance Certificate from the DENR through the Environmental Management Bureau (EMB)-Central Office. They must submit the following additional requirements aside from those required under RA 6969 and other related DENR Rules and Regulations such as the: Annual Report Form (Annex "B"), DENR ID as Hazardous Waste Generator from concerned EMB-Regional Office and its corresponding payment for the registration, among others.

3.1 For Importer-Distributor

- 3.1.1 Letter-request
- 3.1.2 Completed and Notarized Application Form for Pre-Importation
- 3.1.3 List of intended users of the chemical substances in the PCL including the address, contact number, volume from previous importation and volume of usage.
- 3.1.4 Material Safety Data Sheet (MSDS)/Safety Data Sheet (SDS) containing 16 sections/ headings following the International Organization for Standardization (ISO) format from the supplier/manufacturer (Annex "C").
- 3.1.5 Chemical Management Plan (CMP) for storage, handling, transport and disposal.
- 3.1.6 Contingency Plan in case of spills and accidents and other chemical emergencies.
- 3.1.7 Basic knowledge and awareness on hazards posed by the use and release of chemicals, its handling and safety at the workplace and into the environment.

3.2 For Importer-User-Manufacturer/User-Manufacturer

- 3.2.1 Letter-request
- 3.2.2 Complete and Notarized Application Form for Pre-Importation
- 3.2.3 Textual (narrative) description of the production/process Flow Chart and pertinent activity at the facility.
- 3.2.4 Material Safety Data Sheet (MSDS) shall contains 16 sections/ headings following the International Organization

- 3.2.5 Chemical Management Plan (CMP) for storage, handling, use, manufacture, transport and disposal.
- 3.2.6 Regular monitoring results of the groundwater, surface water and soil contamination.
- 3.2.7 Contingency Plan/procedures in case of spills and accidents and other chemical emergencies.
- 3.2.8 Basic knowledge and awareness on hazards posed by the use and release of chemicals, its handling and safety at the workplace and into the environment.

Section IV Monitoring Requirements

The DENR through the EMB shall monitor the water quality of the presently affected groundwater, surface water bodies and air quality through review of reports and information submitted in relation to existing national/international standards and guideline values. For water bodies used for drinking purposes, the WHO Drinking Water Guidelines and Standards shall apply until such time that the appropriate PCL standards has been developed for Philippine condition.

Section V Revision of Requirements

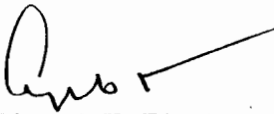
The Department may amend, modify, and/or supplement the requirements and standards in this Order after prior consultation with stakeholders and after proper notice and hearing to the public on matters to be revised. The EMB Director shall hereby issue clarification guidelines.

Section VI Penalty Clause

Any violation of the provisions and requirements specified in this Order will subject the person(s) responsible thereof to the applicable administrative and criminal sanctions as provided for under Republic Act 6969 and Its Implementing Rules and Regulations, Republic Act 9275, Republic Act 8749 and other environmental rules and regulations.

Section VI. Effectivity

This Order shall take effect Sixty (60) days after its publication in two (2) newspapers of general circulation, upon submission to the Office of the National Administrative Register, UP Law Center and preparation of the relevant forms and guidelines.


ANGELO T. REYES
Secretary



Publication: The Manila Times
August 7, 2007
The Philippine Star
August 7, 2007
Registration: UP Law Center
August 10, 2007



DENR ADMINISTRATIVE ORDER
NO. 2005- 27

December 19, 2005

SUBJECT : Revised Priority Chemical List

Pursuant to the provisions of Section 19, Chapter IV, Title II of DENR Administrative Order No. 29, the Implementing Rules and Regulations of Republic Act No. 6969 otherwise known as "Toxic Substances and Hazardous Wastes and Nuclear Wastes Control Act of 1990", the Department hereby promulgates the following revised Priority Chemical List (PCL):

No.	Chemical Abstract Services No.	Philippine Inventory of Chemicals and Chemical Substances (PICCS) Name	Chemical Abstract Services (CAS)/ INDEX Name
1.	108-90-7	1,4-CHLOROBENZENE	Benzene, chloro-
2.	106-93-4	1,2-DIBROMOETHANE	Ethane, 1,2-dibromo
3.	95-50-1	0-DICHLOROBENZENE	Benzene, 1,2-dichloro
4.	106-46-7	1,4-DICHLOROBENZENE	Benzene, 1,4-dichloro-
5.	107-06-2	1,2-DICHLOROETHANE	Ethane, 1,2-dichloro-
6.	122-66-7	1,2-DIPHENYLHYDRAZINE	Hydrazobenzene
7.	108-46-3	3-HYDROXYPHENOL	1,3-Benzenediol
8.	7647-18-9	ANTIMONY PENTACHLORIDE	Antimony chloride
9.	7440-38-2	ARSENIC COMPOUNDS	Arsenic
10.	1332-21-4	ASBESTOS*	Asbestos
11.	71-43-2	BENZENE	Benzene
12.	7440-41-7	BERYLLIUM COMPOUNDS	Beryllium
13.	7440-43-9	CADMIUM COMPOUNDS	Cadmium
14.	56-23-5	CARBON TETRACHLORIDE**	
15.	General Name	CHLORINATED ETHERS	
16.	General Name	CHLOROFLUORO CARBONS**	
17.	67-66-3	CHLOROFORM	Trichloromethane
18.	76-06-2	CHLOROPICRIN	Methane, trichloronitro
19.	18540-29-9	CHROMIUM COMPOUNDS	Chromium
20.	57-12-5	CYANIDE COMPOUNDS*	Cyanide
21.	64-67-5	DIETHYL SULFATE	Sulfuric acid, diethyl ester
22.	106-93-4	ETHYLENE DIBROMIDE	1,2 Dibromoethane
23.	75-21-8	ETHYLENE OXIDE	Oxirane
24.	111-30-8	GLUTARALDEHYDE	Pentanedial
25.	50-00-0	FORMALDEHYDE	Formaldehyde
26.	9002-83-9	HALONS**	Ether, chlorofluoro-homopolymer
27.	118-74-1	HEXACHLOROBENZENE	Benzene, hexachloro
28.	67-72-1	HEXACHLOROETHANE	Ethane, hexachloro
29.	302-01-2	HYDRAZINE	Hydrazine
30.	7439-92-1	LEAD COMPOUNDS	Lead
31.	149-30-4	MBT	2(3H)-Benzothiazolethione
32.	594-42-3	MERCAPTAN, PERCHLOROMETHYL	Methanesulfenyl chloride, trichloro-
33.	7439-97-6	MERCURY COMPOUNDS*	Mercury
34.	74-87-3	METHYL CHLORIDE	Methane, chloro
35.	75-09-2	METHYLENECHLORIDE	Methylene, dichloro
36.	2385-85-5	MIREX	
37.	87-86-5	PENTACHLOROPHENOL	Phenol, pentachloro
38.	127-18-4	PERCHLOROETHYLENE	Ethene, tetrachloro
39.	108-95-2	PHENIC ACID	Phenol
40.	75-44-5	PHOSGENE	Carbonyl chloride/ Carbonicdichloride
41.	85-44-9	PHTHALIC ANHYDRIDE	1,3 Isobenzofurandione
42.	59538-65-1	POLYBROMINATED BIPHENYLS	Fire Master BP6
43.	1336-36-3	POLYCHLORINATED BIPHENYLS*	1,1'-Biphenyl chloroderivatives
44.		1,1,1-TRICHLOROETHANE**	
45.	79-01-6	TRICHLOROETHYLENE	Ethene, trichloro
46.		TRIBUTYL TIN	
47.	7782-49-2	SELENIUM	Selenium
48.	75-01-4	VINYL CHLORIDE	Chloroethylene

Notes:

*Asbestos, Cyanide Compounds, Mercury Compounds and Polychlorinated Biphenyls were included in the previous PCL under DENR Administrative Order No. 98-58 but are now subject to the Chemical Control Order (CCO) under their respective DAOs.

**Trichloroethane, Chlorofluoro Carbons and Halons belong to the CCO for Ozone Depleting Substances (ODS).

All users, importers and manufacturers of aforesaid chemicals are hereby required to comply with the following requirements:

1. Completion and submission to the DENR-Environmental Management Bureau-Central Office of an Annual Report on or before January 31;
2. Completion and submission to the concerned Environmental Management Bureau-Regional Office of a Hazardous Wastes Registration Form; and
3. Registration and Annual Reports must be in a form prescribed by the Department and accompanied with the payment of prescribed fees.

Non-compliance of concerned users, importers and manufacturers with the provisions of this Order shall be imposed the following graduated administrative fines for the corresponding violations as prescribed in accordance with the DENR Memorandum Circular No. 2005-003:

Fine (Pesos)	Violation
50,000.00	Non-registration pursuant to the provisions of Title II, DAO 29, Series of 1992 under Priority Chemical List (PCL).
10,000.00	Non-submission of the Annual Report
10,000.00 20,000.00 30,000.00 40,000.00	Non-compliance with the conditions of the permit/Clearance issued, graduated as follows: 1. Non-compliance with one (1) or two (2) conditions 2. Non-compliance with three (3) or four (4) conditions 3. Non-compliance with more than four (4) conditions 4. Non-compliance with more than four (4) conditions and other environmental requirements of the DENR

Incentives for complying sectors shall be adopted from time to time by the Department in accordance with existing DENR Rules and Regulations.

This Order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and fifteen (15) days upon submission to the Office of the National Administrative Register, UP Law Center.

MICHAEL T. DEFENSOR
 Secretary

ANNUAL REPORT FORM
Priority Chemical List
 CY _____

Section A: General Information

- | | | |
|---|--|-----------|
| 1. Premise | | |
| Name: | | Tel. No.: |
| Facility Address: | | Fax No.: |
| 2. Name of the Responsible Officer | | Tel. No.: |
| Mailing Address (if different from above): | | Fax No.: |
| 3. DENR ID Number: | | _____ |
| 4. Total Number of Workforce | | _____ |
| 5. Category of Business (i.e importer, distributor, manufacturer, etc.) | | _____ |
| 6. Type of Manufacturing Industry (i.e semi-conductor, power, laboratories, etc.) | | _____ |

Section B: Chemical Specific Information

- | | | | |
|---|--|--------------|----|
| 7. CAS Number: | | Common Name: | |
| | | IUPAC Name: | |
| | | Trade Name: | |
| 8. Confidential Business Information: | | Yes | No |
| 9. Average Annual Quantity Imported: | | Tonnes | |
| 10. Average Annual Quantity Use as a Component Chemical | | Tonnes | |
| 11. Average Annual Quantity Use a a Pure Substances | | Tonnes | |
| 12. Average Annual Quantity Manufactured for Sale | | Tonnes | |

Section C: Use and Production

- | | | |
|--|--|--------|
| 13. Specific Use of the Toxic Chemical | | _____ |
| 14. Average Annual Quantities Used and Produced | | |
| (a) enclosed process: | | Tonnes |
| (b) controlled release process: | | Tonnes |
| (c) open process: | | Tonnes |
| (d) Others (Please specify) _____ | | Tonnes |
| 15. Number of workers that are directly involved in the manufacturing, processing, and handling of the toxic chemical: | | _____ |
| 16. Average annual quantities used on-site as reactant: | | Tonnes |
| 17. Average annual quantities used on-site as a non-reactant | | Tonnes |
| 18. Average annual quantities used on-site in the preparation of products: | | Tonnes |
| 19. Estimate the average annual quantity of the toxic chemical for industrial use | | Tonnes |

Section D: Chemical Handling information

20. Describe the methods and quantities used to manage the wastes from the manufacturing of the chemical or its use in production. This would include treatment, storage, and disposal methods: (Use additional sheets if necessary)

Methods/Description	Quantities/volume
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- (a) Storage
- (b) Treatment
- (c) Disposal

21. Exposure Controls

22. Describe the First Aid, Contingency and Emergency Response Measures (Use additional sheets)

Section E: Chemical Use Prevention/Reduction Plan

- | | | |
|--|-----|----|
| 23. Pollution Prevention Plan | Yes | No |
| If yes, please attach copy the prevention plan i.e. EMS, Cleaner Production, | | |
| 24. Chemical Substitution Plan | Yes | No |
| If yes, please attach copy of the plan to describe the substitution | | |

Certification

The undersigned certify that the information provided in this Form and attachments are true and accurate:

Printed Name: (General Manager/CEO) Signed: Position: Date:

Notarization

Date of Application: _____

SUBSCRIBED AND SWORN before me, a Notary Public; this _____ day of _____, affiant exhibiting to me this Community Tax Receipt:

Name	CTR No.	Issued at:	Issued on:
_____	_____	_____	_____
_____	_____	_____	_____

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

Annex "C"

MATERIAL SAFETY DATA SHEET (MSDS)/ SAFETY DATA SHEET (SDS)

1. Identification:
Name of the substance or preparation
Name, address and telephone number of the company/
supplier/undertaking
2. Composition and information on ingredients
3. Hazards identification
4. First-aid measures
5. Fire-fighting measures
6. Accidental release measures
7. Handling and storage
8. Exposure controls and personal protection
9. Physical and chemical properties
10. Stability and reactivity
11. Toxicological information
12. Disposal consideration
13. Transport information
15. National regulations and references
16. Other information