



EMB MEMORANDUM CIRCULAR
No. 2019 - 002

MAR 26 2019

SUBJECT: CLARIFICATIONS TO THE REGISTRATION AND IMPORTATION CLEARANCE REQUIREMENTS FOR CHEMICAL CONTROL ORDER (CCO) FOR CYANIDE AND CYANIDE COMPOUNDS UNDER DENR ADMINISTRATIVE ORDER NO 97-39

Pursuant to Republic Act (RA) 6969 otherwise known as the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990" and Section 20 of DENR Administrative Order (DAO) No. 29, series of 1992 (Implementing Rules and Regulations)" on Chemical Control Order, the following are the procedural requirements pertaining to the registration and licensing on the importation, transportation, storage, distribution and use of cyanide and cyanide compounds under Section 7 of CCO for Cyanide and Cyanide Compounds (DAO 97-39), and consistent with the DENR Memorandum Circular No. 2002-12 (Delegation of Authority to the EMB Regional Offices to Issue "Permit to Transport" for Hazardous Wastes and "Certification and Importation Clearance" for Chemicals and Chemicals Substances), this Memorandum Circular is hereby promulgated.

Cyanide and Cyanide compounds are chemicals that are essential and allowed in the following industries:

- a. Electroplating industries
- b. Mining and metallurgy industries
- c. Steel manufacturing
- d. Synthetic fibers and chemicals
- e. Plastic production
- f. Other industry sub-sectors legitimately using cyanide such as jewelry making

However, cyanide and cyanide compounds are highly toxic to humans and aquatic life even at low concentrations. They have been increasingly used for other purposes which are detrimental to the environment such as ingredients in the jewelry cleaning agent, used in the fishing sector, among others. Also, their improper use has resulted in some incidents and accidents (i.e. suicides) which have disastrous effects on human health and the environment. Hence, the need to strengthen registration, licensing, monitoring procedures for cyanide and cyanide compounds.

I. SCOPE AND COVERAGE

This Circular applies to all existing CCO for Cyanide and Cyanide compounds registered firms and firms applying for registration in order to track and ensure the proper use of all imported Cyanide and Cyanide compounds and to ensure that risks to human health and the environment are managed properly.

II. REGISTRATION REQUIREMENTS

2.1 Registration of importers, distributors and end-users of Cyanide and Cyanide compounds;

- 2.1.1 Importers, distributors and end-users shall have storage facilities, transport and handling equipment and trained personnel to adequately manage Cyanide and Cyanide compounds in their respective premises and in their possession during transport
- 2.1.2 Importers, distributors, and end-users shall have the Environmental Compliance Certificate (ECC), DENR-ID for hazardous wastes, Discharge Permit, Permit to Operate and other required environmental permits.
- 2.1.3 End-users shall be required to submit a material balance for processes and operations using cyanide and cyanide compounds which shall be the basis for the computation of their respective annual requirements.
- 2.1.4 Registration shall be undertaken once (not renewable) unless there is an increase of volume to be requested, change of plant's location and change of process.

III. IMPORTATION CLEARANCE AND MEMORANDUM OF AGREEMENT REQUIREMENTS

- 3.1 Importation of cyanide and cyanide compounds shall be controlled based on the annual requirements of the registered end-users.
- 3.2 End-users that are not importers shall have a Memorandum of Agreement with their registered distributors based on their annual requirements.
- 3.3 Importers that are end-users shall be allowed to purchase cyanide and cyanide compounds and required to have a Memorandum of Agreement with distributors based on their remaining annual requirements not adequately covered by their importation clearance.
- 3.4 Non-importer distributors shall have a Memorandum of Agreement with their Importer based on their total annual requirement as indicated in their individual Memorandum of Agreements with their respective end-users.
- 3.5 Importers shall be allowed only to import equivalent quantity to amount of cyanide and cyanide compounds indicated in the Memorandum of Agreements with their distributors and end-users

IV. PROCEDURES

- 4.1 Application for CCO registration, Importation Clearance, shall be secured and submitted at the EMB Regional Office that has jurisdiction over the applicant's storage facility by submitting the required application form and supporting documents.
- 4.2 The concerned EMB Regional Offices, shall review applications based on the material balance, storage capacity, existing inventory, historical consumption and distribution, and Memorandum of Agreements (MOA) and issue necessary Registration Certificate indicating the computed annual requirements and Importation Clearance based on validated Memorandum of Agreements.

- 4.3 CCO registered firms shall be allowed to secure Importation Clearance, distribute and use as applicable based on their registration certificate. Distributors other than the importers are allowed only to distribute to end-users.
- 4.4 For Sodium Cyanide, Importation Clearance application shall be processed within seven (7) working days at EMB Regional Office that has jurisdiction over the applicant's storage facility. The application with complete and satisfactory requirements shall then be endorsed to the EMB Central Office to advise/clear the issuance of Importation Clearance. The EMB Central Office shall review within seven (7) working days upon receipt of the endorsed application, otherwise, it is deemed cleared if no action has been taken within the specified time-frame.
- 4.5 Importation Clearance issued shall be valid within six (6) months after its issuance and for "single shipment only". Importers shall submit copy of Bill of Lading within five (5) days from the arrival of shipment.
- 4.6 Registration and Importation Clearance of cyanide and cyanide compounds shall eventually be subject to full On-line Permitting Management System (OPMS) wherein real-time possession of cyanide and cyanide compounds of all registered firms are reported. An online-system for tracking of importation, distribution, transport and inventory of cyanide and cyanide compounds in support of the existing OPMS shall be developed within six (6) months from the issuance of this Memorandum Circular.

V. RESPONSIBILITIES

A. Importers, Distributors and End users:

- 4.1 Importers, distributors and end-users are required to distribute or purchase only from CCO registered firms. Importation, distribution, purchase and use of cyanide and cyanide compounds shall be reported in their quarterly Self-Monitoring Report (SMR) and in the eventual on-line tracking system.
- 4.2 Importers, distributors and end-users shall ensure that their storage facilities have the necessary personal protective equipment (PPE), trained personnel and chemical management plan to manage cyanide and cyanide compounds in its premises.
- 4.3 Importers, distributors and end-users shall ensure that Environmental Compliance Certificate (ECC), Discharge Permit, Permit to Operate, Hazardous Wastes ID and all necessary environmental permits are readily available during monitoring.
- 4.4 Distributors other the importers shall be allowed to purchase only from registered importers and distribute only to registered end-users
- 4.5 End-users shall dispose expired and unused cyanide and cyanide compounds through registered Treatment Storage and Disposal (TSD) facilities.

B. EMB Regional Offices:

EMB Regional Offices shall monitor the importation, distribution, use and inventory of cyanide and cyanide compounds through actual audit and survey in their respective regions and issue clearances and permits, based on the quantity that each of the registered firms are able to manage and use.

EMB regional offices shall coordinate with each other concerning any transport of cyanide and cyanide compound. into or out of the respective regions.

VI. REVISION OF REQUIREMENTS

The EMB may review, revise, modify, update and supplement the requirements and standards applicable to this CCO from time to time.

VII. INFORMATION, EDUCATION AND COMMUNICATION REQUIREMENTS

The EMB-Regional Offices in collaboration with Local Government Units (LGUs) shall advocate information campaign on the hazards and precautionary measures for cyanide and cyanide containing compounds including the need for emergency preparedness programs, reporting mechanism for unlicensed distribution and use of cyanide and cyanide compounds.

VIII. COMPLIANCE MONITORING

The EMB-Regional Offices are responsible for the monitoring of compliance to this Memorandum Circular.

IX. PENALTY PROVISION

Non-compliance of any provisions of this Memorandum Circular shall be subject to the penalty provisions of DAO 97-36 (CCO for Cyanide and Cyanide Compounds) and DAO 92-29 (Implementing Rules and Regulations of RA 6969).

X. EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgement of receipt of a copy thereof by the Office of the National Administrative Register (ONAR), UP Law Center.

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Director

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ENVIRONMENTAL MANAGEMENT BUREAU
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ANNUAL IMPORTATION MODEL

