

**[FPA MEMORANDUM CIRCULAR NO. 02, S. 2007,
December 08, 2007]**

**CONSOLIDATED GUIDELINES FOR HANDLERS OF METHYL
BROMIDE IN LINE WITH THE IMPLEMENTATION OF THE
PHILIPPINE NATIONAL METHYL BROMIDE PHASE-OUT
STRATEGY**

I. Rationale

The alarming depletion of the Ozone Layer led the community of nations to draw up an agreement for a global action to stop its destruction. In 1987, the Montreal Protocol on Substances that Deplete the Ozone Layer was promulgated. The Protocol defined measures to limit production and use and prescribed phase-out schedules for the various categories of ozone depleting substances (ODS). The Philippines became a signatory to the Montreal Protocol on September 14, 1988.

In 1992, the Copenhagen Amendment to the Protocol included Methyl Bromide, a fumigant, as an ODS and introduced control measures on its usage. The Copenhagen Amendment was ratified by the Philippine Senate on March 19, 2001.

To meet the country's obligation as a party to the Montreal Protocol, a National Methyl Bromide Phase-out Strategy was instituted and implemented in 2005 by the Fertilizer and Pesticide Authority (FPA).

Pursuant to Section 6 of Presidential Decree No. 1144, the Fertilizer and Pesticide Authority hereby issues this Memorandum Circular to consolidate, amend and modify rules and regulations and procedures set forth under FPA Memorandum Circular No. 02, s. 2005 and No. 01 s. 2006.

II. Definitions

1. *Fertilizer and Pesticide Authority (FPA)* - a government regulatory agency mandated to regulate the importation, distribution, and use of all pesticides including MB by virtue of Presidential Decree No. 1144. The FPA implements the Philippine National Methyl Bromide Phase-out Strategy

2. *Methyl Bromide (MB)* - a broad-spectrum pesticide registered with the FPA for use as space and soil fumigant for the control of weeds, nematodes, fungi and insect pests. MB is an ozone-depleting substance.

3. *National Methyl Bromide Phase-Out Strategy (NMBPS)* - a regulatory, technical, informational and investment project that primarily aims to phase-out national consumption of 10.3 ozone depleting potential ton of MB, help in having availability of alternative products and provide technical assistance to sectors that will be affected by the phase-out.

4. *Bureau of Plant Industry (BPI)* - the National Plant Protection Organization mandated to prevent the introduction of foreign/quarantine plant pests and prevent further spread of those plant pests already present in the country.

5. *BPI-Plant Quarantine Service (PQS)* - a section of the BPI that has jurisdiction on quarantine and pre-shipment (QPS) MB treatments. It accredits fumigators who are involved in QPS treatments and issue Phytosanitary and/or Fumigation Certificate to the FPA licensed and BPI accredited fumigators.

6. *Quarantine Treatment Provider (QTP)* - BPI-accredited fumigators involved in fumigation of products either for quarantine or pre-shipment purposes.

7. *International Standards for Phytosanitary Measures (ISPM)* - the basis for phytosanitary measures applied for members of the World Trade Organization. ISMPs are adopted by contracting parties to the International Plant Protection Convention (IPPC) and by Food and Agriculture Organization (FAO) members that are not contracting parties, through the Interim Commission on Phytosanitary Measures (ICPM).

8. *ISPM 15*- ISMP Publication No. 15 provides the guidelines for regulating wood packaging materials in international trade. Approved phytosanitary measures include heat treatment and/or MB fumigation.

9. *Wood Packaging Materials (WPM)* -include pallets, dunnage, crates, packing blocks, drum cases, load boards, pallet collars, skids that are used in international trade.

10. *QPS Applications*- MB applications exempted from phase-out.

a. *Quarantine Application* - in relation to MB, are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, that is performed or authorized by a national plant, animal or environmental protection or health authority.

b. *Pre-Shipment Application* -any treatment, other than quarantine application applied within 21 days prior to export to meet the official requirements of the importing country or existing official requirements of the exporting country. Official requirements are those that are performed or authorized by a national plant, animal, environmental, health or stored product authority.

11. *Non-QPS Application* - usage of MB other than for QPS purposes that is being regulated and is scheduled for phase-out by 2009. Non-QPS applications include fumigation of soil, stored grains/commodity and flourmills.

12. *Pest Control Operator (PCO)* - refers to establishments engaged in commercial application of pesticides and other pest control services. The term applies to both exterminator and fumigator companies. Each PCO must have under its employ at least one certified pesticide applicator.

13. *Certified Pesticide Applicator (CPA)* -a person who has attended a certification training and has been duly licensed as such for purposes of handling pesticides by FPA.

14. *Certificate Authorizing Import of Pesticide (CAIP)* -An FPA permit for pesticide importations.

15. *Baseline consumption* - the amount of non-QPS MB applications in the Philippines that will be phased-out by year 2009. The country's baseline consumption is 10.3 Ozone Depleting Potential (ODP) metric tons.

16. *Ozone Depleting Potential (ODP)* - the capacity of ozone depleting substances to destroy ozone molecules. The ODP of MB is 0.6 compared to CFC rated as 1.0.

III. Coverage

All handlers of Methyl bromide to include importers, distributors, PCO-Fumigators, in-house CPAs along with the exporters/importers of trade commodities engaging the services of fumigators for MB treatments and national plant, animal, environmental protection and health authorities.

IV. Importation, Purchase, Movement, Distribution and Usage of Methyl Bromide

All handlers of MB should necessarily be licensed by the FPA, relatively, only FPA registered MB shall be allowed to be imported, distributed and used in the country.

1. Importation - In addition to the usual requirements for pesticide importation, application for CAIP for MB necessitates the following documents:

- a. Disposition Report (previous MB importation, inventory and sales)
- b. Projected QPS and non-QPS use for current volume of importation

2. Purchase and Movement - All purchase and movement (ex. transfer of stock from one handler to another, borrowing/movement of stock pending release of Permit to Purchase MB (PP), etc.) of MB should be covered by a corresponding PP issued by the FPA. purchase or movement of MB of the following handlers should be covered by a corresponding PP:

- a. Area distributors
- b. Licensed PCO-fumigators
- c. in-house CPAs
- d. National plant, animal, environmental protection or health authorities

To secure a PP, the following documents shall be required:

- a. Request for PP
- b. Disposition Report (acquisition, inventory, sales and/or usage of MB)
- c. Phytosanitary or Fumigation Certificate from the BPI to support QPS application. In the event that these BPI certificates have not been issued, acknowledgement from the BPI that the particular MB application is a QPS treatment, may be accepted in the interim as supporting documents provided that the appropriate certificates will be submitted upon release by the BPI.