

[FPA MEMORANDUM CIRCULAR NO. 02, S. 2005, April 14, 2005]

GUIDELINES FOR HANDLERS OF METHYL BROMIDE IN LINE WITH THE PHILIPPINE GOVERNMENT'S COMMITMENT UNDER THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

I
Rationale

The alarming depletion of the Ozone Layer raised concern that 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 defines measures to limit production and use and prescribe phase-out schedules for the various categories of ozone depleting substances (ODS). The Philippines is a signatory to the Montreal Protocol.

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

To meet the country's obligation as a party to the Montreal Protocol, a National Methyl Bromide Phase-out Plan was established.

Pursuant to the provisions of Section 6 of Presidential Decree No. 1144, the Fertilizer and Pesticide Authority hereby promulgates the following rules and regulations for the information and guidance of all concerned.

II
Definitions

1. *Ozone Layer* - a thin, fragile shield that envelops the earth and filter and screen harmful ultraviolet rays.
2. *Ozone Hole* - the depletion or loss of the blocking effect of the ozone layer against ultraviolet rays.
3. *Montreal Protocol on Substances that Deplete the Ozone Layer* - an international agreement promulgated on September 16, 1987 enjoining signatory-countries to gradually reduce the production and consumption of ODS. The Copenhagen Amendment (1992) included Methyl Bromide among ODS and calls for a monitoring and reporting system and a phase-out schedule for the non-exempt uses of MB.
4. *Methyl Bromide (MB)* - a broad-spectrum pesticide registered for use as space and soil fumigant for the control of weeds, nematodes, fungi and insect pests.
5. *Methyl Bromide Phase-out Plan* - the gradual reduction of consumption of MB for non-quarantine and pre-shipment applications from the year 2005 up to its phase-out by 2009.
6. *International Standard for Phytosanitary Measures (ISPM)* - standards, guidelines and recommendations recognized as the basis for phytosanitary measures applied by members of the World Trade Organization. ISPMs 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). The ICPM endorsed ISPM Publication No. 15 providing the guidelines for regulating wood packaging materials in international trade to be treated and marked to prevent entry of plant pests. Approved phytosanitary measures include heat treatment and/or methyl bromide fumigation.
7. *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.
8. *Pre-shipment Application* - any treatment, other than quarantine application applied no less than 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.
9. *Controlled or Non-QPS Applications* - usage of MB other than for quarantine and pre-shipment (QPS) purposes which include structural and stored commodity applications and soil fumigation.
10. *Bureau of Plant Industry (BPI)* - an agency of the Department of Agriculture designated as the National Plant Protection Organization mandated to prevent the introduction or incursion of foreign/quarantine plant pests and prevent further spread of those plant pests already present in the country.
11. *BPI -Plant Quarantine Service (PQS)* - a section of BPI that has jurisdiction on quarantine treatments. It accredits fumigators who are involved in the quarantine treatments and issue Phytosanitary and/or Fumigation Certificate to FPA licensed and BPI accredited fumigators.

III
Coverage

All handlers of Methyl Bromide to include registrants, importer/distributors, institutional end-users, Pest Control Operators (PCO) and in-house Certified Pesticide Applicators (CPA).

IV
Importation, Purchase, Distribution and Usage of Methyl Bromide

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