

**[DENR ADMINISTRATIVE ORDER NO. 2004-08,
April 13, 2004]**

**REVISED CHEMICAL CONTROL ORDER FOR OZONE DEPLETING
SUBSTANCES (ODS)**

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) and *Resolution No. 25 dated 10 March 1993* of the Senate of the Republic of the Philippines ratifying the *Montreal Protocol on Substances that Deplete the Ozone Layer* and Resolution No. 86 dated March 19, 2001 of the Senate of the Republic of the Philippines ratifying the Copenhagen Amendments, and to strengthen the legal infrastructure to support the implementation of the Philippine National CFC Phase-out, the Department hereby revises DAO 2000-18 and DAO 2002-22 and promulgates the revised Chemical Control Order for Ozone Depleting Substances (ODS), hereinafter referred to as CCO for ODS:

SECTION 1. Declaration of Policy - It is the policy of the State to regulate, control, restrict or prohibit the import, export, use, manufacture, distribution, processing, storage, possession and sale of Ozone-Depleting Substances to abate or minimize their risk and hazards to the stratospheric ozone, public health, and the environment.

SECTION 2. Coverage - This CCO applies to the importation, exportation, use, manufacture, distribution, possession and sale of chemical substances under Annex A*, Group I and II, and Annex B*, Group I, II, III and Annex C*, Group I & II of the Montreal Protocol, as amended, listed in ANNEX II. Annex E* substance (Methyl Bromide), being a pesticide, is covered by Section 9 of Presidential Decree 1144 and Sections 1 and 2 of Article III of the Fertilizer and Pesticide Authority (FPA) Rules and Regulations No. 1, Series of 1977.

Regardless of source, these substances can be in forms defined under Article I, paragraph 4 of the Montreal Protocol as clarified under Decision 1/12A of the First Meeting of the Parties and Decision II/4 of the Second Meeting of the Parties, herein enclosed as Annex 1*.

In general, these substances can be existing alone or in mixtures, can be contained in bulk for transport and/or storage, part of a use system or equipment, or used and/or contained in a manufactured product. These substances are listed in Annex II which is deemed considered as essential part of this CCO for ODS.

SECTION 3. Definition of Terms - Unless inconsistent with the context or subject matter, the following terms are defined as follows:

Alternative Substances - a replacement of ODS with zero Ozone Depleting Potential.

Article 5 countries - a developing country that is a Party to the Montreal Protocol, and whose annual consumption of controlled substances is less than 0.3 kg per capita. Such countries are considered to operate under Article 5 of the Montreal Protocol and are thus called "Article 5 countries"

Back conversion - the act of charging with CFC a system designed for and/or using non -CFC.

Bureau - the Environmental Management Bureau.

Chlorofluorocarbons (CFCs) - a family of chemicals that contain chlorine, fluorine and carbon; used as refrigerants, aerosol propellants, cleaning solvents and in the manufacture of foam.

Consumption - the sum of production plus imports minus exports of ODSs. The amount recycled and reused is not defined as production. Since the Philippines does not produce and export ODSs, the country's consumption is equivalent to imports as measured by ODP weight.

Controlled substance - any chemical that is subject to control measures, such as a phase-out requirement pursuant to the schedule of the Montreal Protocol.

Department - the Department of Environment and Natural Resources.

Essential Uses - ODS usage which are exempted from control measures or phase-out. Exempted use of controlled substances does not count towards a country's consumption. A global exemption has been granted for laboratory and analytical use. Countries may request essential use exemptions on behalf of individual enterprises, if the specific ODS is either for health, safety or for functioning of society and no acceptable alternative is available. The Meeting of the Parties decides on such requests on a case-by-case basis.

Flushing - an act of cleaning a contaminated refrigeration/air conditioning system or system with burnt compressor by pumping or blowing gas, medium/solvent through the system then releasing the compounds to the atmosphere on a system in contact with atmosphere.

Hydrochlorofluocarbons (HCFCs) - a family of hydrogenated chemicals related to CFCs, which contain hydrogen, as well as chlorine, fluorine, and carbon. The hydrogen reduces their atmospheric lifetime, making HCFCs less ozone depleting than CFCs, hence, considered as transnational substances.

Importer - any person, natural or juridical, that undertakes the entry of an equipment substance or product into the country that is intended for direct consumption, warehousing, sale or distribution.

Installation - any permanent mounting or setting-up of system; or transfer of equipment from one location to another, which involve opening the system to the atmosphere e.g. the piping has to be cut and reconnect or involving fixed installation to water piping or electricity.

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.

Ozone - a gas whose molecules contain three atoms of oxygen, and whose presence in the stratosphere constitutes the ozone layer that protects life against harmful radiation. Ozone is toxic to humans, animals and plants at high concentrations, and so is a pollutant when it occurs in the lower atmosphere in smog.

Ozone depletion - the process by which stratospheric ozone is destroyed by man-made chemicals, leading to a reduction in its concentration.

Ozone-depleting potential (ODP) - a measure, of a substance & ability to destroy stratospheric ozone, based on its atmospheric lifetime, stability, reactivity and content of elements that can attach ozone, such as chlorine and bromide. All ODPs are based on the reference measure of 1 for CFC-11.

Ozone-Depleting Substances (ODS) - any substance which is controlled under the Montreal Protocol and its amendments. ODSs include CFCs, HCFCs, Halons, carbon tetrachloride, methyl chloroform, hydrobromofluorocarbons, bromochloromethane and methyl bromide. ODS have ozone-depleting potentials greater than 0 and can deplete the stratospheric ozone layer.

Ozone Layer - is a thin, fragile shield created as ozone forms and breaks down in the stratosphere. This ozone layer envelopes the entire earth which efficiently and effectively

filters and screens most all the harmful ultraviolet (UV) rays like UV-B.

Party - a country that signs and/or ratifies an international legal instrument, indicating that it agrees to be bound by the rules set out therein. Parties to the Montreal Protocol are countries that have signed and ratified the Protocol and its relevant Amendments, Article 4 of the Protocol restricts trade with non-Parties.

Phase out - the ending of all production and consumption of a chemical controlled under the Montreal Protocol.

Reclamation - an act of re-processing the recovered/used refrigerant to a quality/degree or specification almost the same as that of new refrigerant.

Recovery - the removal of a refrigerant in any condition (vapor, liquid or mixed with other substance) from a system and to store it in an external container.

Recycling - the reduction of contaminants in used refrigerants by separating oil, removing condensables and using devices such as filter dryers to reduce moisture, acidity and particulate matter.

R-502 - a blend of refrigerant composed of 51.2% CFC 115 and 48.8% HCFC22 commonly used for low temperature refrigeration system.

Servicing - any act of repair, maintenance, testing and trouble shooting of parts, including mechanical and electrical components of an existing CFC-using equipment.

Venting - the practice of intentionally releasing and/or purging of ODS to the atmosphere.

SECTION 4. Ban on Importation of ODS - The ban on importation, except for essential uses, in any amount, of the following substances whether alone or in mixtures as previously enunciated in the Notice to the Public dated December 1998 is hereby affirmed:

a. Annex A Group 1

- CFC 11 and CFC 12 banned for importation for manufacturing products and equipment since 01 January 1998.
- CFC 113 since 01 January 1996

- CFC 114 and CFC 115, except as component in R-502, since 01 January 1998.

- b. Annex A Group II since 01 January 1999
- c. Annex B Group 1 since 01 January 1999
- d. Annex B Group II since 01 January 1996
- e. Annex B Group III since 01 January 1996.

SECTION 5. Phase-Out Schedule and Controls of Importation of ODS -

5.1 The Department through the Bureau will allow importation of Annex A, Group I and II, Annex B Group I, II & III for:

- a. Essential uses as defined by the Montreal Protocol, as amended; and
- b. For the servicing requirements of existing equipment.

5.2 Consistent with Section 4 and Section 5.1 hereof, an import quota allocation system shall be implemented by the Department through the Bureau. For this purpose, individual annual import quota per substance under Annex A, Group 1 specifically CFC -11, CFC-12 and CFC 115 in R-502 shall be determined by the Department through the Bureau.

5.3 In case of mixtures or blends containing any of the substances under Annex A, Group 1 specifically CFC-11, CFC-12, and CFC-115, the calculation of import quota shall be based on the percent content by weight of these substances.

5.4 The annual import quota is non-cumulative, thus, any remainder of the quota allocation for a particular substance is deemed consumed at the end of the calendar year. The total annual imports shall be within the phase-out schedule below:

For Annex A, Group I (specifically CFC-11, CFC-12 and CFC-115 in R-502):

- a. Starting 01 January 1999, imports shall not exceed the recorded average of the annual importation for the period 1995-1997 by ODP weight;
- b. Starting 01 January 2005, imports