



REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT

FERTILIZER AND PESTICIDE AUTHORITY

FPA Bldg. B.A.I. Compound Visayas Ave. Diliman, Quezon City P.O. Box 2582, Q.C.

Tel. Nos. 920-8173*920-8573*922-3368*441-1601

E-mail add: fpa_77@yahoo.com

Website: <http://fpa.da.gov.ph>

MEMORANDUM CIRCULAR

No. 03
February 14, 2017

TO : ALL CONCERNED

SUBJECT : REVISED GUIDELINES FOR METHYL BROMIDE TRANSACTIONS

1.0 RATIONALE

The alarming depletion of the ozone layer led the community of nations to draw up an agreement for the global action to stop its destruction.

In 1987, the Montreal Protocol on substances that deplete the ozone layer was promulgated. The Protocol define measures to limit the production and use, and prescribed phase-out schedules for the various categories of ozone depleting substances (ODS). The Philippines became a signatory to the 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 (NMBPS) was instituted and implemented in 2005 by the Fertilizer and Pesticide Authority (FPA). This was concluded by the end of 2009 with the total phase-out of non-quarantine and pre-shipment (non-QPS) uses of methyl bromide in the country.

Pursuant to Section 6 of Presidential Decree 1144 , the FPA issued Memorandum Circular (MC) No. 02, on April 14, 2005 to promulgate the guidelines for handlers of methyl bromide in line with the Philippine Government's commitment under the Montreal Protocol.

In 2006, MC No. 01 was issued amending FPA MC No. 02, s. 2005 to institute additional measures in the issuance of permit to purchase methyl bromide.

In 2007, FPA Memorandum Circular (MC) No. 02, s. 2007 was issued to consolidate and amend rules and regulations and procedures set forth under FPA MC Nos. 02, s. 2005 and 01, s. 2006.

Further, to reflect the changes required in the regulatory processes with the end of NMBPS and the total phase-out of non-QPS use of Methyl Bromide, FPA MC No. 01, s. 2011 was issued to amend and modify the rules and regulations stated in MC No. 02, s. 2007.

However, in view of the Supreme Court Decision under G.R. No. 161594 dated February 8, 2007 and as a result of the consultation meetings held with the Bureau of Plant and Industry- Plant Quarantine Service (BPI-PQS) and other stakeholders of the fumigation industry on January 11, 2017, there is a need to amend the existing rules and regulations and procedures set forth in the previously issued MC No. 01, s. 2011.

2.0 DEFINITIONS

Bureau of Plant Industry (BPI) – the national plant protection office mandated to prevent the introduction of foreign/quarantine plant pests and prevent further spread of those plants pests already present in the country.

BPI-Plant Quarantine Service – a section of the BPI that has jurisdiction on quarantine and pre-shipment (QPS) methyl bromide treatments. It accredits fumigators who are involved in QPS treatments and issue phytosanitary and/or fumigation certificate to FPA licensed and BPI accredited fumigators.

Certified Pesticide Applicator (CPA) – a person who has attended the required training, passed the FPA licensure examination and has been duly licensed as such for purposes of handling pesticides by the FPA.

Certificate Authorizing Importation of Pesticides (CAIP) – an FPA permit for pesticide importation.

Fertilizer and Pesticide Authority (FPA) – a government regulatory agency mandated to regulate the importation, distribution, and use of all pesticides including methyl bromide by virtue of PD 1144.

Methyl Bromide (MB) – a broad spectrum pesticide registered with the FPA to control insect and other pests. It is an Ozone Depleting Substance (ODS) with an Ozone Depleting Potential (ODP) of 0.6 times of an equal weight of Chlorofluorocarbon (CFC).

Pest Control Operator (PCO) – refers to establishment engaged in commercial application of pesticides and other pest control services. The term applies to both agricultural exterminator and fumigator companies.

Quarantine and Pre-Shipment (QPS) applications – methyl bromide applications exempted from phase-out:

- a.) Quarantine application – treatments to prevent the introduction, establishment and/or spread quarantine pests (including diseases) or to ensure their official control 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. Official requirements are those that are performed or authorized by a national plant, animal, environmental, health or stored product authority.

Agricultural products – refers to products of plant origin such as wood, rattan, among others.

Raw wood materials – refers to the wood (e.g. lumber, plywood, rattan, etc.) that will be used in the making of furniture for export which shall be treated by methyl bromide prior to its production/manufacture as furniture or handicrafts as required by the importing country.

Wood packaging materials (WPM) – refers to pallets, crates, and lead frames use in the exportation of goods which shall be treated by methyl bromide as required by the importing country.

3.0 COVERAGE

All handlers of methyl bromide to include Importers, Importer-Distributors, Distributors, Pest Control Operators – Fumigators, in-house Certified Pesticide Applicators along with exporters/importers of trade commodities engaging the services of fumigators for methyl bromide treatments and national plant, animal, or environmental protection or health authorities.

4.0 GUIDELINES IN THE IMPORTATION, PURCHASE, MOVEMENT, DISTRIBUTION AND USAGE

All handlers of methyl bromide should have a license from the FPA. Relatively, only methyl bromide registered with the FPA shall be allowed to be imported, distributed and used in the country.

4.1 LOGBOOK

- All importers, importer-distributors and users/applicators are required to maintain a logbook which shows the details of all incoming and outgoing methyl bromide transactions.
- The first transaction of the month shall be placed in a new page.
- The beginning inventory of methyl bromide shall be placed on the upper right portion of said new page.
- At the end of the month, the quantity purchased and used shall be totaled and the ending balance shall be reflected at the lower portion of the logbook.
- All entries/details required in the logbook should be complete.
- A certification signed by Authorized Representative (for Distributor) and CPA (for User/Applicator) shall be reflected at the end of every month, to wit:

"I hereby certify that the foregoing information are true and correct. I am fully aware that presentation of false and fraudulent information is subject to administrative sanctions in accordance with the penal provisions of Presidential Decree 1144."

Signature Over Printed Name Date Signed

License No./ Accreditation No. _____
Valid until: _____

4.1.1 DETAILS OF LOGBOOK FOR DISTRIBUTOR & IMPORTER-DISTRIBUTOR

- For incoming stocks:
 - Permit to Purchase Methyl Bromide (PPMB) number issued to Distributor
 - Date of issuance of PPMB
 - Quantity allowed to be purchased in the PPMB
 - Quantity purchased (in can) by the Distributor/Importer-Distributor
 - Name of Importer where the methyl bromide is purchased

- For outgoing stocks:
 - Name of PCO-Fumigator
 - Date of issuance of PPMB issued to PCO
 - PPMB number
 - Quantity allowed to be purchased in the PPMB
 - Quantity purchased (in can) by the PCO
 - Name and Signature of authorized representative of the PCO

4.1.2 DETAILS OF LOGBOOK FOR USER-APPLICATOR

- For purchases:
 - PPMB number
 - Date of issuance of PPMB
 - Quantity allowed to be purchased in the PPMB
 - Quantity purchased (in can)
 - Name of Distributor
- For direct uses/applications:
 - Full name of customer
 - Date of fumigation
 - Goods/products fumigated
 - Volume of goods/products fumigated
 - Station/port/place of fumigation
 - Quantity used (in can)
 - Full name and signature of the BPI authorized quarantine inspector who supervised the fumigation/application

4.1.3 MONITORING AND REPORTING SYSTEM

- On a monthly basis, all distributors and users/applicators shall present their respective logbook to FPA Regional Office for monitoring and checking/validation.
- After checking/validation, the FPA Regional Officer shall signed the logbook.
- For consolidation and record purposes, the distributors and users/applicators shall submit to FPA Central Office the certified copies of the validated/signed logbook.
- The CAIP and/or PP shall only be issued after evaluation and compliance of the requirements.

4.2 IMPORTATION

In addition to the usual requirements for pesticide importation, application for CAIP for methyl bromide necessitates the submission of certified copies of the logbook for all transactions made prior to the CAIP application.

4.3 PURCHASE

- 4.3.1 All purchases of methyl bromide should be covered by a Permit to Purchase (PP) issued by the FPA.
- 4.3.2 Requirements in securing PP with the FPA:
 - Completely filled-up request for PP (Annex **A**);

- ☐ If not yet submitted, certified copies of the logbook prior to PP request;
- ☐ BPI certification of monthly usage;
- ☐ Valid PCO-Fumigator's license;
- ☐ Valid CPA accreditation;
- ☐ Valid Distributor's license ;
- ☐ Explanation on projected use/supporting documents, if the requested quantity is more than the average monthly use;
- ☐ Official request from the concerned government authority, if applicable; and
- ☐ Payment of processing fee
In compliance with the FPA Administrative No. 13, s. 2000 (Annex **B**), the processing fee for permit to purchase restricted pesticide is ₱450.00.

4.3.3 The PP is valid within six (6) months from the date of issuance.

4.3.4 The PP is not transferrable.

4.4 MOVEMENT

All lending/loaning and borrowing of methyl bromide should be authorized by the FPA. Request shall be received by the FPA five (5) working days prior to its use/application.

4.5 DISTRIBUTION

All Importer-Distributors and Distributors of methyl bromide should sell only to FPA Licensed Pest Control Operators, in-house Certified Pesticide Applicators or government authority with appropriate PP issued by the FPA.

4.6 USAGE

4.6.1 Controlled or non-Quarantine and Pre-Shipment (non-QPS) applications

- ☐ No controlled or non-QPS methyl bromide applications for soil fumigations, treatment of grains/stored commodities, and fumigation of structures such as flourmills, bins, silos and houses shall be allowed.
- ☐ All leakages of methyl bromide from stocks due to negligence of the owner shall be considered as unauthorized non-QPS use and shall be dealt with accordingly.

4.6.2 Exempt or QPS applications

- ☐ FPA licensed fumigators/PCOs/service providers who shall undertake the QPS methyl bromide application should likewise be accredited by the Bureau of Plant Industry (BPI) as Quarantine Treatment Provider.
- ☐ BPI supervision is required in the fumigation, hence, a certification of monthly usage of methyl bromide shall be issued by the BPI to support the logbook of the applicator-end users.

5.0 OCCUPATIONAL HEALTH

5.1 Safety Training

All workers handling pesticides/MB should undergo pre-employment and periodic training on the proper and safe handling and application of pesticide/MB, proper use of personal protective equipment and basic knowledge on pesticide/MB and first aid procedures in cases of pesticide poisoning cases.

5.2 Health Examination

- ☐ Pre-employment, periodic and exit health examinations shall be required for personnel who are actually applying pesticide/MB which consist of:
 - Complete physical/medical examinations,
 - Laboratory tests, and
 - Biological monitoring (hematologic, liver and kidney function tests).
- ☐ Occupational health certificate requirement for renewal of license shall cover employees who are actually applying pesticides/MB as their regular duty and function in the PCO entity.

5.3 Safety in the Establishment

- ☐ Emergency equipment to meet accidents shall be available and ready for usage.
- ☐ Conduct of appraisal of workplace to include all facilities to detect occupational health hazards.
- ☐ Each team of applicator shall have at least one (1) person trained on first aid treatment of pesticide poisoning.
- ☐ Emergency and safety related equipment shall be frequently and regularly checked and maintained and subsequently recorded. Records on inspection checks and maintenance conducted shall be made available and ready during FPA inspection.

6.0 PENALTIES

Administrative sanctions shall be imposed against violators of this Circular, which include suspension of FPA license as pesticide importer or distributor or handler, as the case maybe, and cancellation or non-issuance of CAIP for importers and Permit to Purchase Methyl Bromide for fumigators, and other sanctions and penalty the FPA is empowered under its charter without prejudice to the filing of criminal case under the penal provision of PD 1144.

Additional penalty of ₱5,000.00 per can shall be imposed on the following violations:

1. Leakage due to negligence;
2. Purchasing/selling without corresponding PP; and
3. Borrowing, lending and advances without approval from the FPA.

7.0 REPEALING CLAUSE

Pertinent provisions under FPA MC No. 01, s. 2011 and other issuances and existing rules inconsistent with this Circular are hereby amended, modified and repealed accordingly.

8.0 SEPARABILITY CLAUSE

In case any provision of this Circular is declared invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be in any way affected or impaired thereby.

9.0 EFFECTIVITY

This Circular shall take effect immediately.

Approved:


WILFREDO C. ROLDAN
Executive Director