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MEMORANDUM CIRCULAR No. 02
Series of 2005

TO : ALL CONCERNED

**SUBJECT : 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**

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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 quarantine treatments and issue Phytosanitary and/or Fumigation Certificate to FPA licensed and BPI accredited fumigators.

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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..

1. Importation

- In addition to the usual requirements for pesticide importation, application for the issuance of Certificate Authorizing Importation of Pesticide (CAIP) for *Methyl Bromide* necessitates the following documents:
 - a. Disposition Report-Importer (FPA Form MBDR 1) *
 - b. Current inventory of MB stock.
 - c. Projected use for current volume of importation.

2. Purchase

- Only FPA licensed Pest Control Operators-Fumigators and/or in-house CPAs and end-users may apply for a Permit to Purchase Methyl Bromide (MBPP Form 2) from FPA, the following documents shall be required:
 - a. Request for Permit to Purchase MB (MBPP Form 1)
 - b. Disposition Report-Applicator (FPA Form MBDR 2) *
 - c. Phytosanitary Certificate/Fumigation Certificate from the BPI Plant Quarantine Service (BPI-PQS) to support QPS application.
 - d. Projected use for the volume being purchased
 - e. Current inventory
- The Permit to Purchase *Methyl Bromide* is valid for ninety (90) days from date of issuance and is non-transferable.

* (Volume of *Methyl Bromide* for reporting purpose should be in 1.5 pound tin can packaging)

3. Distribution

- Importers/distributors of MB should sell only to FPA licensed PCOs, in-house CPAs and qualified end-users.

4. Usage

- Quantity of MB to be used for QPS or exempt applications will not be limited, however, all MB uses for this purpose should be supported with a

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corresponding Phytosanitary Certificate or Fumigation Certificate issued by the BPI-PQS.

- A quota or allocation system shall cover the controlled or non-QPS usage of MB in accordance with the phase-out schedule.

V. MONITORING AND REPORTING SYSTEM

Importers/distributors of MB, PCOs, in-house CPAs and other end-users who are purchasing and applying MB should submit respective Disposition Report not later than fifteen (15) days after each quarter or during application for issuance of CAIP by importers or a Permit to Purchase *Methyl Bromide* by applicators. The CAIP and/or Permit to Purchase MB shall only be issued after evaluation and compliance with requirements.

VI. QUOTA/ALLOCATION SYSTEM

1. The quota/allocation system applies to controlled or non-QPS use of *methyl bromide*.
2. Only the users of MB for controlled or non-QPS applications during year 2004 shall be allowed to purchase under the quota/allocation system.
3. Permit to Purchase shall be issued based on the following allocation:

Quota/allocation for controlled or non-QPS uses of *Methyl Bromide* expressed in percentage reduction from the baseline of 10.03 ODP tons.

2005	2006	2007	2008	2009
20%	40%	60%	80%	0

VII. OCCUPATIONAL HEALTH

1. Safety Training

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

2. Health Examination

Pre-employment, periodic and exit health examinations shall be required for personnel who are actually applying pesticides/MB that consist of complete physical/medical examinations, laboratory tests and biologic monitoring (hematologic, liver and kidney function tests).

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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.

3. Safety in the Establishment

- a. Emergency equipment to meet accidents shall be provided.
- b. Conduct of appraisal of workplace to include all facilities to detect occupational health hazards
- c. Each team of applicator shall have at least one person trained on first aid treatment of pesticide poisoning.
- d. 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.


VIII. PENALTIES

Administrative sanctions shall be imposed against violators of this Circular that include revocation of a CAIP or Permit to Purchase and such other sanctions the FPA is empowered under its charter without prejudice to the filing of a criminal case pursuant to the penal provision under Presidential Decree No. 1144.

IX. REPEALING CLAUSE

All pertinent issuances and other existing rules inconsistent with this Circular are hereby amended, modified or repealed accordingly.

This Memorandum Circular shall take effect fifteen (15) days from date of issuance.


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April 14, 2005