



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRICULTURE
FERTILIZER AND PESTICIDE AUTHORITY

FPA Bldg. B.A.I. Compound Visayas Ave. Diliman, Quezon City
Tel. Nos. 920-8173*920-0068*920-8573*927-3647
928-2536*441-1601*922-3368*426-5058
Telefax: 920-8173*920-8573
E-mail add: fpa_77@yahoo.com website: <http://fpa.da.gov.ph>

Memorandum Circular No. 01
Series of 2011

TO : ALL CONCERNED

**SUBJECT : AMENDMENT TO THE CONSOLIDATED GUIDELINES FOR
HANDLERS OF METHYL BROMIDE IN THE IMPLEMENTATION
OF QPS USE OF METHYL BROMIDE**

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 define 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 (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 phasing out of non-QPS uses in the country.

FPA Memorandum Circular No. 02 Series of 2007 was issued in December of 2007 pursuant to section 6 of Presidential Decree No. 1144. With the end of the NMBPS in 2009 and the phase-out of non-QPS uses of Methyl Bromide, there is a need to amend and modify the existing rules and regulations in the aforementioned consolidated guidelines to reflect the changes required in the regulatory atmosphere as we move to completely QPS use of Methyl Bromide.

DEFINITIONS

1. *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.
2. *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.
3. *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.



4. *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.
5. *Certificate Authorizing Import of Pesticide (CAIP)* – an FPA permit for pesticide importations.
6. *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 Presidential Decree No. 1144. The FPA implements the Philippine National Methyl Bromide Phase-out Strategy.
7. *International Standard for Phytosanitary Measures (ISPM)* – 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 members that are not contracting parties, through the Interim Commission on Phytosanitary Measures (ICPM).
8. *ISPM 15* – ISPM Publication number 15 provides the guidelines for regulating wood packaging materials in international trade. Approved phytosanitary measures include heat treatment and/or MB fumigation.
9. *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 with an ODS potential 0.6 times of an equal weight of CFC.
10. *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.
11. *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.
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. *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 (includes 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 are those that are performed or authorized by a national plant, animal, environmental, health, or stored product authority.
14. *Non-QPS Applications* – 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.
15. *Quarantine Treatment Provider (QTP)* – BPI Accredited fumigators involved in fumigation of products either for quarantine or pre-shipment purposes.
16. *Wood Packaging Materials (WPM)* – includes pallets, dunnage, crates, packing blocks, drum cases, load boards, pallet collars, skids that are used in international trade.

COVERAGE

All handlers of Methyl Bromide to include importers, importer-distributors, area-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.

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. Logbook

All importers-distributors, area-distributors, and user-applicators are required to have a logbook which shall detail all the transfers and usage of methyl bromide that the particular importer, distributor, or user shall make within a particular month as detailed below.

a. Logbook for distributors

All companies which distribute, or sell methyl bromide stocks from other companies shall keep a logbook of all its transactions within a particular calendar month.

The logbook will be specified by FPA and must be checked and stamped by the FPA prior to use. The first transactions at the start of each calendar month shall be placed in a new page. At the upper right portion of such new page shall be placed the beginning balance of methyl bromide in cans of the distributor at the start of the particular calendar month. Such logbook shall include the following details per transactions:

For Stocks Taken out of the company inventory

- i. Amount of methyl bromide (in cans) purchased from distributor.
- ii. Permit to purchase number of the purchaser or borrower.
- iii. Date of issuance of the permit to purchase.
- iv. Amount of Methyl Bromide allowed in the permit to purchase.
- v. Signature of authorized representative of purchasing company

For Stocks taken into the company inventory

- i. Amount of methyl bromide (in cans) purchased by distributor
- ii. Permit to purchase number of the distributor
- iii. Date of issuance of the permit to permit to purchase
- iv. Amount of Methyl Bromide allowed in the permit to purchase
- v. Signature of authorized representative of the company from which the methyl bromide is purchased.

b. Logbook for user-applicators

All companies which use or apply methyl bromide directly as a fumigator shall keep a logbook of all its transactions within a particular calendar month. The first transactions at the start of each calendar month shall be placed in a new page. At the upper right portion of such new page shall be placed the beginning balance of methyl bromide in cans of the user-applicator at the start of the particular calendar month. Such logbook shall include the following details per transactions:

For purchases of Methyl Bromide from distributor

- i. Amount of methyl bromide (in cans) purchased by user-applicator.
- ii. Permit to purchase number of the user-applicator.
- iii. Date of issuance of the permit to permit to purchase.
- iv. Amount of Methyl Bromide allowed in the permit to purchase.
- v. Signature of authorized representative of the company from which the methyl bromide is purchased.

For direct uses / applications of Methyl Bromide

- i. Name of the customer who owns the material to be fumigated.
- ii. Amount of methyl bromide (in cans) used by user-applicator.
- iii. Type and amount of material to be fumigated.
- iv. Station / port where the fumigation would take place.
- v. Name of the BPI authorized quarantine inspector who inspected such fumigation/application.

c. Checking of Logbook

All distributors and user-applicators shall submit photocopies of all transaction pages of their logbooks to the FPA regional office and the FPA central office on a monthly basis. This submission shall be verified by the FPA authorized regional personnel by checking it against the original stamped logbook which shall be presented for checking together by the company involved on a quarterly basis.

2. Importation

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

- a. If not yet submitted to the FPA, photocopies of the relevant pages of all the transactions made prior to the CAIP application in the distributions and/or user-applicator's logbook which are certified by the company authorized representative to be verified by the FPA authorized personnel (Importer-distributor should submit the Photocopy and present the original stamped distributor's and/or user-applicator's logbook to the FPA when applying for CAIP.)

3. Purchase

- a. All purchases of MB should be covered by a corresponding Permit to Purchase (PP) issued by the FPA. Purchase of MB of the following handlers should be covered by a corresponding PP: Area distributors
- b. Licensed PCO-fumigators
- c. In-house CPA's
- d. National plant, animal, environmental protection or health authorities

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

- a. Request for PP
- b. If not yet submitted, photocopies of the relevant pages of all the transactions made prior to the PP application in the distributions logbook certified by the company authorized representative (Importer-distributor should submit the photocopy and present the original stamped distributor's and/or user's applicator's logbook to the FPA when applying for CAIP.)
- c. If the company requesting for a PP is a user-applicator, a fumigation certificate from the BPI confirming the amount of Methyl Bromide used by the company for the previous month or month(s), as the case may be.
- d. Official request from the concerned government authority

PP shall be issued within two (2) working days from receipt of application/request provided all documentary requirements are complete to enable FPA to review and evaluate reports and documents submitted. Processing and issuance depend on the probity, accuracy and completeness of the report submitted as a requirement. If all the documentary requirements are complete and the PP has not issued after two working days, the PP is deemed issued in the amount applied for and dated on the day of the lapse of the two-day period.

Permit to Purchase is valid for thirty days from the date of issuance and is non-transferable. A NO PERMIT NO SALE policy stays.

4. Distribution

Importers/Distributors of MB should sell only to FPA licensed PCOs and in-house CPAs or government authority with appropriate Permit to Purchase issued by FPA.

5. Usage

Controlled or non-QPS MB Applications

No controlled or non-QPS MB Applications for soil fumigations, treatment of grains/stored commodities and fumigation of structures such as flourmills, bins, silos, and houses shall be entertained henceforth. All leakages of MB from stocks not properly handled and stored and, hence, due primarily to the negligence of the company storing the same, shall be denoted as unauthorized non-QPS use and shall be dealt with accordingly.

QPS or Exempt MB Applications

1. FPA Licensed Fumigators/PCOs/service providers who shall undertake QPS MB application should likewise be accredited by the BPI-PQS as Quarantine Treatment Provider.
2. For MB applications to be considered as quarantine or pre-shipment fumigation BPI inspection is required and a corresponding certificate shall be issued by the BPI. With the proper use of the logbook system, only a monthly Certification of MB Usage from the BPI need to be submitted to the FPA.

MONITORING AND REPORTING SYSTEM

All distributors and user-applicators shall submit photocopies of all transaction pages of their logbooks to the FPA regional and national offices on a monthly basis. These submissions shall be verified by the FPA authorized personnel by checking it against the **original stamped logbook** which shall be presented for checking to the FPA regional office on a quarterly basis.

Inspection and spot-checking shall be conducted by FPA to verify reports, assure compliance and to prevent unauthorized use of MB. This shall include the checking of the logbooks of the user-applicators against the official quarantine logbooks of the BPI quarantine inspectors

OCCUPATIONAL HEALTH

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.

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).

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.

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 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.

PENALTIES

Administrative sanctions shall be imposed against violators of this Circular, which include suspension of FPA license as a pesticide importer or distributor or handlers, as the case may be, 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 a criminal case under the penal provision of Presidential Decree No. 1144.

Additional Penalties, which FPA is empowered under its charter , are as follows:

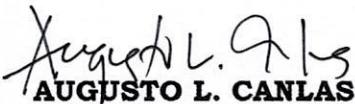
1. For leakage of Methyl Bromide due to negligence- P5,000 per can
2. For unauthorized purchase without a PP - P5,000 per can
3. For unauthorized borrowing and lending of stocks - P5,000 per can borrowed
4. For use above the unauthorized limit for fumigation - P5,000 per can

REPEALING CLAUSE

Pertinent provisions under FPA MC No. 02, s. 2007 and other issuance and existing rules inconsistent with this circular are hereby amended, modified and repealed accordingly.


This Circular takes effect within fifteen (15) days after publication in newspapers of general circulation.

Recommending Approval:


AUGUSTO L. CANLAS

Deputy Executive Director for Pesticides
and National Coordinator for NMBPS

Approved:


NORLITO R. GICANA, CESO III
Executive Director

14 January 2011