

**[DENR ADMINISTRATIVE ORDER NO. 2013-25,
December 26, 2013]**

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

Pursuant to the provisions of Executive Order 192 or the "Reorganization Act of the Department of Environment and Natural Resources"; Republic Act 6969 or the "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990"; Republic Act 8749 or the "Philippine Clean Air Act of 1999"; and Philippine Senate Resolution No. 25 dated 10 March 1993 concurring with the ratification of the *Montreal Protocol on Substances that Deplete the Ozone Layer* as adjusted and amended; DENR Administrative Order No. 2004-08 or the "Revised Chemical Control Order for Ozone Depleting Substances (ODs)" is hereby amended to implement further revisions of the Chemical Control Order for Ozone Depleting Substances(ODS), hereinafter referred to as CCO.

Section 1. Basic Policy. It is the policy of the State to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or environment. This policy includes the export and destruction of ozone-depleting substances to abate or minimize risks and hazards to the stratospheric ozone, public health, and the environment.

Sec. 2. Objectives. This CCO aims to:

1. Include the legal infrastructure to support the implementation of the Philippine Hydrochlorofluorocarbon(HCFC) Phase-out Management Plan (HPMP); and
2. Sustain the phase-out of other ozone depleting substances.

Sec. 3. Coverage.

1. This CCO covers the regulation, control, restriction or prohibition of the importation, manufacture, processing, sale, export, distribution, use, disposal, storage, possession and destruction of chemical substances under Annex A, Groups I and II; Annex B, Groups I, II and III; and Annex C, Groups I and II of the Montreal Protocol, as amended, listed in Appendix I.
2. Regardless of source, the chemical substances covered by this CCO can be in forms defined under Article I, Paragraph 4 of the Montreal Protocol as clarified under Decision I/12A of the First Meeting of the Parties and Decision II/4 of the Second Meeting of the Parties, herein attached as Appendix II.
3. In general, these chemical substances can exist alone or in mixtures, can be contained in bulk for transport and/or storage, as part of a use system or equipment, or used and/or contained in a manufactured product.
4. While considered an ODS, Annex E substance (Methyl Bromide), being a pesticide, is covered by Section 9 of Presidential Decree 1144, Department of

Sec. 4. Definition of Terms. The following terms as used in this CCO shall mean as follows:

1. **Alternative substance** - a replacement of ODS with zero Ozone Depleting Potential (ODP), such as hydrofluorocarbons (HFCs).
2. **Article 5 country** - a developing country that is a party to the Montreal Protocol and whose annual calculated consumption of controlled substances is less than 0.3 kilograms per capita. Such country is considered to operate under Article 5 of the Montreal Protocol.
3. **Back conversion** - the act of charging with chlorofluorocarbon (CFC) or hydrochlorofluorocarbon (HCFC) a system designed for and/or using non- CFC or non-HCFC.
4. **Baseline consumption of HCFC** - the average consumption of HCFC in ODP tonnes for 2009-2010.
5. **Blended ODS** - a combination or mixture of ODS and other chemical substances.
6. **Bureau** - the Environmental Management Bureau.
7. **Chlorofluorocarbons** or **CFCs** - the family of chemicals that contains chlorine, fluorine and carbon. CFCs are often used as refrigerants, aerosol propellants, cleaning solvents, and blowing agents (i.e., in the manufacture of foam).
8. **Consumption** - the sum of production and imports minus exports of ODS. The amount recycled and reused is not considered as production. Since the Philippines does not produce nor export ODS, the country's consumption is equivalent to imports as measured by ODP weight.
9. **Controlled substance** - any chemical that is subject to control measures, such as a phase-out requirement pursuant to the schedule of the Montreal Protocol on Substances that Deplete the Ozone Layer, as amended.
10. **Dealer** - any person that buys ODS, ODS-containing equipment or ODS-containing product in any form in order to sell these for business or commercial purposes.
11. **Department** - the Department of Environment and Natural Resources.
12. **Destruction** - the removal or obliteration of unwanted ODS with an efficiency of 99.9% or higher using technologies approved for destruction of concentrated sources (largely refrigerants) and for dilute sources (foams containing ODS). Destruction technologies may include cement kilns, argon and nitrogen plasma, and gaseous or fume oxidation. The full list of approved technologies was updated at the 23rd Meeting of the Parties through Decision XXIII/12 (Bali 2011). It also refers to a process which, when applied to controlled substances, results in the permanent transformation or decomposition of all or a significant portion of such substances.
13. **Disposal of ODS** - the collection, sorting, transport, storage, and treatment of unwanted ODS.
14. **Essential use** - the use of ODS that is exempt from phase-out and other control measures. Exempted use of controlled substances does not count towards a country's consumption. A global exemption has been granted for laboratory and analytical uses. 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 where no acceptable alternative is

available. The Meeting of the Parties decides on such requests on a case-by-case basis.

15. **Exporter** - any person that undertakes to bring outside of the country an equipment, substance, or product, in any form, including those that are used, stored, restored or recovered, which is intended for direct consumption, warehousing, sale, or distribution in another country. The term also includes a person who brings outside the country any unwanted ODS or wastes containing ODS.
16. **Flushing** - the act of cleaning a contaminated refrigeration or air conditioning system or a system with a burnt compressor by pumping or blowing gas, medium or solvent through the system, then releasing the compounds to the atmosphere or to a system in contact with the atmosphere.
17. **Hydrochlorofluorocarbons** or **HCFCs** - the 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 and thus considered as transitional substances.
18. **Philippine HCFC Phase-out Management Plan** or **HPMP** - the overarching strategy and investment projects aimed to phase out the use of HCFCs in the following sectors in the Philippines: foam, airconditioning and refrigeration, fire extinguishing and chillers, and servicing sectors. Implementation of the Philippine HPMP is supported by the Multilateral Fund (MLF) of the Montreal Protocol on Substances that Deplete the Ozone Layer and its Implementing Agencies such as the United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Industrial Development Organization (UNIDO), and the World Bank.
19. **Importer** - any person that undertakes the entry of an equipment, substance or product into the country that is intended for direct consumption, warehousing, sale, or distribution.
20. **Installation** - any permanent mounting or setting-up of a system, or transfer of equipment from one location to another, which involves opening the system to the atmosphere, such as when the piping has to be cut and reconnected, or involving fixed installation to water piping or electricity.
21. **Methyl bromide** - an ozone-depleting substance that covers a broad spectrum of pesticides registered with the Fertilizer and Pesticide Authority for use as space and soil fumigant for the control of weeds, nematodes, fungi, and insect pests.
22. **Montreal Protocol on Substances that Deplete the Ozone Layer** or **Montreal Protocol** - the Protocol to the Vienna Convention, signed in 1987 and subsequently adjusted or amended, which commits Parties to take concrete measures to protect the ozone layer by freezing, reducing, or ending production and consumption of controlled substances.
23. **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. It is a pollutant when it occurs in smog in the lower atmosphere.
24. **Ozone depletion** - the process by which the stratospheric ozone is destroyed by man-made chemicals, leading to a reduction in its concentration.
25. **Ozone-depleting potential** or **ODP** - a measure of the ability of a substance to destroy the stratospheric ozone based on its atmospheric lifetime, stability, reactivity, and content of elements that can attack the ozone, such as chlorine

and bromide. All ODPs are based on the reference measure of 1 for CFC-11 and CFC-12.

26. **ODP Tonne** (equal to Metric Tonne x ODP) - a measurement of the ozone depleting potential weight of a substance.
27. **Ozone-Depleting Substance** or **ODS** - any substance which is controlled under the Montreal Protocol and its amendments. ODS includes CFCs, HCFCs, halons, carbon tetrachloride, methyl chloroform, hydrobromofluorocarbons, bromochloromethane, and methyl bromide. ODS has an ozone-depleting potential greater than zero (0) and can deplete the stratospheric ozone layer.
28. **Ozone layer** - 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 of the harmful ultraviolet (UV) rays like UV-B.
29. **Party** - a country that signs and/or ratifies the Montreal Protocol and its relevant adjustments or amendments indicating that it agrees to be bound by the rules set out therein. Article 4 of the Montreal Protocol restricts trade with countries that are not parties to the Protocol.
30. **Person** - a natural or juridical entity. A person may be an individual, a corporation, partnership, or association.
31. **Phase-out** - the ceasing of the production and consumption of a chemical substance controlled under the Montreal Protocol other than those considered for essential uses.
32. **Pre-blended polyol** - the product resulting from the mixing or blending of HCFC 141b into polyols usually done by specialized facilities or system houses and are often traded across countries. Individual enterprises that manufacture foam products usually procure such pre-blended or pre-mixed polyols.
33. **Recycle** - the act of reducing contaminants in used refrigerants by separating oil, removing condensables, and using devices, such as filter dryers to reduce moisture, acidity, and particulate matter.
34. **Re-seller** - any person who is engaged in the business of buying an equipment, product, or substance in any form from a dealer or an original seller for the purpose of selling it to another.
35. **Retailer** - any person who sells an equipment, product, or substance in any form directly to a consumer or end user.
36. **R-502** - a blend of refrigerant composed of 51.2% CFC-115 and 48.8% HCFC-22. This is commonly used for low temperature refrigeration systems.
37. **Service provider** - any person engaged in the business of or who directly performs the installation, maintenance, service, repair or operation of ODS using equipment located on any land or water body. Service providers may be technicians, mechanics, contractors, service shops, and repair shops.
38. **Servicing** - any act of repair, maintenance, testing, or trouble-shooting of parts, including mechanical and electrical component, of existing ODS-using equipment located on any land or water body.
39. **Venting** - the practice of intentionally releasing and/or purging ODS to the atmosphere.

Sec. 5. Ban on Importation of ODS. This CCO affirms the previous ban on importation, except for essential uses, in any amount, of the following substances, whether alone or in mixtures, as provided under the Department's Notice to the Public dated December 1998, relevant administrative orders, and listed in Appendix I of this CCO:

1. Annex A Group I
 - a. CFC-11 and CFC-12 banned for importation for manufacturing products and equipment since 01 January 1998;
 - b. CFC-113 since 01 January 1996; and
 - c. CFC- 114 and CFC-115, except as component in R-502, since 01 January 1998;
2. Annex A Group II since 01 January 1999;
3. Annex B Group I since 01 January 1999;
4. Annex B Group II since 01 January 1996;
5. Annex B Group III since 01 January 1996; and
6. Annex E Group I: Non-QPS Methyl Bromide since 01 January 2009.

Notwithstanding the above provisions, the importation of CFC-11, regardless of sector or purpose, is absolutely banned since 01 January 2005. Further, importation of all CFCs, including those in R-502, regardless of sector or purpose, is absolutely banned since 01 January 2010.

Sec. 6. Phase-Out Schedule and Control of Importation of ODS.

1. For Annex C Group 1 (HCFCs):

- a. By 01 January 2013, imports shall not exceed the recorded baseline consumption in ODP tonnes.
- b. By 01 January 2015, imports shall have been reduced by 10% based on the recorded baseline consumption in ODP tonnes.

By this date, all importation of HCFC-141b and pre-blended polyols for foam (rigid and flexible) manufacturing will also be absolutely prohibited, except for the servicing and solvent sectors.

- c. By 01 January 2020. imports shall have been reduced by 35% based on the recorded baseline consumption in ODP tonnes.

By this date, all importation of HCFC-22 for the manufacturing of refrigeration and air-conditioning will also be absolutely prohibited, except for the servicing sector.

- d. By 01 January 2025, imports shall have been reduced by 67.5% based on the recorded baseline consumption in ODP tonnes.

By this date, all importation of HCFC-123 as cooling agent for chillers and as fire extinguishing agent will likewise be absolutely prohibited, except for the servicing sector.

- e. By 01 January 2030, imports shall have been reduced by 97.5% based on the recorded baseline consumption in ODP tonnes.

By this date, all importation of blends containing HCFCs will likewise be absolutely prohibited.

- f. By 01 January 2040, importation shall have been absolutely prohibited.