

Republic of the Philippines

## Department of Environment and Natural Resources

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**DENR ADMINISTRATIVE ORDER**

**NO. 2022 - \_\_\_\_\_**

**SUBJECT** **:** **CHEMICAL CONTROL ORDER (CCO) FOR VINYL CHLORIDE**

Pursuant to Republic Act 6969 otherwise known as the “Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990”, DENR Administrative Order (DAO) No. 29, Series of 1992, the “Implementing Rules and Regulations of Republic Act 6969” and DAO 05, Series of 2005 “Toxic Chemical Substances for Issuance~~s~~ of Chemical Control Orders, and Republic Act No. 8749 also known as the “Philippine Clean Air Act of 1999” which mandates the conversion of the Environmental Management Bureau (EMB) from a staff bureau to a line bureau, the following pertinent rules and regulations with procedural requirements for Chemical Control Order (CCO) for vinyl chloride, and its wastes are hereby promulgated.

**SECTION 1. Basic Policy.** It is the policy of the State to regulate, restrict, or prohibit the importation, manufacture, handling, processing, storage, sale, distribution, use, and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to human health and the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into Philippine territorial limits for whatever purpose, and to provide advancement and facilitate research and studies on toxic chemicals.

**SECTION 2. Objectives.** Pursuant to the policy statement, this Order aims to do the following:

2.1. Reduce the risk of exposure to human health and the environment of vinyl chloride used in industrial processes;

2.2. Increase awareness about the toxicity of vinyl chloride, as well as the availability of technically superior and safer alternatives;

2.3. Ensure the proper implementation of the existing framework and appropriate prevention-based programs to mitigate, reduce and eliminate risks from the use of vinyl chloride; and

2.4. Provide guidelines to identify potential vinyl chloride release/exposure in industrial facilities to reduce workers’ vinyl chloride exposure.

**SECTION 3.** **Scope and Coverage.**

3.1. Coverage. This Order shall cover the following:

* 1. Importers
  2. Distributors
  3. Manufacturers, processors, and industrial users
  4. Transporters
  5. Treatment, Storage and Disposal (TSD) Facilities
  6. Laboratory Facilities

3.2. Exemption.The use of vinyl chloride that is regulated by other laws shall not be covered by this Order including, but are not limited to:

* 1. Vinyl chloride that are monomers of polymers that are not polyvinyl chloride *(CMS to improve this bullet)*
  2. The processing of polyvinyl chloride resins into polyvinyl chloride articles/products which follow the standards set forth by the Bureau of Philippine Standards (BPS) of the Department of Trade and Industry (DTI).
  3. Vinyl chloride and vinyl chloride -containing mixtures that are part of an article as defined in EMB Memorandum Circular (MC) 2020-005, shall be exempted from the CCO requirements, unless otherwise specified in related policies.

Nonetheless, the use of substances and materials that do not contain vinyl chloride is encouraged to prevent or minimize the exposure to human health or release to the environment. *(To be included in other Section)*

**SECTION 4. Definition of Terms.** As used in this Order, the following terms shall be defined as:

4.1.  Applicant – person(s) or entities engaged in importation, manufacture, use, distribution, transport, recycling and providing service (treatment, storage and disposal) on vinyl chloride

4.2.   Bureau – refers to the Environmental Management Bureau of the Department of Environment and Natural Resources

4.3.   Chemical Control Order (CCO) – a policy issuance that prohibits, limits or regulates the use, manufacture, import, export, transport, process, storage, possession and distribution of chemicals that DENR determined to be regulated, phased-out or banned due to the serious risks they pose to public health, workplace and the environment

4.4.   Chemical Substance – any organic or inorganic substance of a particular molecular identity excluding radioactive materials and includes – any element or uncombined chemical, and any combination of such substances, or any mixture of two or more chemical substances

4.5.     Department – refers to the Department of Environment and Natural Resources

4.6.     Distributor – any entity or corporation that is engaged in the sale and distribution of vinyl chloride

4.7.   Importer – any juridical person or corporation that undertakes the entry of a chemical or chemical substances into the country

4.8.    Industrial User – any entity or corporation that uses and processes vinyl chloride for industrial purposes only; includes using vinyl chloride by laboratories of the industries

4.9.   Manufacturer – any juridical person or corporation that undertakes the physical or chemical transformation of substances into new products performed either by power-driven machines or by hand and markets it under his name or trademark

4.10. Monomer – molecule that has reactive functional groups or double/triple bonds capable to forming a polymer. A chemical substance that is capable of forming covalent bonds with two or more like or unlike molecules under the conditions of the relevant Polymer-forming reaction used for the particular process

4.11. Polymer – (1) means a substance consisting of molecules characterized by the sequence of one or more types of monomer units and comprising a simple weight majority of molecules containing at least three monomer units which are covalently bound to at least one other monomer unit or other reactant and consists of less than a simple weight majority of molecules of the same molecular weight. Such molecules must be distributed over a range of molecular weights wherein differences in the molecular weights are primarily attributed to difference in the number of monomer units; (2) is a substance composed of more than 50% of molecules containing a sequence of at least three monomer units covalently bound at least one other monomer unit or other reactant; (3) has molecules distributed over a range of MW; and (4) has no single MW molecule reaching 50% (w/w) of total molecules.

4.12. Polyvinyl Chloride – produced by polymerization of the vinyl chloride monomer

4.13. Premises – shall include, but not limited to, buildings or parts of buildings, tents, stalls or other facility structures whether permanent or temporary

4.14. Process – is the preparation of chemical substance or mixture after its manufacture (industrial operations) for commercial distribution

4.15. Storage – containment area for supply or stock reserve kept for future use, safekeeping or disposal

4.16. Transporter – a person or entity registered to legally transport vinyl chloride as described in the scope of this Order

4.17. Treatment, Storage and Disposal (TSD) Facility – Facility where hazardous wastes are transported, stored, treated, recycled, reprocessed, and disposed of

4.18. Unreasonable risk – expected high frequency of undesirable effects or adverse responses arising from a given exposure to a substance

4.19. Vinyl Chloride – a colorless highly flammable gas, with a mild, sweet odor

4.20. Waste Generator – any person who generates or produces hazardous wastes through any institutional, commercial, industrial, or trade activities.

**SECTION 5. Prohibited Use.** This Order prohibits use of vinyl chloride in aerosols as a propellant or ingredient.

**SECTION 6. General Requirements and Procedures.** In addition to the general requirement under Title II of DAO 1992-29, the following requirements and procedures have been established for any person or entity importing, manufacturing, distributing, and allowed users of vinyl chloride; and those treating, handling, transporting, storing and disposing of vinyl chloride-bearing or vinyl chloride contaminated wastes. These are:

6.1. Registration and Permitting.The Bureau shall develop and maintain the electronic permitting system through its Online Permitting and Monitoring System (OPMS). *(For improvement of CMS. To check the format of previous CCO issuances. Possible for deletion since this is General Requirements and Procedures which is intended for the applicants and not for the Bureau)*

All applicants covered under Section 3 shall accomplish the CCO Registration (CCOR) module of the OPMS, submit the required documents, and secure the corresponding Registration Certificate. Those with an existing Priority Chemical List (PCL) Compliance Certificate and with PCL exemption for less than one percent (1%) in mixture and for laboratory use issued under EMB MC 2014-003 and EMB MC 2017-007, respectively, shall also apply for the said CCOR Certificate.

6.2. Importation and Permitting.Importers shall accomplish the CCO Importation (CCOI) module of the OPMS, submit the required documents, and secure the corresponding Importation Certificate prior to shipment. The CCOI Certificate shall be valid for six (6) months. *(For improvement of CMS. To check the format of previous CCO issuances.)*

***“****Any person or entity that imports vinyl chloride shall apply for an Importation Clearance online through the Online Permitting and Monitoring System (OPMS) of the Bureau. The validity of importation clearance shall be for a period of six (6) months.”*

6.3. Required Documents. Applicants of the CCOR and CCOI Certificates shall submit a copy of the following documents as attachments in the OPMS modules: *(For improvement of CMS. To check the format of previous CCO issuances.)*

*“The application for registration and importation clearance, including imporation clearance renewal, must be accompanied by the following documents:”*

6.3.1. Environmental permits, including:

* + 1. Hazardous Waste Generator (HWG ) Registration Certificate
    2. Valid Wastewater Discharge Permit (DP)
    3. Valid Permit to Operate (PTO) Air Pollution Source Equipment or Installation (APSE/APSI)
    4. Environmental Compliance Certificate (ECC)
    5. Valid Pollution Control Officer (PCO) Accreditation

6.3.2. Globally Harmonized System (GHS) compliant Safety Data Sheet (SDS)

6.3.3. Process flow chart specific to the use of vinyl chloride

6.3.4. Certificates of worker training on vinyl chloride safety

6.3.5. Photos of storage and/or process facility

6.3.6. Latest Self-Monitoring Report (SMR)

6.3.7. For importers: Proof of import entry, e.g. Bill of Lading, BOC Single Administrative Document, and/or Packing List

6.3.8. Proof of payment of application fee

6.4. Chemical Management Plan. As integrated into the CCOR module, the applicant shall provide information on how vinyl chloride and vinyl chloride-containing mixtures are managed in its facility to eliminate or minimize their risk to human health and the environment, subject to the requirements in Sections 6.6 to 6.9. The information includes:

1. General chemical exposure prevention and release control program
2. Housekeeping and occupational hygiene practices implemented
3. Equipment and devices used in handling the chemical
4. Personal Protective Equipment (PPE) provided to the workers

6.5. Contingency and Emergency Plan. As integrated into the CCOR module, the applicant shall provide information on their incident response procedures in case of accidents and calamities leading to vinyl chloride exposure or unintentional release i.e., chemical spill, fire, explosion, earthquake, etc. It shall follow the requirements under Section 8.2.3 of DENR AO 2013-22 and in conformity with the SDS (Refer to Annex E, Sections 4 to 6 of EMB MC 2015-011).

6.6. Handling and Storage Requirement. The applicant shall ensure that its facility complies with the following:

* 1. Availability and accessibility of the SDS at all times
  2. Proper stacking/stockpiling, packaging, chemical compatibility arrangement, containment, and storage conditions, including good security practices, in conformity with the SDS (Refer to Annex E, Sections 7 to 8 of EMB MC 2015-011)
  3. Adequate engineering controls with proper signage and labeling of chemicals
  4. Maintain an updated inventory of stored chemicals

6.7. Labeling Requirements. Storage containers and packaging of vinyl chloride shall be properly classified and labeled following the current GHS implementation. On the other hand, vinyl chloride wastes labelling shall be in accordance with current procedural manual on hazardous waste management.

6.8. Manufacturing and Processing Requirements. The applicant shall ensure that its facility and workers comply with the following: *(For improvement of CMS. To check the format of previous CCO issuances)*

6.8.1. Standard production flow and operation protocols as established by the management, ensuring maximum protection of the workers, and limiting chemical dispersion into the workplace or to the ambient surroundings.

6.8.2. Properly wear Personal Protective Equipment (PPE) in hazardous areas as prescribed by the Occupational Health and Safety Center of the Department of Labor and Employment (OSHC-DOLE).

6.8.3. Establish regulated areas to be classified as hazardous zones and shall ensure that these areas are demarcated from the rest of the workplace, thereby alerting the workers of the boundaries where PPEs should be worn.

6.8.4. Secure environmental permits as enumerated in Section 6.3.1.

6.8.5. Conduct self-monitoring of potential sources of vinyl chloride and report them accordingly in the SMR.

6.9. TSD and Hazardous Waste Transport Requirements. All waste service providers of vinyl chloride and vinyl chloride-containing shall comply with the procedural manual on hazardous waste management.

6.10. Training Requirements. Basic awareness training, knowledge-sharing, and other capacity-building activities shall be conducted regularly for workers involved in handling vinyl chloride. They shall include discussions on the health and environmental hazards of vinyl chloride, safe handling, risks in the workplace, proper disposal, incident response, and other regulatory requirements.

6.11 Substitution and Phase-out Plan. The Department, through the Bureau, may develop a phase-out plan for the allowed uses of vinyl chloride, subject to consultations with relevant stakeholders and government agencies.

**SECTION 7. Information, Education, Communication (IEC).** The Department, through the Bureau, in collaboration with the chemical industry, concerned government agencies, the academe, and non-government organizations, shall promote industrial compliance and public awareness of this Order’s requirements and the hazards posed by using vinyl chloride in the workplace and its release into the environment.

The proper handling and disposal of vinyl chloride shall be included in the IEC activities to highlight safety protocols. The use of vinyl chloride-free substances and materials shall also be promoted to minimize the release of vinyl chloride into the environment.

**SECTION 8. Public Access to Records and Confidential Business Information (CBI).** The public shall have access to records, reports, or information obtained by the DENR upon request pursuant to this Order, in accordance with Section 12 of RA 6969 except information regarding trade secrets (formulations), sales figures, methods of production, or industrial processes, distributions that would adversely affect the competitive position of such importers, manufacturers and industrial users. *(For improvement of CMS. To check the format of previous CCO issuances.)*

Exemptions to this “no disclosure of information” shall be made subject to the conditions of Section 40 of the IRR of RA 6969 or as may be amended.

**SECTION 9. Compliance Monitoring Procedure.** The EMB Central Office and/or Regional Offices shall monitor compliance based on duly accomplished and submitted Self-Monitoring Report (SMR) per DAO No. 2003-27 or its revision or amendment. The EMB-CO shall integrate the regional monitoring report for management action. In any complaints of non-compliance, sampling and testing shall be made, as necessary, using a method that conforms with international and/or national standards. *(For improvement of CMS. To check the format of previous CCO issuances. Compliance monitoring from the previous CCOs shall be conducted by EMB ROs only)*

**SECTION 10. Revision of Requirements.** The Department may amend, modify, and/or supplement the requirements and standards in this Order after prior consultation with the stakeholders and after due notice and hearing with the public on matters to be revised. The Bureau may issue clarificatory guidelines, if necessary.

**SECTION 11. Capacity Building.** The EMB Central Office shall develop and conduct continuing training program for both the regulated community and regulators to ensure proper compliance with this Order.

**SECTION 12. Liability.** The Secretary or his duly authorized representative may cause the impoundment or confiscation of any chemical substance and its conveyance and container if there is reasonable ground to believe that the sale, storage, possession, use, manufacture, transport, or import of the chemical substance does not comply with this CCO following the guidelines under EMB MC 2020-12. Any importer or distributor selling to non-authorized persons or end-users shall be held liable under RA 6969.

Chemicals may be confiscated, and storage fees of confiscated chemicals shall be charged jointly and solidarily to the importer and/or distributor and end-user. The importer and distributor shall likewise be held liable together with the end-user in cases of injury or damage to public health and the environment and shall properly compensate the affected parties and restore the damaged area or areas resulting from any incident or accident involving the use, sale, manufacture, and distribution of vinyl chloride and storage, transport, treatment, and disposal of vinyl chloride wastes.

**SECTION 13. Penalty Provision.** Any violation of the requirements specified in this Order shall subject the person(s) liable thereof to the applicable administrative and criminal sanctions as provided for under Section 14 of RA 6969, Sections 41 and 43 of DENR AO 1992-29, and DENR MC 2005-003.

SECTION 14. Separability Clause. If any provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 15. Repealing Clause. All Orders and other similar issuances inconsistent herewith are hereby revoked, amended, or modified accordingly.

SECTION 16. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).

**JOSELIN MARCUS E. FRAGADA, *CESO III***

OIC Secretary