**DENR ADMINISTRATIVE ORDER** No. \_\_\_\_\_

Series of 2024

**Subject:** **Guidelines on the Exemption of Impurities, Chemical By-Products, Non-Isolated Intermediates, and Alloys under Title II of DENR A.O. 1992-29**

Pursuant to Section 11.d of Republic Act 6969 also known as “Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990”, and Chapter VI – Section 22.3 of DENR Administrative Order (DAO) No. 29, series of 1992 also known as “Implementing Rules and Regulation (IRR) of RA 6969”, this Order is issued to provide guidelines on exempting the Impurities, Chemical By-Products, Non-Isolated Intermediates, and Alloys.

**Section 1. Objective**

This Order is issued to provide guidelines for granting exemption to chemicals that will be considered as impurities, chemical by-products, non-isolated intermediates, and alloys.

**Section 2. Definition of Terms**

1. **Alloy**

* A metallic material, homogeneous on a macroscopic scale, consisting of two or more elements so combined that they cannot be readily separated by mechanical means; alloys are considered to be mixtures*.*

1. **Chemical By-product/Byproduct**

* A chemical substance produced without a separate commercial intent, purpose, or use during the manufacture, processing, use, or disposal of other chemical substances or mixtures.

1. **Impurity**

* An unintentional constituent coming from the manufacturing process or from the starting material(s). These could be the result of secondary or incomplete reactions occurring during production and are present in the final substance even if not sought by the manufacturer*.*
* The impurities should not exceed the 10% concentration.

1. **Intermediate**

* A substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into another substance (hereafter referred to as synthesis)

1. **Non-Isolated Intermediate**

* An intermediate that during synthesis is not intentionally removed (except for sampling) from the equipment in which the synthesis takes place. Such equipment includes the reaction vessel, its ancillary equipment, and any equipment through which the substance(s) pass(es) during a continuous flow or batch process as well as the pipework for transfer from one vessel to another for the purpose of the next reaction step, but it excludes tanks or other vessels in which the substance(s) are stored after the manufacture.

**Section 3. Procedures**

This section will be a procedure for the exemption application.

3.1 The chemicals to be exempted as Impurities, Chemical By-Products, Non-Isolated Intermediates, Alloys should meet the definition.

3.2 The requirements for applying exemption/s are as follows but not limited to:

* Signed request and justification letter (signed by one the top management) along with the supporting documents (as basis for the exemption)
* 100% composition of the mixture
* Safety data sheet (SDS)
* Process flow (specific where the reaction happens)
* Processing fee – Php 1,500

3.3 Submission and processing of application of the said exemption is online through the Online Permitting and Monitoring System (OPMS) (once the module is developed).

3.4 Review and evaluation of the exemption application shall be within 20 working days upon receipt.

3.5 In case additional information is requested, the applicant shall comply within 30 working days upon receipt in the OPMS account. Failure to provide additional information or not informing the DENR-EMB within 30 days will result in the cancellation of the exemption application and the need to reapply.

3.6 Approved exemption application will be exempted from Title II of R.A. 6969 and do not need to secure a permit except for covered chemicals specified in the Chemical Control Orders (CCOs).

PCL chemicals that are not exempted under this Order but with a threshold limit of less than or equal to 1% concentration (in mixtures) can still apply for PCL exemption under Section 7.2 of EMB M.C. 2014-003.

3.7 The letter of exemption can be downloaded and printed through their OPMS account. The letter is non-transferable and can only be used by the company addressed in the letter.

3.8 By-products for disposal and considered hazardous wastes should comply with Title III of DAO 1992-29 or the Hazardous Waste Management.

**Section 4. Confidential Business Information (CBI)**

The applicant shall refer to Guidelines for Confidential Business Information (CBI) Requests if the application is CBI and what information is to be considered CBI.

**Section 5. Revocation Clause**

Any misrepresentation, misinformation, misstatement, fabrication, or falsification of submitted information after the issuance of the exemption will automatically be revoked and shall be subjected to the penalty provision.

**Section 6. Penalty Clause**

Any person/s found violating any of the provisions specified in this Order shall be subject to administrative violations and fines under Section 15 of R.A. 6969, as well as Section 43, Chapter XII, title V of DAO 29, Series of 1992, and other existing pertinent laws.

**Section 7. Separability Clause**

If any portion or provision of this Order is declared unconstitutional or invalid, the remaining portions of this Circular shall remain valid and enforceable.

**Section 8. Effectivity**

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy hereof by the Office of the National Administrative Register (ONAR), UP Law Center.

**MARIA ANTONIA YULO LOYZAGA**

Secretary