



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD RESOLUTION NO. 110
Series of 2012

SUBJECT: GRANTING EXEMPTION FROM SPECIFIC MEASURES OF REGULATORY CONTROL REQUIREMENTS TO CERTAIN FINISHED PRODUCTS OF SURFINCHEM INC.

WHEREAS, under Section 81 (b) and (r) of Article IX of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, the Board issued Board Regulation No. 3, Series of 2003 which provides for the “Comprehensive Guidelines on Importation, Distribution, Manufacture, Prescription, Dispensing and Sale of, and Other Lawful Acts in Connection with any Dangerous Drugs, Controlled Precursors and Essential Chemicals and other Similar or Analogous Substances”;

WHEREAS, SURFINCHEM INC. with business address at Lot 10, Blk. 7, 5th St. Golden Mile Business Park Bo. Maduya, Carmona , Cavite, Philippines is seeking exemption from specific measures of regulatory control requirements for the following products containing controlled chemicals:

- 1. NIMUDEN ® NPR-4 D – 0.05% Sulfuric Acid**
- 2. KAT-450 – 9.2% Sulfuric Acid**
- 3. Levco EX (PC-1) (Copper Electroplating Additive) – 1.8% Sulfuric Acid**

WHEREAS, Section 4(2-c, d, e & f), Article II of the same Regulation also provides that the Board may exempt from specific measures of regulatory control requirements any preparation containing a controlled chemical mixture, when the Table II chemical is a normal ingredient in consumer goods or finished products that were packaged for retail sale for personal use, such as epoxies, vinyl lacquer, contact cements, plastic adhesives, waxes, cleaning agents; or liquid chemical mixture containing less than 30% by weight of the Table II chemical; or solid, semisolid and highly viscous chemical mixture containing Table II chemical; or when the Board is satisfied that the mixture is formulated in such a way that the controlled chemical cannot be easily used for the illicit manufacture of a dangerous drug and that the controlled chemical or chemicals contained in the mixture cannot be readily recovered;

WHEREAS, to assist the Board in evaluating requests for exemption, it promulgated Board Resolution No.1 Series of 2008 entitled “**Creating a Technical Working Group (TWG) to assist the Board in considering request of Manufacturers and Importers of finished products from specific measures of regulatory control requirements**”;

WHEREAS, it has been determined by the DDB Technical Working Group (TWG) that **SURFINCHEM INC.** was established in 2007 and is engaged in the importation and distribution of various chemicals that are used in metal surface finishing industry like electroplating and semiconductor manufacturers. It is duly registered with PEZA and handler of PDEA License **P5I-02857001-R021 dated 03/23/2012 and valid until 24 March 2013 (Importer/distributor of CPECS).**

WHEREAS, after due deliberation and evaluation, the TWG decided to recommend to the Board the exemption of **SURFINCHEM INC.** finished products containing controlled chemicals less than the 30% threshold of the Table II chemicals, in accordance with the provisions of Section 4-2(d);

WHEREAS, after satisfying the requirements under the above mentioned regulations, **SURFINCHEM INC. products are no longer covered by the provisions of Section 10 (Application for import, export or transit permits), Section 11 (Grant of import, export or transit permits), and Section 22 (Licensed operators NOT to deal with unlicensed operators) of BR No.3, S. 2003.**

WHEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**:

- a. **TO GRANT EXEMPTION** and the issuance of a Board Resolution on Exemption, which **shall be valid for one (1) year** unless revoked, to **SURFINCHEM INC.**' finished products that contained controlled chemicals below the 30% threshold of the Table II chemicals, in accordance with the provisions of Section 4-2(d & f).
- b. **That the above cited exemption shall still be subject to the following conditions:**
 - (1) **That SURFINCHEM INC. shall secure a license from PDEA and comply with the reporting requirements as provided for in Board Regulation No. 3, Series of 2003;**
 - (2) The Board shall strictly monitor subject products/chemicals from their importation to end-user;
 - (3) The DDB-PDEA Monitoring Team shall have free access to SURFINCHEM INC.' premises where the products/chemicals are kept and/or used;
 - (4) That SURFINCHEM INC. shall assume full responsibility for any misuse of the imported products/chemicals, caused either by its own negligence or by negligence of all persons acting under their name or control and supervision; and
 - (5) Any violation of the provisions of Board Regulation No. 3, Series of 2003, shall be a ground for the revocation of the Board Resolution on exemption at anytime and would be dealt with severely.

APPROVED and ADOPTED this 23rd day of August, in the year of Our Lord, 2012 in Quezon City.

(Sgd.) **Secretary ANTONIO A. VILLAR, JR.**
Chairman, Dangerous Drugs Board

Attested:

(Sgd.) **Assistant Secretary BENJAMIN P. REYES**
OIC-Secretary of the Board