



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

3/F, DDB – PDEA Building, NIA Road, National Government Center, East Triangle, Diliman, Quezon City, Philippines
P.O Box No. 3682 Manila, Tel. No. 929-1753, Telefax 929-1546, Website: www.ddb.gov.ph, E-mail: info@ddb.gov.ph

BOARD RESOLUTION NO. 47
Series of 2012

SUBJECT: GRANTING EXEMPTION FROM SPECIFIC MEASURES OF REGULATORY CONTROL REQUIREMENTS TO CERTAIN FINISHED PRODUCTS OF CHEMETALL PHILIPPINES CO. LTD., 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, CHEMETALL PHILIPPINES CO. LTD. INC., with office address at W-12 Veterans Road, Veterans Center, Taguig City, 1630 Philippines, a legitimate company engaged as Importer and Manufacturer/Compounder of consumer goods for industrial use, is seeking exemption from regulatory measures for the following products that contain controlled chemicals:

1. **Ardrox 5529 – 30 – 40% Acetone**
2. **Metall Spray 8015LA/2 – 10 – 30% Sulfuric Acid**
3. **Metall-Etch 291L – 10 – 30% Sulfuric Acid**
4. **Ardrox 8901W (Aerosol) – 30 - 60% Acetone**
5. **White Contrast Paint WCP 712 (Aerosol) – 25 – 50% Acetone**
6. **Developer LD7 (Aerosol) – 2.5 – 10% Acetone**
7. **Ardrox 9D1B (Aerosol) – 20 - 50% Acetone**
8. **GARDOFLOC Q 8721 (DETAC D2430) containing 1 – 5% Hydrochloric 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 when the Table II chemical is a normal ingredient in consumer goods or finished products; 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 **CHEMETALL PHILIPPINES CO. LTD. INC.** is a legitimate company engaged in importing and manufacturing/compounding of consumer goods for industrial use. The company is duly registered with PDEA and handler of **P51-00182001-R028 and P5C-00182001-R033 Licenses as importer /manufacturer and compounder of controlled chemicals. These licenses were issued on 16 Dec. 2011 and valid until 30 January;**

WHEREAS, the Technical Working Group (TWG) deliberated and recommended to the Board, issuance of appropriate **Certificate of Exemption** to **CHEMETALL PHILIPPINES CO. LTD., INC.** request for exemption from specific measures of regulatory control requirements of the above-mentioned products containing controlled chemicals below the 30% threshold of the Table II chemicals, in accordance with the provisions of Section 4-2(d, e & f); and as such, subject certification shall be valid for one (1) year unless revoked;

WHEREAS, the DDB Technical Working Group (TWG) opined that the products containing controlled chemicals above the 30% threshold of the Table II chemicals conforms to the provision of Section 4-(2-f), may also be granted exemption;

WHEREAS, after satisfying the requirements stipulated under the above mentioned regulations, **NIPPON PAINT PHILIPPINES' 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**:

1. **TO GRANT EXEMPTION** and the issuance of a Board Resolution for Exemption, which shall be valid for one (1) year unless revoked, to **CHEMETALL PHILIPPINES CO. LTD, INC.'** finished products that contain less than the 30% threshold of the Table II chemicals in accordance with the provisions of Section 4-2(e & f);
2. **GRANT EXEMPTION** to **CHEMETALL PHILIPPINES CO. LTD.INC.'S** finished product **ANDROX 8901W SPRAY** that conforms to the provision of Section 4-2(f);
3. **GRANTING OF EXEMPTION** to **CHEMETALL PHILIPPINES CO. LTD., INC.** shall be still be subject to the following conditions:
 - (1) The CHEMETALL PHILIPPINES CO. LTD. 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 finished products from their importation to distribution to end-users;
 - (3) The DDB-PDEA Monitoring Team shall have free access CHEMETALL PHILIPPINES CO. LTD. INC. premises where the finished product are kept and/or used;
 - (4) The CHEMETALL PHILIPPINES CO. LTD., INC. shall assume full responsibility for any misuse of the imported finished product, 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 certificate of exemption at anytime and would be dealt with severely.

APPROVED and ADOPTED this 14th day of June, in the year of Our Lord, 2012 in Quezon City.

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

Attested:

(Sgd) **Undersecretary JORGE G. NECESITO**
Secretary of the Board