



OFFICE OF THE SECRETARY

October 24, 2011

MEMORANDUM CIRCULAR
NO. 2011-157

Re : **INTERPRETATION OF SECTION 10.5.3.5
PARAGRAPH F OF THE IMPLEMENTING RULES AND
REGULATIONS OF R.A. No. 9514, OTHERWISE
KNOWN AS THE "AMENDED FIRE CODE OF 2008",
PENDING ITS AMENDMENT**

Date: OCT 19, 2011

In the absence of a law which categorically prohibits the importation, manufacture and/or use of the controlled substances or ODS enumerated under the *Montreal Protocol*, it is recommended that Section 10.5.3.5 (F) of the IRR of R.A. No. 9514 be amended as follows:

"F. Fire extinguishers containing Ozone Depleting Substances (ODS) subject to the phase out schedule under the *Montreal Protocol on Substances that Deplete the Ozone Layer*, unless otherwise accelerated by the Department of Environment and Natural Resources (DENR);"

The Bureau of Fire Protection (BFP), however, should consolidate all the provisions of the IRR of R.A. No. 9514 proposed to be amended to prevent it from resorting to a piecemeal amendment thereof.

Pending the consolidation of the proposed amendments to the IRR, it should be understood that the prohibitions on the manufacture or sale of fire extinguishers containing ODS under Section 10.5.3.5 paragraph F shall be subject to the phase out schedule as provided under DENR DAO No. 2004-08 or other issuances of the DENR relative thereto unless otherwise accelerated by the latter.

In this connection, please note that under the DENR's 22 December 2006 Announcement to the Public, the ODS HCFC 123 is included in the list of acceptable transitional chemicals/substances that may be used to substitute halon-containing fire extinguishers, suppressors and fire fighting paraphernalia until its phase out in 2040, unless otherwise accelerated by the DENR.

The BFP Technical Committee on ODS is hereby directed to coordinate with the DENR-Philippine Ozone Desk (POD) in tracking other ODS which are currently being used as a fire extinguishing agent to determine its applicable phase out schedule for the proper regulation thereof.

This circular shall take effect **IMMEDIATELY**.


JESSE M. ROBREDO
Secretary

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