



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD RESOLUTION NO. 106
Series of 2012

SUBJECT: GRANTING EXEMPTION FROM SPECIFIC MEASURES OF REGULATORY CONTROL REQUIREMENTS TO CERTAIN FINISHED PRODUCTS OF NIPPON PAINT PHILIPPINES

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, NIPPON PAINT PHILIPPINES, with address at Halogram St. Light Industry and Science park of the Philippines, Cabuyao, Laguna, Philippines is a legitimate importer of chemicals used for the manufacture and sale of automotive parts and was established on February 15, 1976. The main business of the company is importation of paints related products, marketing of paints and other technical line support for paints. It is duly registered with PEZA and handler of PDEA License No. **P5IM-01849001-R024/P5C-01849001-R023 dated 07 September 2011 and valid until 18 September 2012** as Importer/ End-user/ Compounder/ Manufacturer of controlled chemicals;

WHEREAS, NIPPON PAINT PHILIPPINES is seeking exemption from regulatory measures to the following imported finished products that contain controlled chemicals, to wit:

1. R-301 NH-731P (PH) – 8.7% Toluene
2. R-301 YR-574M (PH) – 6.9% Toluene
3. R-301 B-538M (PH) – 7.5% Toluene
4. R-301 YR-557P (PH) – 5.2% Toluene
5. R-301 NH-585P (C/B) PH – 23.3% Toluene; 3.9% MEK
6. R-301 NH-585P (M/B) PH – 32.9% Toluene
7. ACRYDIC NP-591P- 45TC – 45%Toluene
8. ACR-937 – 20% Toluene
9. DIANAL LR-9532 – 5-10% Toluene
10. ACRYDIC NP-261P-37TC – 37.4% Toluene
11. R-1777 RESIN – 10-15% Toluene
12. HITALOID 1301 – 65% Toluene
13. ACR 422-50TW – 40-50% Toluene
14. DIANAL HR-2038 – 30-40% Toluene
15. SWANCEL HM-SERIES (1/2, 1/4, 1/8, 1/16sec, & SL type) – 26-16% Toluene
16. DISPARLON KS-281 – 20% Toluene
17. DIANAL LR-9548 – 15-20% Toluene; 9-19% MEK
18. TAKENATE D-103 – 0.5% Toluene
19. PBC-160(KAI) 509 RED – 7.2% Toluene
20. PBC-160(T) 304 Blue – 21.2% Toluene

21. PBC-160(T) 305 Blue – 6.0% Toluene
22. PBC- 212 309 Blue – 4.8% Toluene
23. DIANAL HR-2079 - 20-25% Toluene
24. R-288 Clear – 3.7% Toluene
25. DIANAL LR 2590 – 38% Toluene
26. PBC-212 516 RED - 4.8 %Toluene
27. PBC-212 501 RED - 4.8% Toluene
28. PBC-212 802 BROWN - 4.8% Toluene
29. PBC-160 (KAI) 203 BLACK - 8.7% Toluene
30. PBC-212 218 BLACK - 9.3% Toluene
31. 20% CAB 531-1 (TNC) - 10% MEK
32. PBC-212 11 WHITE - 5.4% Toluene
33. PBC-212 204 BLACK - 8.2% Toluene
34. R-160 HS BK32 - 12.9% Toluene
35. R-261 CLEAR -5 -10% Toluene
36. R-288 CLEAR - 3.7% Toluene
37. PBC-212 306 BLUE - 4.8% Toluene
38. R-160HS IRM (PF) - 4.7% Toluene
39. R-160HS TRM (PF) - 8.4% Toluene
40. R-160HS CLM (PF) - 7.2% Toluene
41. R-160HS VIM (PF) - 7.3% Toluene
42. R-160HS TNM (PF) - 8.1% Toluene
43. R-160HS ONM (PF) - 10.4% Toluene
44. R-160HS DMS (PF) - 3.5% Toluene; 2.6% MEK
45. R-160HS MDM (PF) - 7.3% Toluene
46. R-160HS TSM (PF) - 9.6% Toluene
47. R-160HS PBM (PF) - 7.6% Toluene
48. AR 29-39TC - 29-39% Toluene; 9-19% Methyl Ethyl Ketone
49. OP-50F# WHITE -1 - 5% Toluene
50. OP-50# BLACK – 1 - 5% Toluene
51. SPM-300# DMS – 40 - 45% Toluene
52. SPM-300# PBM – 40 - 45% Toluene
53. SPM-300# MDM – 40 - 45% Toluene
54. SPM-300# TSM – 40 - 45% Toluene
55. OP-50F# WHITE -1 - 5% Toluene
56. OP-50# BLACK – 1 - 5% Toluene
57. Acrylic Paint PBC-212 (T) 535 Red – 4.8% Toluene
58. Acrylic Paint PBC-212 Disparlon Paste –3. 6% Toluene
59. Acrylic Paint PBC-212 L-2800 Paste – 5.2% Toluene
60. Acrylic Paint TAR-200 Acrylic Resin – 12.0% Toluene
61. Acrylic Paint PBC-212(T) 101 White TTC – 2.5% Toluene; 4% MEK
62. Acrylic Paint PBC-212 709 Yellow – 4.8% Toluene
63. Acrylic Paint PBC-212 716 Yellow – 4.8% Toluene
64. Acrylic Paint RB-116 White Paste -12% Toluene; 3.5% MEK
65. Acrylic Paint Resin 2005M – 28.9% Toluene
66. Acrylic Paint R-160HS BB53 – 10.7% Toluene
67. Acrylic Paint R-160HS BKYO – 16.9% Toluene
68. Acrylic Paint R-160HS BK55 –11.6% Toluene
69. Acrylic Paint R-160HS BG41 – 10.6% Toluene
70. Acrylic Paint RB-116 Grey Paste – 12% Toluene; 3.5% MEK
71. Acrylic Paint R-160HS BB20 –20-25% Toluene
72. Acrylic Paint R-160HS BQM1 – 11.4% Toluene; 1.7% MEK
73. Acrylic Paint RB-116 Clear Base – 14.7% Toluene; 4.8% MEK
74. Acrylic Paint PBC-160(T) 919 Violet – 24.5% Toluene
75. Acrylic Paint PBC-212 919 Violet – 4.6% Toluene
76. Acrylic Paint PBC-241(T) 919 Violet – 26.6% Toluene
77. Acrylic Paint PBC-212 701 Yellow – 4.8% Toluene

78. Acrylic Paint R-301 NH-578 Taffeta White – 3% Toluene
79. R-160 HS BB53 – 10.7% Toluene
80. R-160 HS BKYO – 16.9% Toluene
81. R-160 HS- BK55 – 11% Toluene
82. R-160 HS BG41 – 10.6% Toluene
83. PBC-160 204 Black – 19.9% Toluene
84. R-160 HS BK21 – 9.4% Toluene
85. R-160 HS BB20 – 20-25% Toluene
86. R-160 HS BQM1 – 11.3% Toluene; 1.8% MEK
87. PBC-212 (T) 535 Red (NEW) – 4.8% Toluene
88. R-301 TR-578M – 35.8% Toluene
89. ACR-937 – 20% Toluene
90. DIANAL LR-9532 – 5-10% Toluene
91. DISPARLON KS-281 – 23% Toluene
92. Hardener – 30% Toluene
93. HIGH FLAT TR-7 – 30% Toluene
94. 0 CP-101-2- GREY NO – 5-10% Toluene
95. PBC-212-501 RED – 4.8% Toluene
96. PBC-212(T) 218 9 - 3% Toluene
97. PBC-212L 2800 PASTE – 5.2% Toluene
98. PBC-212(T) 535 RED – 4.8% Toluene
99. R-160HS BK23 (PN) – 11.5% Toluene
100. R 160HS BKAC (PN) – 11.4% Toluene
101. R -185 LG PRIMER – 27.8% Toluene; 4.9% MEK
102. R-160HS BK23 (PN) – 11.5% Toluene
103. TIB-630L CLEAR BASE – 9.1% Toluene
104. R-160HS BKAC (PN) – 11.4% Toluene
105. R-261 CLEAR (NISSAN) 7% Toluene
106. R-288 CLEAR – 3.7% Toluene
107. RB-116 GREY PASTE – 12% Toluene; 3.5% MEK
108. SWANCEL HC SERIES (1/2, 1/4, 1/8, 1/16, SL) – 5-10% Toluene
109. TIB-6301 CLEAR BASE – 9.1% Toluene

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, the Technical Working Group deliberated and recommended to the Board, issuance of appropriate Board Resolution to **NIPPON PAINT PHILIPPINES** request for exemption from specific measures of regulatory control requirements to the **products containing controlled chemicals below the 30% threshold** and as such, subject certification shall be **valid for one (1) year unless revoked**;

WHEREAS, Section 4(2-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 Board is satisfied that the mixture is formulated in such a way that the controlled chemical or chemicals cannot be easily extracted or recovered for the illicit manufacture of dangerous drugs and that the controlled chemical or chemicals contained in the mixture cannot be readily recovered or extracted;

WHEREAS, the DDB Technical Working Group (TWG) opined **that products containing controlled chemicals above the 30% threshold** can be given exemption, due to having satisfied the conditions as provided for in Section 4-2(f);

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** and as it is **HEREBY RESOLVED**, to:

1. **To GRANT EXEMPTION** from specific measures of regulatory control requirements to **NIPPON PAINT PHILIPPINES'** above-mentioned finished products that contain controlled chemicals below and above the 30% by weight of the Table II chemical;
2. **That the above cited exemptions shall still be subject to the following conditions:**
 - a. **NIPPON PAINT PHILIPPINES** shall secure a license from PDEA and comply with the reporting requirements as provided for in Board Regulation No.3, s. 2003.
 - b. The Board shall strictly monitor subject finished products from their importation to distribution to end-users;
 - c. The NIPPON PAINT PHILIPPINES shall provide free access to the DDB-PDEA Monitoring Team to gain entry to their premises where the finished products are kept and /or used;
 - d. The NIPPON PAINT PHILIPPINES shall assume full responsibility for any misuse of the imported finished products, caused either by its own negligence or by negligence of all persons acting under their name or control and supervision; and
 - e. Any violation of the provisions of B.R. No.3, S. 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 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