ADMINISTRATIVE ORDER
No. _____________________

Subject: Rules and Regulations Governing the Licensing of Urban Pest Operators, Certification of Urban Pest Applicators and Training of Technicians and Workers, and For Other Purposes

I. BACKGROUND AND RATIONALE

The success of any vermin or vector abatement program to control dengue mosquitoes, grain pests, termites infesting dwelling places or rodent control in institutions, depends on the use of safe and effective H/UPs, including fumigants, as well as the competence of trained service providers or operators as well as the direct applicators, handlers, technicians and workers. Public health programs geared towards control of vector-borne diseases are faced with limited arsenal of cost-effective pesticides that are low in toxicity, safe for the general use of consumers and the environment. Resistance of major vectors to H/UPs is largely due to misuse and overuse by unscrupulous operators and applicators. There should be judicious, selective and targeted use of available compounds in order to increase their effective life span.

The health and safety of the household members as well as the public who frequent establishment, institutions and public places, like malls, movie houses, hotels and motels, food establishments, government and private offices, should be protected not only from vectors of infectious diseases or vermins, like mice and rats, but also from harm caused by fumes and residues of pesticides. Pesticides are often fumigated for economic and environmental reasons. Thus, the importance of licensed service providers managed and manned by professionals, competent and trained operators, applicators technicians and other workers. Planning, handling and application on the use and post-application of H/UPs with Yellow, Blue or Red color bands should never be left to the discretion of the consumers. These activities should be done by FDA-licensed Urban Pest Control Operators and FDA-certified Urban Pesticide Applicators.

On September 22, 1997, the Implementing Rules and Regulation of Chapter XVI of Presidential Decree No. 856, otherwise known as the National Sanitation Code of the Philippine, was issued by DOH Secretary of Health, then Dr. Carmencita Reodica. Urban Pest Control Operators, referring to the establishments or entities engaged in the application of pesticides or any other methods or services for urban pest control or implementation of a
vermin abatement program, and Urban Pesticide Applicator, referring to any individual who uses or supervises the use of pesticides or any other methods or services for urban pest control or implementation of a vermin abatement program, was covered in the IRR.

The first issuance of Household Hazardous Substances (HHS) was through Presidential Decree No. 881, dated 30th January 1976, empowering the Secretary of Health to regulate the labeling, sale and distribution of Hazardous Substances. Pursuant to that, the Secretary of Health issued Administrative Order No. 303 s. 1976 to provide guidelines on the registration of HHS substances and licensing of establishments engaged in the sale and manufacture of HHS under the Food and Drug Administration (FDA).

On the 17th January 1977, the Secretary of Health issued Administrative Order No. 312, which classified or listed fertilizers, pesticides, insecticides and other economic poisons, room fresheners and deodorizers as HHS under Category V.

Presidential Decree (PD) No. 1144, dated May 30, 1977, was issued creating the Fertilizer and Pesticide Authority (FPA) and abolished the Fertilizer Industry Authority. The PD mandated the FPA to have jurisdiction over all existing handlers of pesticides, fertilizers and other agricultural chemical inputs.

On June 15, 1979, the Ministry of Health issued Administrative Order No. 39 s. 1979 which delisted fertilizer, insecticides and other pesticides under Category V and transferred the regulatory jurisdiction over from FDA to FPA.

With final decision of the Supreme Court in the FPA vs. Manila Pest Control Co. (MAPECON) and Woodrow, G.R. No. 161594, dated February 8, 2007, which ruled that the FPA did not have jurisdiction or regulatory power over the acts and business operations of Manila Pest Control Company (MAPECON) and declaring that only agricultural pesticides and not urban pest control products fall under the jurisdiction of the FPA. Urban pest control or pesticide use in households, offices, hotels and other commercial establishments has nothing to do with agriculture.

As a necessary consequence of the Supreme Court decision holding that the FPA has jurisdiction only over agricultural pesticides and not to pesticides used in household, business establishments, and offices in urban areas, registration of such products, as well as, licensing of entities engaged in the manufacture or importation/distribution of the products or raw materials shall now be referred to the Department of Health, through the Bureau of Food and Drugs (now the FDA), which is vested by law with the power to regulate household hazardous substances, considering that the above pesticides are inherently hazardous to health. Furthermore, the advisory imposed transition for import permits; initial registration and renewal of existing certificates of product registration covering household/urban pesticide products, as well as, licenses to operate of entities manufacturing or
importing/exporting/distributing such products and raw materials from FPA to FDA so as not to impede the supply of household pesticides in the market.

Consistent with the provisions of Republic Act No. 9711, otherwise known as the FDA Act of 2009, and Presidential Decree No. 856, otherwise known as the National Sanitation Code of the Philippines, and their Implementing Rules and Regulations, this Administrative Order is being issued to govern the licensing of Urban Pest Control Operators, certification of Urban Pesticide Applicators and training of all urban pesticide technicians and workers, to protect the health and safety of the public and the operators, applicators and technicians or workers when engaging in vermin or vector abatement program or pest control services and activities in household or urban settings, or public establishments.

II. OBJECTIVES

The objective of this Administrative Order is to provide guidelines, rules and regulations on the following:

a) Licensing of Urban Pest Control Operators,

b) Certification of Urban Pesticide Applicators, and

c) Training of Urban Pesticide Technicians and Workers.

III. SCOPE AND COVERAGE

This Administrative Order shall cover the following:

a) government and private establishments engaged in the business or service as Urban Pest Control Operators,

b) private and government-employed individuals who are employed or who wish to work as employee of FDA-licensed Urban Pest Control Operators as FDA-Certified Urban Pesticide Applicators,

c) individuals who are
   i. employed or who wish to work as employee of FDA-licensed Urban Pest Control Operators under the direct and personal supervision of a FDA-Certified Urban Pesticide Applicator, or
   ii. employed or who wish to work as employee of FDA-licensed Retailers of Urban pesticides in Yellow, Blue or Red color bands as urban pesticide
technician and workers, including as driver transporting urban pesticides.

IV. DEFINITION OF TERMS

The following terms are defined for clarity:

1. Certificate of Product Registration (CPR) means Certificate issued by FDA for the purpose of marketing and distribution of a product after evaluation of its safety, efficacy and quality.

2. Certified Urban Pesticide Applicators refers to one who has attended the lecture training course and passed the practical examination administered by the FDA.

3. Household/Urban Pesticide refers to (1) any material or mixture of substances used for the control of pests (e.g. flies, mosquitoes, cockroaches, ants, rodents) found in places of human habitation, work and recreation. They shall include pesticides used for the control of pest in homes, yards, and gardens but shall exclude chemicals used in commercial agricultural production, golf courses, maintenance, pest extermination in industrial products and related uses; (2) products that are intended for use in domestic or commercial establishments for the control of flying, crawling and structural insect pests (e.g. termitecides, rodenticides and wood preservative). It also refers to any substance or product, or mixture thereof, including active ingredients, adjuvants and pesticide formulations, intended to control, prevent, destroy, repel or mitigate directly or indirectly, household/urban pest. It shall be understood to include insecticide, fungicide, bactericide, nematicide, herbicide, molluscsicide, avicide, rodenticide, desiccant and the like not intended for agricultural use.

4. Licensing means the process of approval of an application to operate or establish an establishment prior to engaging in the manufacture, importation, exportation, sale, offer for sale, distribution, transfer, and where applicable the use, testing, promotion, advertisement, and/or sponsorship of household/urban pesticide.

5. Manufacturer means an establishment engaged in any and all operations involved in the production of household/urban pesticides including preparation, processing, compounding, formulating, filling, packing, repacking, altering, ornamenting, finishing and labeling with the end in view of its storage, sale or distribution.

6. Distributor means any establishment that imports, exports or locally procures raw materials, active ingredients and/or finished products for wholesale distribution to
other establishments or outlets. If the distributor/importer/exporter sells to the general public, it shall also be considered as a retailer.

7. Retailer is a FDA-licensed establishment who sells or offer for sale or use H/U Ps with Yellow, Blue or Red color bands to Urban Pest Control Operators, but not sell, offer for sale or use directly to the public, consumers and non-consumers.

8. Non-Consumer Users refer to users of household/urban pesticide who are members of a certain class of profession or workers such as but not limited to fumigators, applicators where the use of such household/urban pesticide may have an effect on health that requires regulations as determined by the FDA.

9. Urban Pest Control Operator means a professional, often private operator, who carries out control of nuisance pests and other pests of public health importance at the request of a client, for example in and around the houses, offices, warehouse, stockroom, storage and hospitals.

10. Pesticide is any substance or product, or mixture intended to control, prevent, destroy, repel or mitigate, directly or indirectly any pest.

11. Place include land, building, residence, pier, watercraft, aircraft or any means of conveyance.

12. Public Places include parks, plazas, picnic grounds, camps, roads, cemeteries and memorial parks, terminals, rest areas, and other open fields and enclosed areas of public assembly.

13. Public Places Establishments include hotels, motels, dormitories, lodging and boarding houses, tenement houses, apartelles, condominium, hospitals, libraries, museum, offices, malls, markets, supermarkets, movie houses and other similar institutions.

14. Technicians and workers are FDA-trained individuals awarded the FDA Certificate of Completion. Completion of the training entitles the individuals to be employed by Urban Pest Control Operators and to handle, apply, store, transport, or dispose H/UPs, among other things, under the personal and direct supervision of an Urban Pesticide Applicator.

15. Urban Pesticide Applicator is an individual who has completed the FDA process of training, examination and certification and granted the FDA Identification (ID) card, which entitles him/her as employee of a FDA-licensed Urban Pest Control Operator.
to personally and directly supervises the use of H/UPs or any other methods or services for urban pest control or implementation of a vermin abatement program.

16. Vector is any organism which transmits infection by inoculation into the skin or mucous membrane by biting; or by deposit of infective materials on the skin or food or other objects; or by biological reproduction within the organism.

17. Vermin is a group of insects or small animals such as flies, mosquitoes, cockroaches, fleas, lice, bedbugs, mice, rats and others which are vectors of diseases.

18. Authorization is a permission embodied in a document granted by the FDA to a natural or juridical person who has submitted an application to implement the manufacture, importation, exportation, sale, offer for sale, distribution, transfer, and/or where appropriate, the use, testing, promotion, advertising, or sponsorship of health products. The authorization can take the form of a permit, a license, a certificate of registration, of accreditation, of compliance, or of exemption, or any similar document. (From IRR definition letter d.)

19. 'Household/urban hazardous substance' is:

"(1) Any substance or mixture of substances intended for individual or limited purposes and which is toxic, corrosive, an irritant, a strong sensitizer, is flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable ingestion by children, but shall not include agricultural fertilizer, pesticide, and insecticide, and other economic poisons, radioactive substance, or substances intended for use as fuels, coolants, refrigerants and the like;

V. GENERAL POLICIES AND STANDARDS

Consistent with the RA No. 9711, otherwise known as the FDA Act of 2009, and PD 856, otherwise known as the Sanitation Code of the Philippines, and their respective Implementing Rules and Regulations, the following general policies and standards shall be implemented:

1. The household/urban pesticides and pest control establishments without the appropriate authorization from the FDA is prohibited.
2. The applicants which have branches in the regions or provinces shall apply for a LTO per branch.

3. Any establishment applying for a license as a Urban Pest Control Operator shall be required to demonstrate its capacity to perform adequately as such in a manner that satisfactorily assures the safety of the applicator and the public. It shall be required to conform to the relevant health and safety as well as occupation health standards and requirements, in addition to the requirements of this Administrative Order.

4. No person shall manufacture or distribute, sell, offer for sale or use, advertise, or transfer any H/Up containing ingredients which are included in any banned pesticide ingredients or products.

5. The manufacture, importation, exportation, sale, offering for sale, distribution, transfer, non-consumer use, promotion, advertising, or sponsorship of any health product without the proper authorization from the FDA is prohibited.

6. All manufacturers, processors, traders, sellers, distributors, importers, exporters, wholesalers, retailers, or non-consumer users, and consumers are required to report to the FDA any incident that reasonably indicates that a product has caused or contributed to the death, serious illness or serious injury to a consumer, a patient, or any person.

7. Establishments and individuals that are engaged in commercial application of pesticides for purposes of urban pest control shall be licensed.

8. Establishments and individuals that are engaged in the commercial application of pesticides for purposes of urban pest control shall be required to hire an accredited Urban Pest Control Applicator in every main office or branch as a requisite for the issuance of Sanitary Permit for their main office and branch offices.

9. No urban pest control operator shall engage in urban pest control activities without a Sanitary Permit issued by the local health officer.

10. All urban pest control operators engaged in urban pest control activities shall employ an Accredited Pest Control Applicators as a requirement for the issuance of sanitary permit.

11. The application or renewal of sanitary permit shall be filed with the city/municipal health office having jurisdiction over the establishment.
12. All Urban Pest Control Operators shall employ FDA-Certified Urban Pesticide Applicators, to have direct and personal supervision over the technicians and workers. He shall be present at all times during the application of pesticides by the service technicians or workers.

13. All FDA-Certified Urban Pesticide Applicators shall clip their Health Certificate in the upper left front portion of the uniform and bear the picture of the employee while working.

14. All private establishments and government agencies with in-house capability should be licensed as Urban Pest Operator as well as their Certified Urban Pesticide Applicators as required.

15. All urban pesticide technicians and workers, including the drivers involved in the transport, shall complete the training given by the FDA before employment or before they are allowed to apply urban pesticides.

16. Only household/urban pesticides, including fumigants, that are registered with the FDA shall be distributed, supplied or sold or offered for sale or use by Urban Pest Control Operators.

17. No urban pesticides shall be sold directly by FDA-licensed manufacturers, distributors, operators or retailers to Certified Urban Pesticide Applicators.

18. All household, public and consumers or establishments in urban areas shall employ the service of the Urban Pest Operators, and not Certified Urban Pest Applicators or technicians, when the products to be applied are labelled with Yellow, Blue or Red color bands.

VI. LICENSING OF URBAN PEST CONTROL OPERATORS

A. Requirements

The following are the requirements to be submitted when applying for a License to Operate as Urban Pest Control Operators

1. Duly Notarized Accomplished Petition Form (pro forma/template)
2. Copy of QPIRA ID or Certificate; or Certification/Authorization Letter from the company; or a Certificate of attendance to CCRR seminar on licensing
3. Clearance from DENR, as appropriate
4. Proof of Business Registration

   i. If Single Proprietorship, Valid Certificate of Business Name Registration with
      the Department of Trade and Industry,
   ii. If a Corporation or Partnership, Valid Registration with SEC and Articles of
       Incorporation and other pertinent documents, or
   iii. If a Cooperative, Certificate of Cooperative Development Authority (CDA)

   *If the Business Name is different from the Corporate Name, SEC
    Certificate must reflect "Doing business under the name and style of
    (Name of Establishment)"

   **Valid Mayor's Business Permit OR Barangay Business Permit, if the
    business name and address is different from the registered name and
    address in the DTI or Security and Exchange Commission or SEC)

5. Proof of Occupancy of Office and Warehouse. Submit any of the following, as
   applicable:

   i. Notarized Valid Contract of Lease/Sublease
   ii. Transfer Certificate of Title (if owned)
   iii. Notarized Certificate of Occupancy (if owned by one of the incorporators)
   iv. Duly Notarized Valid Homeowner's Association (HOA) Clearance if the
      establishment is located inside a subdivision or residential condominium
   v. Duly Notarized Valid Warehousing Agreement (Third Party Logistics)"

6. Vicinity Map and GPS Position
7. Floor Plan with Dimension in Meter
8. Picture of Office and Warehouse with Signage
9. Organization. Main office, branches; number of personnel, identifying the
   owner/president/CEO/operator and basic personnel, such as managers, applicators,
   technicians and other workers
10. Agreement with a DOH-accredited health facility that will conduct annual
    medical check-up for its certified urban pesticide applicator, technicians, workers
    and other personnel.
11. Risk Management Plan (contingency plan) and procedures for handling accidents
    and referrals to hospitals in case of accidents or casualties.
12. Safety training plan for applicators, technicians and workers
B. Inspection

The Certificate of Compliance shall be issued by the FDA Inspectorate before a License to Operate is issued. The following are the parameters for inspection:

1. Adequate quality and quantity of PPE for people in the company engaged in pesticide operation services
2. First aid kit or medical clinic, as appropriate
3. Dedicated (with lock) storage facilities for pesticides in the main and all its branches
4. Adequate water supply and washing facilities for cleaning the premises and equipment as well as enough lavatories and bathrooms for workers.
5. Dedicated spraying area for inanimate objects (tables, chairs) that are risky when sprayed right inside the houses or establishments.
6. Dedicated (with lock) disposal area for expired pesticides and used containers. As a general rule, the disposal of expired pesticides and used containers by chemical alteration, by burying/landfill, incineration and wastewater treatment system shall be the responsibility of the manufacturer or distributor.
7. Dedicated vehicle. Every vehicle or conveyance transporting pesticide materials shall carry an emergency water supply for washing off corrosive and toxic materials, facilities for washing eyes, such as foxed or portable eyewash fountains, all- purpose gas masks, goggles and protective clothing for protection. The driver and other workers shall have FDA Certificate of Completion of training as well.
8. Record of annual medical check-up for its urban pest control applicator, technicians, workers and other personnel.
9. First aid and pesticide safety training at the beginning of employment followed by training program at regular intervals.
10. Advanced (contingency) plans and procedures for handling or referral of accidents and casualties.
11. Check records and company policies or project that ensure that no poison baits were be exposed in food processing, food manufacturing, food establishment, food storage and other places selling and serving or storing food like hospitals, hotels, eateries, etc. Spraying with chemicals or pesticides shall be done only on approved and defined sprayable surface or areas.
12. Check records to ensure that the UP applicators employed by the operator provide direct and personal technical supervision over technician and workers during pest control operation.
13. Check and ensure that pesticides are not flushed down to sanitary sewer system.
14. Check and ensure that every container of pesticide shall be appropriately, permanently and legibly labelled at all times and any transfer from original
containers to another shall be prohibited. In cases where it is not possible, it shall be transferred to small container, provided proper precautions and labelling are observed.

15. Check/ensure the number and quality of personnel to undertake simultaneous operations or projects/services that require direct and personal supervision by a FDA-certified urban pesticide applicator over pesticide technicians and workers.

VII. TRAINING OF TECHNICIANS/WORKERS AND CERTIFICATION OF URBAN PESTICIDE APPLICATORS

A. Qualifications

1. The applicant as Urban Pesticide Applicator shall have the following qualification:

   a. Completed 2 years in college as certified by the school attended and transcript of record
   b. Physically, psychologically and medically fitness as pesticide applicator as certified by a government doctor employed in DOH-accredited government health facility

   If a government employee, a valid employment certificate and latest Service Record shall be submitted in lieu of a and b requirement.

2. The applicant as Urban Pesticide Technician/Workers

   The applicant as urban pesticide technician or worker shall have the following qualification:

   a. At least high school graduate as certified by the school attended and transcript of record
   b. Physically, psychologically and medically fitness as pesticide technician or worker as certified by a government doctor employed in DOH-accredited government health facility

   If a government employee, a valid employment certificate and latest Service Record shall be submitted in lieu of a and b requirements.

B. Application for Training
Application to the FDA Training for Urban Pesticide Applicators and technicians/workers shall be by on-line using the FDA Academy platform.

The following shall sent on-line to the FDA Academy of the Policy and Planning Office,

1. Application form with picture (on-line)
2. Diploma, certificate or transcript of record showing the highest educational attainment
3. Medical Certificate on physical, mental and psychological fitness to apply urban pesticides
4. If already employed by an Urban Pest Control Operator, the certificate of employment.

If a government employee, a valid employment certificate and latest Service Record shall be submitted in lieu of 1, 2 and 3 requirements.

C. Schedule of Training

The applicant shall receive confirmation of acceptance to the scheduled training. The applicant shall print the confirmation slip and bring it to the venue of the schedule date and time of the training. The applicant shall bring with him a valid ID.

D. Conduct and Completion of Lecture Training

A 2-day lecture training module shall be prepared by the FDA Academy consisting of a lecture and practical training. A training kit shall be given out to the trainees.

Attendance shall be recorded during the entire duration of the lecture training.

A pre-test and post-test shall be given to the trainees to guide the organizers in evaluating the applicant.

Upon completion of the lecture module, a Certificate of Completion of the lecture training shall be awarded to all applicants. Applicants in possession of the Certificate of Completion shall entitle him/her to be employed as urban pesticide technician/worker or to perform activities as urban pesticide technician/worker working in retailers of Yellow, Blue or Red color banded products.
E. Conduct of Practical Training, Examination and Issuance of Identification (ID) Card to Urban Pesticide Applicators

Only those applicants who a) possess the necessary qualifications, b) were awarded a Certificate of Completion after undergoing the lecture training and c) who passed the post-test examination given after the lecture training shall proceed with the 2-day practical training.

The FDA Academy shall prepare a 2-day practical training module. A practical examination shall be given to all applicants who completed the practical training on the last day.

Only those that have passed the practical examination shall be awarded the FDA Identification Card (ID) as Urban Pesticide Applicator.

VIII. FEES AND CHARGES

The FDA shall charge a lecture training fee of Php 1,000 per day, inclusive of training materials, venue, food, and the Certificate of Completion.

The FDA shall charge a practical training fee of Php 3,000 per day, inclusive of training materials, venue, food, and the Identification Card.

VII. SEPARABILITY CLAUSE

If any part or term of provision of this order shall be declare invalid or unenforceable the validity or enforceability of the remaining portions or provisions shall not be affected and this order shall be construed as if it did not contain the particular invalid or enforceable part, term or provision.

VIII. REPEALING CLAUSE

All other administrative issuances, bureau circulars and memoranda and other regulations inconsistent with this Order are hereby withdrawn, repealed and/or revoked accordingly.

IX. EFFECTIVITY CLAUSE
This Administrative Order shall take effect in fifteen (15) days after publication in 2 newspapers of general circulation.

ENRIQUE T. ONA, MD
Secretary of Health

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