

DEPARTMENT ADMINISTRATIVE ORDER NO. 22-08
Series of 2022

SUBJECT: THE NEW TECHNICAL REGULATIONS CONCERNING THE MANDATORY PRODUCT CERTIFICATION OF FIREWORKS WITH GENERAL CATEGORIES 1, 2, and 3

WHEREAS, the Department of Trade and Industry (DTI) is the primary coordinative, promotive, facilitative, and regulatory arm of government in the area of trade, industry, and investments;

WHEREAS, the Bureau of Philippine Standards [formerly known as Bureau of Product Standards] is mandated to establish standards for all products of the Philippines and to ensure the manufacture, production, and distribution of quality products for the protection of the consumer;

WHEREAS, the same BPS mandate is reiterated in R.A. 7394 or the “Consumer Act of the Philippines” wherein it states that, “it shall be the duty of the State to develop and provide safety and quality standards for consumer products, including performance or use-oriented standards, codes of practice and methods of tests; to assist the consumer in evaluating the quality, including safety, performance and comparative utility of consumer products; to protect the public against unreasonable risks of injury associated with consumer products; to undertake research on quality improvement of products and investigation into causes and prevention of product related deaths, illness and injuries; and to assure the public of the consistency of standardized products”;

WHEREAS, R.A. 7183 or *An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices* has the purpose of regulating and controlling the manufacture, sales, distribution and use of firecrackers and other pyrotechnic devices consistent with, and in furtherance of, public safety, order and national security, as well as the enhancement of the cultural traditions;

WHEREAS, Section 6 of R.A. 7183 prohibits the importation of finished firecrackers and fireworks;

WHEREAS, to implement the above-cited laws and by virtue of the rule-making power of the DTI Secretary under Executive Order (E.O.) 292 or the Administrative Code of 1987, Department Administrative Order (DAO) No. 4, the Rules and Regulations Concerning the Philippine Standard (PS) Quality and/or Safety Certification Mark Scheme of the BPS were issued in 2008;

WHEREAS, Philippine National Standard (PNS) 1220-2, Fireworks – Part 2: Specification, was previously declared mandatory by DTI in 2008 by virtue of DAO No. 13:2008;

WHEREAS, Memorandum Circular No. 03 Series of 2009 previously issued by BPS indicated the timetable for the implementation of PNS 1220-2:1994 – Fireworks Part 2 – Specifications relative to mandatory certification and market monitoring/enforcement;

WHEREAS, under Section 9, Article XVI of the 1987 Constitution provides that “the State shall protect consumers from trade malpractices and from substandard or hazardous products.” Thus, the continuous updating of all existing standards and policies and procedures regarding the implementation thereof is necessary;

THE NEW TECHNICAL REGULATIONS CONCERNING THE MANDATORY PRODUCT
CERTIFICATION OF FIREWORKS WITH GENERAL CATEGORIES 1, 2 AND 3

NOW, THEREFORE, pursuant to Section 9, Article XVI of the 1987 Philippine Constitution, R.A. 7183, R.A. 4109; R.A. 7394; E.O. 101, Series of 1967; E.O. 913, Series of 1983; and E.O. 292, Series of 1987, Section 10(4), Chapter 3, Title X, Book IV, the following technical regulations governing the BPS Mandatory Product Certification Scheme for fireworks are hereby prescribed and promulgated for the compliance, information, and guidance of all concerned.

Rule 1. OBJECTIVE

This DAO aims to strictly ensure that fireworks manufactured, distributed, or sold in the Philippines meet the specified quality requirements prescribed by this Technical Regulation.

Rule 2. SCOPE

This DAO prescribes the technical regulation for the Mandatory PS Licensing for locally manufactured fireworks under Categories 1, 2, and 3, as specified in Annex A.

This DAO does not cover the following:

1. Category 4 / Class 4 fireworks (defined in PNS 1220-1:2019);
2. All types of prohibited fireworks set forth by R.A. 7183, its implementing rules and regulations, and other valid issuances by the Department of the Interior and Local Government (DILG) and/or the Philippine National Police (PNP); and
3. Fireworks containing pyrotechnic composition that are not allowed as per Clause 5 of PNS 1220-2:2019 and its future amendments.

Rule 3. DEFINITION OF TERMS

For purposes of this Order, the following definitions shall apply:

- 3.1 **Audit** – a systematic, independent and documented process for obtaining audit evidence, and evaluating it objectively to determine the extent to which the audit criteria are fulfilled.¹
- 3.2 **Audit criteria** – set of policies, procedures, or requirements used as a reference against which audit evidence is compared.²
- 3.3 **Attestation** – issuance of a statement of conformity based on a decision following review of an audit report, that fulfillment of specified requirements has been demonstrated.³
- 3.4 **Accredited Conformity Assessment Body (CAB)** – inspection body, testing laboratory or certification body accredited under PNS ISO/IEC 17020, PNS ISO/IEC 17021, PNS ISO/IEC 17025 or PNS ISO/IEC 17065, respectively, in its relevant updated version/edition by the Philippine Accreditation Bureau (PAB) or by an accreditation body that is signatory to regional/international agreements entered into by the Government of the Republic of the Philippines through DTI [(i.e. Asia-Pacific Accreditation Cooperation Incorporated (APAC), International Laboratory Accreditation Cooperation (ILAC), International Accreditation Forum (IAF)].

¹ ISO 19011

² Ibid.

³ ISO/IEC 17000

- 3.5 **Basic Model/Type** – One that represents a set of generic characteristics of a group of fireworks. These characteristics shall be expressed in terms of type/model name or number.
- 3.6 **Black powder** – intimate mixture of charcoal and sodium nitrate or potassium nitrate with or without sulfur.⁴
- 3.7 **BPS** – Bureau of Philippine Standards of the DTI.
- 3.8 **BPS Recognized Conformity Assessment Body (CAB)** – the CAB (inspection body, testing laboratory, or certification body) duly recognized by BPS to have the scope and competence to conduct activities relevant to the requirements set forth by BPS, to include but not limited to, CABs accredited by the PAB. CABs recognized by BPS under the Association of South East Asian Nations Mutual Recognition Arrangement (ASEAN MRA, Asia-Pacific Economic Cooperation (APEC) MRA and other regional and bilateral MRAs entered into by the Government of the Philippines through the DTI. BPS shall issue Recognition Certificate upon completion of all requirements for application for recognition.
- 3.9 **Category 1 / Class 1 Fireworks** – fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings.
- 3.10 **Category 2 / Class 2 Fireworks** – fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas.
- 3.11 **Category 3 / Class 3 Fireworks** – fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health.
- 3.12 **Category 4 / Class 4 Fireworks** – fireworks which present a high hazard, whose handling and use require specialist knowledge and whose noise level is not harmful to human health.
- 3.13 **Certification** – third party attestation related to products, processes, systems, or persons.⁵
- 3.14 **Certification Body** – A third party body that performs conformity assessment activities which includes but not limited to testing, calibration, inspection, certification of management system, persons, products, processes and services, provisions of proficiency testing, production of reference materials, validation and verification.
- 3.15 **Conformity Assessment Body (CAB)** – a third party inspection body, testing laboratory and certification body operating within its scope of competence.
- 3.16 **Conformity** – fulfillment of a requirement.⁶
- 3.17 **DTI** – Department of Trade and Industry.

⁴ PNS 1220-1:2019

⁵ ISO/IEC 17000

⁶ ISO/IEC 17000

- 3.18 **Determination** – include assessment activities such as testing, measuring, inspection, design appraisal, assessment of services, and auditing to provide information regarding the product requirements as input to the review and attestation functions;⁷
- 3.19 **Evaluation** – systematic examination of the extent to which a product, process or service fulfills specified requirements.⁷
- 3.20 **Firecracker** – type of firework composed of a non-metallic case containing either black powder or flash powder, which principal effect is primarily report.⁸
- 3.21 **Firework** – device containing pyrotechnic composition which, upon functioning, will burn and/or explode to produce a visual or aural effect or movement, or a combination of such effects, intended as direct form of entertainment.⁹
- 3.22 **Firework case** – container which is designed to retain pyrotechnic compositions within a firework.¹⁰
- 3.23 **First principal effect** – principal effect of a firework which is the first to occur during the functioning of the firework.¹¹
- 3.24 **Flash powder** – silvery chemical mixture usually consisting of potassium perchlorate and finely powdered aluminum.¹²
- 3.25 **Fuse** – component of a firework made with small tube or cord containing a pressed or compacted pyrotechnic composition which burns gradually to ignite a pyrotechnical composition or article.¹³
- 3.26 **Initial fuse burning** – burning which immediately follows ignition and precedes any effect.¹⁴
- 3.27 **Initial fuse** – fuse which is ignited in order to start the firework functioning.¹⁵
- 3.28 **Initial fuse burning** – burning which immediately follows ignition and precedes any effect.¹⁶
- 3.29 **International Standard** – a standard developed under the WTO principles for international standards development such as those developed by international bodies like the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU) and those developed by foreign standard bodies under these principles.
- 3.30 **Inspection** – examination of a product, process, service, or installation of their design and determination of its conformity with specific requirements, or, on the basis of

⁷ ISO/IEC 17000

⁸ Ibid.

⁹ PNS 1220-1:2019

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

professional judgment, with general requirements.¹⁷ This includes inventory and sampling.

- 3.31 **Inspection body** – a body that performs inspection.¹⁸
- 3.32 **Net explosive content (NEC)** – mass of pyrotechnic composition in the firework, excluding the pyrotechnic composition in the initial fuse or transmitting fuses, friction or ignition heads.¹⁹
- 3.33 **PNS ISO 9000** – Quality Management System – Fundamentals and Vocabulary.
- 3.34 **PNS ISO 9001** – Quality Management Systems – Requirements
- 3.35 **PNS ISO/IEC 17020** – Conformity assessment – Requirements for the operation of various bodies performing inspection.
- 3.36 **PNS ISO/IEC 17021** – Conformity assessment – Requirements for bodies providing audits and certification of management systems.
- 3.37 **PNS ISO/IEC 17025** – General requirements for the competence of testing and calibration laboratories.
- 3.38 **PNS ISO/IEC 17065** – Conformity assessment – Requirements for bodies certifying product, processes, and services.
- 3.39 **PNS ISO 19011** – Guidelines for auditing management systems.
- 3.40 **Lot No. /Batch No./Serial No./Code** – an identification number permanently marked on each packaging of fireworks. This is used to identify production batch for quality control and traceability purposes.
- 3.41 **PAB** – Philippine Accreditation Bureau of the DTI.
- 3.42 **Philippine National Standards (PNS)** – Standards promulgated by the BPS.
- 3.43 **Product Certification** – the provision of impartial third-party attestation that fulfillment of specified requirements have been demonstrated.²⁰
- 3.44 **PS License** – authority given by BPS to a local/foreign manufacturer, authorizing the use of the PS Certification Mark on its product.
- 3.45 **Review** – verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfillment of specified requirements.²¹
- 3.46 **Sampling** – a method of getting a representative sample of a product shipment or manufactured batch according to a specified procedure.

¹⁷ ISO/IEC 17020

¹⁸ ISO/IEC 17020

¹⁹ PNS 1220-1:2019

²⁰ PNS ISO/IEC 17065

²¹ PNS ISO/IEC 17065

- 3.47 **Standard** – a document approved by a recognized body, that provides, for common and repeated use, rules, guidelines, or characteristics for products, or related processes and production methods, with which **compliance is not mandatory**.
- 3.48 **Surveillance** – a systematic iteration of conformity assessment activities as a basis for maintaining the validity of the statement of conformity.²²
- 3.49 **Technical Regulation** – a document which lays down product characteristics for their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory.
- 3.50 **Test Report** – a document that presents test results and other information relevant to a test.
- 3.51 **Testing Laboratory** – a laboratory which measures, examines, or determines the characteristics of performance of material or products. It may also be a laboratory that calibrates inspection, measuring and testing equipment.
- 3.52 **Third party** – a body that is independent of the organization that provides the product/service and is not the user of the product/service (testing, inspection, and sampling).²³
- 3.53 **Trade name** – any registered name or designation identifying or distinguishing an enterprise.²⁴
- 3.54 **Verification** – confirmation of claim, through the provision of objective evidence, that specified requirements have been fulfilled.²⁵ This may include product testing.
- 3.55 **Warehouse** – secured premises built purposely for storage of products and to preserve the quality and integrity of the same.

Rule 4. THE PHILIPPINE STANDARD (PS) QUALITY CERTIFICATION MARK LICENSING SCHEME FOR LOCALLY MANUFACTURED FIREWORKS

The PS Quality Mark Licensing Scheme (PS Licensing Scheme, for brevity) shall be available only to local manufacturers selling and/or distributing fireworks covered by the scope of PNS 1220 and its future amendments in the Philippine market. The License to use the PS Certification Mark shall be granted to a company found to be compliant with the requirements. To ensure compliance of the certified products, regular surveillance activities based on existing DTI rules shall be conducted as follows, as may be applicable:

- 4.1 Local companies holding a valid PS license:
 - 4.1.1 Annual system and product audit at the factory; and
 - 4.1.2 Random product audit at the warehouse/market.

²² *PNS ISO/IEC 17000*

²³ *Ibid.*

²⁴ *PNS 1220-1:2019*

²⁵ *PNS ISO/IEC 17029*

Rule 5. DOCUMENTARY REQUIREMENTS AND PROCEDURES FOR THE PS LICENSING SCHEME

5.1 Application for PS Licensing Scheme shall be supported by the following:

- 5.1.1 Duly accomplished application form, subscribed and sworn to by the applicant, or his duly authorized management representative;
- 5.1.2 For a sole proprietorship: DTI Certificate of Business Name Registration and permit issued by the local government unit having jurisdiction over it; or

For a corporation or partnership: Latest Certificate of SEC Registration and Articles of Incorporation/Partnership and By-Laws, submitted once, unless an amendment has been made.
- 5.1.3 Latest Income Tax Return or Latest Audited Financial Statement, and certification issued by a certified public accountant on the net worth of the business (if applicable), submitted once unless an amendment has been made within the current year, or a notarized Affidavit of Declaration of Assets;
- 5.1.4 Quality Management System (QMS) Manual based on PNS ISO 9001:2015 and its future amendments, or its equivalent covering the product being applied for PS License, including the product/s' production process;
- 5.1.5 Description of the product's production/manufacturing process;
- 5.1.6 Product Identification Traceability Procedure including process flow, materials, process control, and drawings, among others;
- 5.1.7 List of testing and measuring equipment with their respective test capabilities, measuring ranges, and serial numbers at each inspection point and final product testing, together with the evidence of ownership, such as but not limited to Official Receipts;
- 5.1.8 Brief description of equipment maintenance and calibration program for all testing and measuring equipment with their corresponding calibration certificates;
- 5.1.9 Copies of labels, marking and logos etc. based on requirements of Rule 9 of this DAO;
- 5.1.10 Description of the supply distribution chain. If new business, identify the target market;
- 5.1.11 Vicinity map of the factory;
- 5.1.12 Notarized Oath of undertaking to abide by the Terms and Conditions of the License, signed by the manufacturer; and
- 5.1.13 Valid License to Manufacture Firecrackers and Pyrotechnic Devices and other relevant permits.

5.2 PS License Application Process

- 5.2.1 Processing of applications under this scheme replaces the PS Scheme under DAO 4:2008, subject to the requirements and transitory provision stated herein.
- 5.2.2 Each PS License application shall be factory, plant, or site-specific.
- 5.2.3 Conduct of Factory and Product Audit
 - 5.2.3.1 Upon submission and confirmation of the completeness and compliance of the documentary requirements, an assessment of the Quality Management System's conformity to PNS ISO 9001 and product specifications' conformity to specific applicable version of PNS shall be conducted.
 - 5.2.3.2 Audit shall be undertaken by either the BPS, DTI Regional/Provincial Office, or BPS recognized auditing bodies based on established audit procedure. Only recognized auditing bodies in the BPS official list may be designated as auditors.
 - 5.2.3.3 During the audit, samples shall be drawn for all category/maker's brand of the product to be certified for the purpose of in-plant testing in accordance with Section 7.5 of this Order.
 - 5.2.3.4 The manufacturer shall have the following minimum test equipment and environment to conduct the in-plant tests as stated in Rule 7 of this Order.
 - 5.2.3.5 If there are non-conformities raised during the audit, the auditors shall inform the company and require them to undertake the corrective actions. The auditors shall accomplish the non-conformity report for the non-conformities observed which shall be acknowledged by the company's authorized representative.
 - 5.2.3.6 The company shall implement and complete the corrective actions within three (3) months for initial audit and one (1) month for surveillance and product inclusion audits. If the company fails to implement the corrective actions within the specified period, it should be a cause for the denial of the PS application or suspension of the PS License.
- 5.2.4 The PS License shall only be issued upon satisfactory results of evaluation of the factory audit and determination of product conformance to the specific PNS of the product and updated version thereof.
- 5.2.5 If the evaluation of the factory audit report showed unsatisfactory results, the PS License shall not be issued. Only after the re-assessment and subsequent product compliance shall the BPS issue the PS License.
- 5.2.6 The PS License shall be effective from the date of issuance and with full force and effect for a period of three (3) years, subject to the surveillance audits prescribed herein. PS License can be suspended, withdrawn, or cancelled at any time for cause and after due process.
- 5.2.7 For renewals, the PS License holder shall, through written notice, coordinate with BPS or the DTI Regional/Provincial Office for a schedule of the recertification audit

at least six (6) months before the expiration date. Otherwise, the PS License shall be considered expired immediately after the end period of its validity.

- 5.2.8 In cases of changes materially affecting the PS License and/or license holder's ability to comply with BPS product certification requirements, the license holder shall inform BPS in writing at least one (1) month prior to the date the changes will take effect. The notice shall include a request for audit.
- 5.2.8.1 The validity of the PS License shall be deemed suspended from the date of changes taking effect as indicated in the notice until the release of audit results. Thereafter, the existing PS License shall be considered expired.
- 5.2.8.2 Changes may include, but shall not be limited to, change in management or business name; transfer of plant site; modification of product design and/or specifications.

Rule 6. AUDIT AND SAMPLING

- 6.1 Audit and sampling shall be conducted by the BPS, DTI Regional Office/Provincial Office or BPS Recognized Auditing Bodies within the prescribed time in accordance with existing BPS Audit and Sampling Procedure and Policies.
- 6.2 If audit and sampling cannot be conducted within the prescribed period, the concerned DTI RO/PO or the BPS Recognized Auditing Body shall inform BPS in writing of the reason/s thereof within sixteen (16) working hours upon receipt of the approved schedule of audit. Under justifiable reasons, audit and sampling may be re-scheduled, otherwise, appropriate action shall be undertaken.
- 6.3 Sampling Procedure
- 6.3.1 The BPS, DTI RO/PO, BPS recognized auditing body and the PS applicant/license holder/authorized representative shall ensure that the drawn samples shall be traceable to the particular lot where it was drawn.
- 6.3.2 The BPS, DTI ROs/POs, or BPS Recognized Auditing Body shall facilitate the preparation of three (3) sets of one (1) firework package per category/type/manufacturer's brand for every sample drawn properly labeled as first and second, respectively. The first sample shall be tested in-plant. The second sample shall be sent to the BPS-recognized testing laboratory for independent testing upon satisfactory result of the in-plant test. The third set shall be used as a reserved sample for re-testing in the event that the second set fails.
- 6.3.3 For initial audit, all brands, types, and categories of the fireworks that will be covered by the PS License shall be sampled.
- 6.3.4 For surveillance audit, at least one-third (1/3) of the brands, types, and categories covered by the scope of the current license shall be sampled per surveillance audit. Any brand, type, and category that did not undergo sampling and testing during the validity of the license shall be dropped from the scope of the license upon recertification.
- 6.3.5 Test samples drawn shall be packed/sealed and signed in the presence of authorized representatives from BPS, DTI ROs/Pos, or BPS-recognized auditing

bodies who shall ensure that the Request for Test form is properly filled-up and signed by the manufacturer. The auditor shall ensure that the samples are traceable to the particular batch/lot where it was drawn.

6.3.6 The auditor shall ensure that the Request for Test form, together with one (1) set of drawn samples, is directly submitted to the BPS Testing Laboratory or BPS-recognized testing laboratories within three (3) working days from the date of audit and furnish BPS with a copy thereof within three (3) working days from submission.

6.3.7 The BPS Testing Laboratory or BPS-recognized testing laboratories shall document properly the receipt of the product samples to include but not limited to taking pictures of the following:

6.3.7.1 Request for Test;

6.3.7.2 Packaging of the samples as submitted and received; and

6.3.7.3 Full product markings of the samples

Rule 7. PRODUCT TESTING

7.1 The manufacturer shall have the minimum testing equipment:

7.1.1 Steel Rule;

7.1.2 Vernier Caliper (Analog or digital);

7.1.3 Stopwatch;

7.1.4 Weighing scale (Analog or digital); and

7.1.5 Jig or fixture for mounting samples (for rockets)

7.2 Testing shall be conducted in a wide, open area that is free from fire hazards.

7.3 For fireworks producing visual effects, testing shall be conducted after sundown to facilitate the measurement and observation of the testing parameters.

7.4 Full product testing shall be conducted on covered fireworks and applicable types as per the specifications in PNS 1220-2:2019, as follows:

7.4.1 Construction

7.4.1.1 Specific requirements for construction;

7.4.1.2 Permitted elements in batteries, batteries requiring external support, combinations and combinations requiring external support (if applicable); and

7.4.1.3 Specific requirements for compound firework (if applicable)

7.4.2 Means of ignition

7.4.2.1 Permitted means of ignition;

7.4.2.2 Protection of initial fuse;

7.4.2.3 Attachment of means of ignition; and

7.4.2.4 General and specific fuse requirements

7.4.3 Performance

7.4.3.1 Before functioning tests

7.4.3.1.1 General and specific requirements for integrity; and

7.4.3.1.2 Stabilization of flight (if applicable)

7.4.3.2 During functioning tests

- 7.4.3.2.1 Principal Effects;
- 7.4.3.2.2 Functioning;
- 7.4.3.2.3 Angle of ascent or flight;
- 7.4.3.2.4 Motion;
- 7.4.3.2.5 Stability during functioning;
- 7.4.3.2.6 Height of explosion;
- 7.4.3.2.7 Explosions and other failures;
- 7.4.3.2.8 Burning or incandescent matter;
- 7.4.3.2.9 Extinguishing of flames;
- 7.4.3.2.10 Projected debris;
- 7.4.3.2.11 Burning rate of pyrotechnic composition; and
- 7.4.3.2.12 Pull-string or pull-strip

7.4.3.3 After functioning tests

- 7.4.3.3.1 Droop;
- 7.4.3.3.2 Plastics body;
- 7.4.3.3.3 Rocket motor; and
- 7.4.3.3.4 Integrity after functioning

- 7.5 The PNS 1220-3:2019, Fireworks, Categories 1, 2 and 3 – Test Methods, or its future amendments, shall be used as reference for the procedures on locally applicable test methods prescribed in Rule 7.5.
- 7.6 To verify conformance to the aforementioned testing requirements, the test methods prescribed by the particular PNS shall be used. Considering the regular updating of standards, the latest edition of the PNS shall be used as reference. It is understood that future amendments of the PNS used in this Order shall be effective two (2) years after its promulgation to provide ample time to all stakeholders to adjust and conform to the new requirements, if any.
- 7.7 For initial, surveillance, extension of scope of certification, or recertification audits, samples drawn for the first set shall be tested in-plant. The manufacturer shall have testing capability to conduct the full testing of fireworks. The second set of samples shall be tested by the BPS Testing Laboratory or BPS-recognized testing laboratory while the third set of samples shall be kept by the testing laboratory for re-testing or future reference.
- 7.8 The original test reports shall be sent directly to the BPS through the BPS online system by the BPS Testing Laboratory or BPS-recognized testing laboratory together with the pictures of samples as received, pictures of samples showing the required markings, and copy of the Request for Test.
- 7.9 The BPS reserves the right to be present at any point of the certification process.

Rule 8. EVALUATION OF RESULTS

Results of tests shall be evaluated to determine conformance of the product to the relevant standard in accordance with the following:

- 8.1 For initial audit, if the test results of the second set show conformance, the PS License shall be issued and the plant shall be granted authority by BPS to use the PS Mark on

the products covered by its scope of certification. Otherwise, the applicant shall be advised accordingly and the PS License shall not be issued. Only after re-assessment and subsequent product conformance shall BPS issue the PS License.

- 8.2 For surveillance audit, if the test results of the second set show conformance, the PS License shall be continued or renewed. Otherwise, the licensee shall be advised accordingly and re-testing shall be conducted on the third set of samples.
- 8.3 If the result of the re-testing shows non-conformance, the PS Licensee shall be suspended immediately upon written notice. The non-conforming batch shall be destroyed or reprocessed, at the option of the manufacturer, under the supervision of the BPS. Only after re-assessment and subsequent product conformance shall the BPS allow the continued use or renewal of the PS License.
- 8.4 If the PS application is denied, BPS shall inform the manufacturer of such denial. If the applicant fails to communicate with BPS within the period stated in the notice, a Show Cause Order shall be issued.
- 8.5 Processing of a new PS license, or the continued use or renewal of an existing or expired PS License of a company against whom a Show Cause Order or Formal Charge was issued by BPS shall be held in abeyance until such issue is resolved. The BPS reserves the right to deny the application, or suspend or cancel all PS Licenses issued to a manufacturer and all guilty parties after due process, if the nature of violation/s so warrant.

Rule 9. MARKING REQUIREMENTS

For traceability and verification purposes, the required markings for locally manufactured fireworks shall be permanently marked, easily legible, indelible, and visible at all times for traceability and verification by the BPS and DTI RO's/POs, their authorized representatives, and by the duly authorized enforcement teams either at the manufacturer's warehouse or trader's/distributor's/retailer's warehouse, if applicable.

- 9.1 For newly manufactured fireworks, the required markings in each complete packaging of fireworks shall bear the following minimum information:
 - 9.1.1 Name, address, and contact details of manufacturer;
 - 9.1.2 Brand name or Trade name;
 - 9.1.3 Name of firework;
 - 9.1.4 Category of firework;
 - 9.1.5 Type of firework;
 - 9.1.6 Model/Type No./Designation;
 - 9.1.7 Instructions for use;
 - 9.1.8 Principal effects;
 - 9.1.9 Warnings / Safety information per applicable category/type;
 - 9.1.10 Year of production;
 - 9.1.11 Minimum age limits;
 - 9.1.12 The words, "Keep out of reach of children";
 - 9.1.13 The words, "Made in the Philippines";
 - 9.1.14 PS Quality Mark with License Number; and
 - 9.1.15 Lot No./Batch No./Serial No.

- 9.2 For the marking of very small items, the type size shall be reduced 2.1 mm. If the firework does not provide enough space to carry all the required markings even in reduced type size, at least items 9.1.1 and 9.1.15 shall be indicated on the firework. However, other required markings shall be indicated on the product packaging.
- 9.3 In the absence of any of the required markings or submission of incomplete markings, the application for a PS License shall not be processed until such time that the required markings are submitted or corrected.

Rule 10. RECOGNITION OF CONFORMITY ASSESSMENT BODY

- 10.1 Only recognized Conformity Assessment Bodies (CABs) shall be allowed to participate in this mandatory product certification scheme.
- 10.2 Any CAB that intends to be recognized shall accomplish the BPS Recognition Form together with the following:
 - 10.2.1 Certificate of Accreditation from an Accreditation Body signatory to the ILAC/APLAC, to include the Scope of Accreditation;
 - 10.2.2 Certified True Copy of the Articles of Incorporation;
 - 10.2.3 List of authorized signatories indicating their company position and the corresponding specimen signature; and
 - 10.2.4 An undertaking to abide by the terms and conditions of the recognition
- 10.3 The requirement on local office/representative agency may be waived subject to the provisions of any Mutual Recognition Agreement entered into by the Philippine Government through the Department of Trade and Industry.
- 10.4 The BPS, may at any time, conduct full verification of the competence of the CAB to perform the conformity assessment activities.

Rule 11. TERMS AND CONDITIONS OF THE PS LICENSE

The PS License holders shall abide by the following terms and conditions:

- 11.1 Consistently abide by R.A. No. 4109, E.O. No. 133:1987, E.O. No. 913:1983 and R.A. No. 7394 and their implementing rules and regulations, and orders which the BPS issues in pursuance with its authority under the law.
- 11.2 Ensure that the certified product conforms at all times to a specific standard as amended/updated and its implementing rules and regulations.
- 11.3 Warrant that it has the authority to use the brand name, trade name, and trademarks indicated in the application form.
- 11.4 Be held liable for any damages that its product might cause to their consumers.
- 11.5 The Product Certification Mark shall not be affixed on any products not covered by the license or certificate issued by BPS.

- 11.6 Establish and maintain systems of product recall and of addressing complaints filed by its clients or customers concerning its certified products, and shall maintain records thereof.
- 11.7 Give duly-authorized representatives of the BPS or DTI Regional/Provincial Offices/ BPS-recognized CABS, full access to the premises where the certified product is manufactured/assembled/stored; to relevant equipment, records, personnel and subcontractors for purposes of investigating complaints or evaluating consistency of compliance with the requirements of this technical regulation.
- 11.8 Maintain a record of all complaints made known to it, relating to compliance with certification requirements and make these records available to the certification body when requested, take appropriate action with respect to such complaints and any deficiencies found affecting such product's conformance to the requirements for certification; and, document the action taken, subject to verification by the certification body.
- 11.9 Submit itself to surveillance activities to ensure consistent compliance with the BPS requirements of the Product Certification Scheme.
- 11.10 In case of subcontracts, shall assume full responsibility for its sub-assemblies' semi-finished and finished products' conformance to the specific requirements.
- 11.11 Inform BPS in writing of any changes that will materially affect its PS License and its ability to comply with BPS product certification requirements at least one (1) month prior to the date the changes will be made, such as, but not limited to change in management, business name, addition of brand name, modification of product's designs and specifications and/or transfer of plant site.
 - 11.11.1 If the change involves addition of brand name and modification in the product's design or specifications, BPS shall facilitate the conduct of appropriate product certification activity.
 - 11.11.2 In case of transfer of plant site, BPS, DTI Regional/Provincial Offices, or BPS-recognized auditing bodies shall conduct factory and product audit at the new site.
- 11.12 Pay the applicable fees and other charges as billed or stipulated by DTI/BPS, its duly recognized auditing bodies.
- 11.13 Any incorrect references to the certification scheme; misleading use of PS licenses, marks or any other mechanisms indicating that a product is certified found in documentation or publicity materials or any breach hereof, shall be a ground for the issuance of Show Cause Order.
- 11.14 Traders or retailers in possession of covered products whose PS Licenses have expired or have been suspended, recalled, withdrawn, revoked or cancelled shall be notified in writing of such suspension, recall, withdrawal, revocation, or cancellation.
- 11.15 Upon suspension, recall, withdrawal, cancellation or revocation of the PS License, the holder shall discontinue the manufacture and/or use of covered products including advertising materials relevant thereto and shall take action as may be required by BPS.

11.16 The PS License is non-transferrable.

Any infractions of the foregoing shall be a ground for the suspension, withdrawal, or cancellation of the license.

Rule 12. REQUIREMENTS IN CASE OF NON-CONFORMANCE

For covered fireworks that do not conform to the requirements of BPS rules and regulations/guidelines, the following provisions, on per PS license basis, shall apply:

- 12.1 A SHOW CAUSE ORDER shall be issued by BPS or DTI-Regional/Provincial Office giving the PS License holder opportunity to explain why its license shall not be suspended or cancelled by BPS and/or why a formal charge shall not be filed. This may include a CEASE AND DESIST ORDER addressed to the owner/manager of the company concerned, to refrain from supplying, distributing, selling, or displaying for sale the products subject thereof until such time that the Show Cause Order is lifted.
- 12.2 If the explanation to the Show Cause Order is not acceptable, the BPS or DTI Regional/Provincial Office shall direct the manufacturer to submit a sworn affidavit undertaking to do the following as directed whichever is applicable:
 - 12.2.1 Permanently cease and desist from supplying, distributing, selling or displaying for sale the non-conforming products subject thereof; and
 - 12.2.2 Effect a full product recall to account such products that are already in circulation through publication in a newspaper of national circulation, giving the public a period of thirty (30) calendar days from publication within which to return subject products. The product recall shall specify the basis or ground therefor. The manufacturer shall keep BPS informed in writing on the progress of the recall. Such publication shall include a NOTICE warning the public that the product subject thereof is not compliant with the quality requirement.

Rule 13. PROCEDURES AND REQUIREMENTS FOR PRODUCT RECALL

After the product is declared by the BPS to be non-conforming, the BPS shall immediately notify the manufacturer. The manufacture shall within fifteen (15) calendar days from receipt of notice, implement product recall in accordance with the following:

- 13.1 The recall order shall be published in a newspaper of general circulation for at least two (2) consecutive Saturdays/Sundays;
- 13.2 The layout, content, font and size of the recall order shall be prescribed by the BPS;
- 13.3 The recall period shall be for a minimum of thirty (30) calendar days from date of the second publication;
- 13.4 Proof of publication of the recall orders shall be submitted to BPS or DTI Regional/Provincial Office;

- 13.5 Recalled products shall be condemned, destroyed, or otherwise disposed of in accordance with applicable rules on disposal issued by the DTI, Department of Budget and Management and Commission on Audit; and
- 13.6 The manufacturer and shall compensate parties availing of the recall order.

Rule 14. FEES, CHARGES, AND OTHER EXPENSES

- 14.1 All corresponding fees, charges, costs, and other related expenses shall be for the account of manufacturer.
- 14.2 Fees and charges to be paid by the applicant in accordance with Annex B shall be as follows:
 - 14.2.1 Application fee;
 - 14.2.2 Audit fees;
 - 14.2.3 Transportation/travelling expenses, and board and lodging costs of auditor/s during audit, subject to existing rules and regulation of third-party provision;
 - 14.2.4 PS License fee for manufactured products;

Rule 15. SHOW CAUSE ORDER

- 15.1 A Show Cause Order shall be issued against a manufacturer who fails to comply with legal and technical requirements or whose product/s failed to conform to such requirements.
- 15.2 A Cease and Desist Order may be issued simultaneously with the Show Cause Order directing the manufacturer to refrain from selling, distributing or disposing the products in any manner.

Rule 16. SUSPENSION, WITHDRAWAL, AND CANCELLATION OF PS LICENSE

- 16.1 A duly issued PS License shall be suspended, recalled, withdrawn, cancelled, or revoked based on any of the following grounds:
 - 16.1.1 That the product bearing the PS Mark failed to conform to the requirements of a specific PNS as amended/updated;
 - 16.1.2 That licensee failed to comply with monitoring, surveillance or enforcement notices/directives/orders.
 - 16.1.3 That the licensee failed to comply with the terms and conditions of the license;
 - 16.1.4 That the licensee made false statements or alterations in connection with its application for or recertification of the license;
 - 16.1.5 That the licensee violated any of the provisions of this Order; and
 - 16.1.6 That an Order of Execution vis-à-vis decision finding the licensee liable for violation of a trade and industry law/s or rules and regulations directing BPS to suspend/cancel or revoke the PS license issued in favor of said licensee.

- 16.2 The licensee shall be suspended, recalled, withdrawn, cancelled or revoked after the BPS Director or his duly authorized representative has served the licensee a notice of his intention to do so, stating therein the grounds for the contemplated action, granting the licensee the opportunity to be heard within fifteen (15) days from the date of notice.
- 16.3 If there is a final finding that a product does not conform to the specified technical requirements, the licensee shall, upon mere notice be immediately suspended, withdrawn, recalled, cancelled, or revoked.
- 16.4 Notwithstanding the preceding provisions, the BPS Director may direct that a Formal Charge be filed against the party concerned pursuant to E.O. 913 Series of 1983, DAO No. 7 Series of 2006 and DAO No. 2, Series of 2007.
- 16.5 In cases of suspended, withdrawn or cancelled PS License, the manufacturer shall not be allowed to manufacture or produce in any manner the products covered by the particular PS License. The suspension, withdrawal or cancellation shall take effect immediately upon receipt of the notice until the suspension is lifted or the withdrawn/cancelled PS License is reinstated.

Rule 17. COMPLAINTS/APPEAL HANDLING PROCESS

- 17.1 BPS shall implement a system of handling complaints/appeals related to the product certification process.
- 17.2 Remedies for the action or decision of a BPS personnel, chief, director or his duly authorized representative relative to an Application for PS License shall be the following:
- 17.2.1 In case of denial of the PS License application, the applicant may file a motion for reconsideration with the BPS Director within ten (10) working days from receipt of the letter of denial. No second motion for reconsideration shall be allowed.
- 17.2.2 In case of suspension, recall, withdrawal, cancellation or revocation of the PS License, a motion for reconsideration may be filed with the BPS Director by the applicant within ten (10) working days from receipt of the notice. No second motion for reconsideration shall be allowed.
- 17.2.3 In case the motion for reconsideration is denied, an appeal may be filed with the DTI Secretary within fifteen (15) calendar days from receipt of denial of the motion for consideration. The appeal shall be based solely on grounds of grave abuse of discretion amounting to lack or excess of jurisdiction committed by the official who rendered the decision.
- 17.3 The filing of a Motion for Reconsideration shall suspend the period to file an appeal.

Rule 18. PROHIBITED ACTS

The following acts are hereby declared prohibited, in addition to those listed in DAO No. 2, Series of 2007 and its future amendments:

- 18.1 Use of the Product Certification Mark in any misleading manner;
- 18.2 Manufacture or production of covered products after the license has been suspended, expired, withdrawn, or cancelled;
- 18.3 Sale, offer for sale using over the counter or on-line mode or any form or advertisement of any fireworks products not complying with the particular technical regulation or corresponding standards;
- 18.4 Non-compliance, neglect, or resistance to effect the product recall as directed by BPS;
- 18.5 Misrepresentations, misleading, or unauthorized statements and/or claims made in the application, letters/replies/forms in relation to product certification. Such include unauthorized reproduction of product certification documents, or any part thereof;
- 18.6 Submission of falsified documents or forging the signature of the Bureau Director or its designated representative; and
- 18.7 Non-compliance or failure to comply with the provisions hereof.

Rule 19. PENALTIES OR SANCTIONS

The following shall be imposed upon any manufacturer, or any other person or entity found in violation of any provision hereof after due process, as may be applicable:

- 19.1 Administrative fine based on existing DTI Rules and Regulations/Department Administrative Orders and E.O. 913;
- 19.2 Cancellation or revocation of PS License pursuant to a final and executory decision rendered by an administrative agency or the regular courts;
- 19.3 Watch-listing and/or blacklisting of manufacturers;
- 19.4 In any case of failure in product testing for post shipment or verification or surveillance; and
- 19.5 Any other sanctions or penalties as provided under existing DTI rules and regulations.

Rule 20. ISSUANCE OF GUIDELINES/PROCEDURES

BPS may issue such procedural guidelines as may be necessary in the implementation of this Order.

Rule 21. MONITORING AND MARKET SURVEILLANCE

The BPS, FTEB, or DTI RO/PO shall at any time monitor and inspect products in the market for conformance to the requirements of this Order, their future amendments, and the specified standard. If the products are found not in conformity, the BPS, FTEB, or DTI RO/PO shall make appropriate legal actions or impose necessary sanctions, in accordance with the relevant laws, rules, and regulations.

Rule 22. TRANSITORY PROVISIONS

- 22.1 In the absence of a BPS-recognized testing laboratory, the in-plant test duly witnessed by BPS, DTI RO/PO, or BPS Recognized Auditing Body shall suffice. For this purpose, the following shall apply:
- 22.1.1 The auditor shall draw two (2) sets of samples. The first set shall be used for in-plant testing and the second set shall be used as a reserved sample for re-testing in the event that the first set fails.
 - 22.1.2 For initial audits, if the test results of the first set show conformance, the PS License shall be issued. Otherwise, the applicant shall be advised accordingly and the PS License shall not be issued. Only after re-assessment and subsequent product conformance shall BPS issue the PS License.
 - 22.1.3 For surveillance audits, if the test results of the first set show conformance, the PS License shall be continued or renewed. Otherwise, the licensee shall be advised accordingly and re-testing shall be conducted by the plant on the second set of samples.
 - 22.1.4 If the result of the re-testing shows non-conformance, the PS Licensee shall be suspended immediately upon written notice. The non-conforming batch shall be destroyed or reprocessed, at the option of the manufacturer, under the supervision of the BPS. Only after re-assessment and subsequent product conformance shall the BPS allow the continued use or renewal of the PS License.
- 22.2 All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order twelve (12) months after the effectivity thereof;
- 22.3 All pending PS applications received prior to the effectivity of this Order shall be processed in accordance with DAO 04:2008 and after the issuance of its PS License, manufacturers shall comply with the procedures and requirements of this Order on the next surveillance audit;
- 22.4 All PS License applications received after the effectivity of this Order shall be subjected to the procedures and requirements prescribed herein;
- 22.5 All local manufacturers of fireworks covered by this Order shall be required to comply with the new markings of this DAO six (6) months after the date of effectivity of this Order.

All other provisions not covered by this transitory provision shall take effect immediately upon effectivity thereof.

Rule 23. REPEALING CLAUSE

All provisions of existing Department Administrative Orders, circulars, and guidelines inconsistent with this Administrative Order are hereby repealed subject to the transitory provisions stated herein.


Rule 24. SEPARABILITY CLAUSE

If any term or provision of this Order should be declared illegal or invalid by a court of competent jurisdiction, the remaining terms and provisions thereof shall remain unimpaired and in full force.

Rule 25. EFFECTIVITY

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.


Done in the City of Makati this 22nd day of June in the year 2022.



NEIL P. CATAJAY
Director, Bureau of Philippine Standards

Recommended by:


ATTY. RUTH B. CASTELO
Undersecretary, Consumer Protection Group

Approved:


RAMON M. LOPEZ
Secretary

TABLE 1: CATEGORIES AND TYPES OF FIREWORKS

Category / Class	Firework Type
Category 1 / Class 1	1.1 Bengal Flame
	1.2 Bengal Match
	1.3 Bengal Stick
	1.4 Christmas Cracker
	1.5 Crackling Granules
	1.6 Flash Banger
	1.7 Fountain
	1.7.1 Fountain (for hand-held use; indoors)
	1.7.2 Fountain (for hand-held use; outdoors)
	1.7.3 Fountain (for indoor use)
	1.7.4 Fountain (for outdoor use)
	1.8 Ground Mover
	1.9 Ground Spinner
	1.10 Hand-Held Sparkler
	1.11 Jumping Cracker
	1.12 Nezumi-Hanabi
	1.13 Non-Hand-Held Sparkler
	1.14 Novelty Match
	1.15 Party Popper
	1.15.1 Battery of Party Poppers
	1.16 Senko-Hanabi
	1.17 Serpent
1.18 Snap	
1.19 Strobe Pot (Flash Pellet)	
1.20 Table Bomb	
1.21 Throwdown	
1.22 Wheel	
Category 2 / Class 2	2.1 Banger
	2.2 Battery
	2.2.1 Battery (with one fuse)
	2.2.2 Battery (with two fuses)
	2.3 Bengal Flame
	2.4 Bengal Stick
	2.5 Bottle Rocket (Mini Rocket)
	2.6 Combination
	2.6.1 Combination (with one fuse)
	2.6.2 Combination (with two fuses)
	2.7 Compound Firework
	2.7.1 Compound Firework (with one fuse)
	2.7.2 Compound Firework (with two fuses)
	2.8 Crackling Granules
	2.9 Double Banger
2.10 Flash Banger	
2.11 Fountain	
2.12 Ground Mover	
2.13 Ground Spinner	
2.14 Hand-Held Sparkler	
2.15 Jumping Cracker	

	<ul style="list-style-type: none"> 2.16 Jumping Ground Spinner 2.17 Mine 2.18 Non-Hand-Held Sparkler 2.19 Rocket 2.20 Roman Candle 2.21 Shot Tube 2.22 Spinner 2.23 Strobe Pot (Flash Pellet) 2.24 Wheel
Category 3 / Class 3	<ul style="list-style-type: none"> 3.1 Aerial Wheel 3.2 Banger 3.3 Battery <ul style="list-style-type: none"> 3.3.1 Battery (with one fuse) 3.3.2 Battery (with two fuses) 3.4 Bengal Flame 3.5 Combination <ul style="list-style-type: none"> 3.5.1 Combination (with one fuse) 3.5.2 Combination (with two fuses) 3.6 Compound Firework <ul style="list-style-type: none"> 3.6.1 Compound Firework (with one fuse) 3.6.2 Compound Firework (with two fuses) 3.7 Double Flash Banger 3.8 Flash Banger 3.9 Fountain 3.10 Mine 3.11 Rocket 3.12 Roman Candle 3.13 Shell 3.14 Shell-in-Mortar 3.15 Shot Tube 3.16 Wheel

TABLE 2: SCHEDULE OF FEES AND CHARGES FOR BPS PS LICENSING

PARTICULARS		FEE	PAYABLE TO
1	Application Form	Php 300.00	DTI
2	Quality Manual Review	Php 5,000.00	
3	Pre-Audit / Audit / Surveillance Audits per Man-Hour (Payable within 15 days after billing) as per size of establishment based on Table 1A		
3.1	Micro	Php 100.00 or as per charged by BPS Recognized Auditing Body	DTI/ BPS Recognized Auditing Body
3.2	Small	Php 300.00 or as per charged by BPS Recognized Auditing Body	
3.3	Medium	Php 400.00 or as per charged by BPS Recognized Auditing Body	
3.4	Large	Php 500.00 or as per charged by BPS Recognized Auditing Body	
4	Original License Fee* (Payable within 15 days after billing)		
4.1	Micro	Php 5,000.00	DTI
4.2	Small	Php 7,500.00	
4.3	Medium	Php 10,000.00	
4.4	Large	Php 12,500.00	
5	Annual License Fee* (Payable within 15 days after billing)		
5.1	Micro	Php 2,500.00	DTI
5.2	Small	Php 3,750.00	
5.3	Medium	Php 5,000.00	
5.4	Large	Php 6,250.00	
6	Transportation	As per arrangement (if necessary)	DTI/ BPS Recognized Auditing Body
7	Hotel Accommodation	As per arrangement (if necessary)	DTI/ BPS Recognized Auditing Body
8	Testing Fee	As charged by BPS Recognized Testing Laboratory	BPS Recognized Testing Laboratory
9	Freight Charges of Samples	As charged by Freight Forwarder	Freight Forwarder
10	Market Sample	As per Official Receipts / Sales Invoice	Establishment

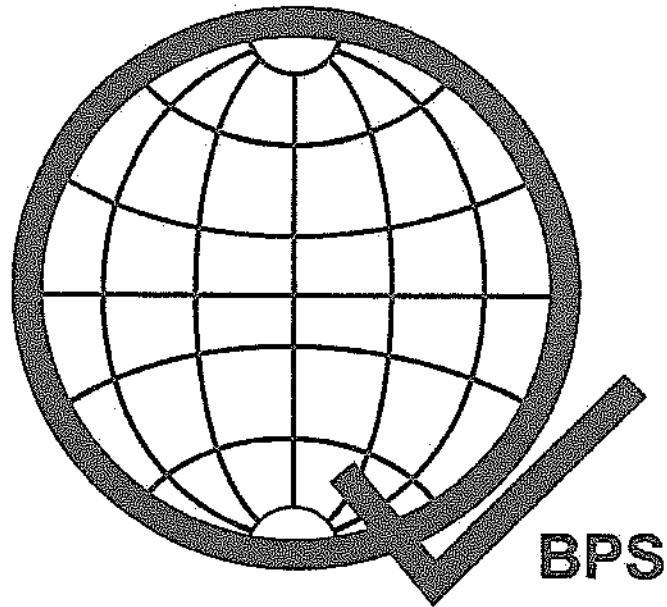
TABLE 2A: SIZE OF ESTABLISHMENT

SIZE OF ESTABLISHMENT	ASSETS
Micro	Up to 3,000,000.00
Small	Php 3,000,001.00 up to Php 15,000,000.00
Medium	Php 15,000,001 up to Php 100,000,000.00
Large	Over Php 100,000,000.00

Notes:

- ❖ *Original and Annual License Fees depend on the size of establishment as stipulated in Table 2A herein.*
- ❖ *The Schedule of Fees and Charges in this DAO were adopted from DAO 4:2008*

**THE PS (PHILIPPINE STANDARD) QUALITY
CERTIFICATION MARK LOGO WITH LICENSE NO.**



**CERTIFIED
Product Quality
License No. Q-XXXX**

Note:

- ❖ *The PS Quality Certification Mark affixed on the product or its package may be enlarged or reduced to an appropriate size, provided that its dimensions conform to the specifications.*

**SALIENT FEATURES OF THE PROPOSED DAO ON
THE NEW TECHNICAL REGULATIONS CONCERNING THE MANDATORY
CERTIFICATION OF FIREWORKS WITH GENERAL CATEGORIES 1, 2, AND 3**

1. The DAO aims to strictly ensure that fireworks manufactured, distributed, or sold in the Philippines meet the specified quality requirements prescribed by this Technical Regulation.
2. The DAO will require the conformance of the fireworks with general categories 1, 2, and 3 to the relevant performance requirements specified in the Philippine National Standards to be verified through mandatory certification.
3. It is worthy to note that the aforementioned product is already included in the BPS List of Products Under Mandatory Certification. However, no Implementing Guidelines for the issuance of the PS License based on the PNS have been made since the issuance of the Department Administrative Order No. 13:2008, wherein fireworks were declared as mandatory.
4. It should be noted that the Philippine National Standards for fireworks have been updated to the 2019 version wherein testing and marking requirements have been amended, as follows:
 - PNS 1220-1:2019, Fireworks – Categories 1, 2, and 3 – Classification
 - PNS 1220-2:2019, Fireworks – Categories 1, 2, and 3 – Specification
5. It should also be noted that this DAO does not cover the following:
 - Category 4 / Class 4 fireworks (defined in PNS 1220-1:2019)
 - All types of prohibited fireworks set forth by R.A. 7183, its implementing rules and regulations, and other valid issuances by the Department of the Interior and Local Government (DILG) and/or the Philippine National Police (PNP).
 - Fireworks containing pyrotechnic composition that are not allowed as per Clause 5 of PNS 1220-2:2019 and its future amendments.
6. Full product testing shall be conducted on covered fireworks and **applicable** types as per the specifications in PNS 1220-2:2019 as follows:
 - Construction
 - Means of Ignition
 - Performance

The PNS 1220-3:2019, Fireworks, Categories 1, 2 and 3 – Test Methods shall be used as reference for the procedures on locally applicable test methods prescribed.
7. Additional marking requirements for newly manufactured fireworks are also indicated in this DAO. It is worthy to mention that there are also marking requirements for very small items.
8. No comments were received from the stakeholders and WTO during the commenting period.
9. The implementation timeline of the proposed DAO is as follows:

Activity	Timeline
Mandatory certification of all products covered in the DAO	Immediately upon the date of effectivity of DAO
All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order	Within 12 months from the date of effectivity of DAO
All local manufacturers of fireworks covered by this Order shall be required to comply with the new markings of this DAO	Within 6 months from the date of effectivity of DAO

**MATRIX OF COMMENTS, SUGGESTIONS, INQUIRIES, AND CLARIFICATIONS RAISED DURING THE CONSULTATIONS
ON THE DRAFT DAO OF FIREWORKS**

CONSOLIDATED COMMENTS OF SCD EXTENDED MANCOM AS OF 17 JUNE 2021	
Rule Title	Suggestions/Comments/Clarification/ Proposed Revisions
The Philippine Standard (PS) Quality Certification Mark Licensing Scheme for Locally Manufactured Fireworks	<p>Clarify with SDD if it should be PS Quality or PS Safety</p> <p>However, due to the nature of the performance test requirements, the PS Mark was retained as PS Quality Certification Mark.</p>
Documentary Requirements and Procedures for the PS Licensing Scheme	<p>Remove 5.1.13 Submission of the aforementioned documents through the BPS online system. Manual application shall be submitted if online system is not available.</p> <p>Accepted, DDAO was revised accordingly.</p>
Audit and Sampling	<p>6.3.2 The BPS, DTI ROs/POs, or BPS Recognized auditing Body shall facilitate the preparation of three (3) sets of one (1) fireworks package per category/type/manufacturer's brand for every sample drawn properly labeled as first, second, and third respectively. The first and second sets shall be used for in-plant testing and the third set shall be used as a reserved sample for re-testing in the event that one of the two sets fails.</p> <p>Change to: Two (2) sets only</p> <p>Accepted, DDAO was revised accordingly.</p>
Product Testing	<p>7.2 The plant shall have the minimum testing equipment/area.</p> <p>Change to: manufacturer</p> <p>Accepted, DDAO was revised accordingly.</p>
	<p>7.5 Testing shall be conducted in the evening (after sundown) to facilitate the measurement and observation of the testing parameters.</p> <p>Change to: 7.5 Testing shall be conducted after sundown to facilitate the measurement and observation of the testing parameters.</p> <p>Accepted, DDAO was revised accordingly.</p>

	Full product testing shall be conducted on covered fireworks and applicable types as per the specifications in PNS 1220-2:2019 as follows:	Accepted. DDAO was revised accordingly.
Evaluation of Results	-Include all tests Change 2 (sets) to 1 set for required passing sample	Accepted. DDAO was revised accordingly.
Suspension, Withdrawal, and Cancellation of PS License	The licensee shall be suspended, recalled, withdrawn, cancelled or revoked after the BPS Director or his duly authorized representative has served the licensee a notice of his intention to do so, stating therein the grounds for the contemplated action, granting the licensee the opportunity to be heard within fifteen (15) days from the date of notice; Remedies for the action or decision of a BPS personnel/chief/director relative to an Application for PS License shall be the following:	Accepted. DDAO was revised accordingly.
Complaints/Appeal Handling Process	Remedies for the action or decision of a BPS personnel, chief, director or his duly authorized representative relative to an Application for PS License shall be the following: 22.1 All manufacturers with existing valid PS License shall comply with the procedures and requirements of this Order on the subsequent surveillance audit immediately upon effectivity hereof. All pending PS applications received prior to the effectivity of this Order shall be processed in accordance with DAO 04:2008 and after the issuance of its PS License, manufacturers shall comply with the procedures and requirements of this Order on the subsequent surveillance audit;	Accepted. DDAO was revised accordingly.
Transitory Provisions	-same with sanitary wares	Accepted. DDAO was revised accordingly.

CONSOLIDATED COMMENTS OF BPS AS OF 02 SEPTEMBER 2021

Rule Title	Suggestions/Comments/Clarification/ Proposed Revisions	Remarks / Action Taken / Clarification
Whereas No. 8	Change "PNS 1120-2" to "PNS 1220-2"	Accepted. DDAO was revised accordingly.
Scope	<p>Change "Fireworks Part 2: Specifications" to "Fireworks – Part 2: Specification"</p> <p>Change "PNS 1220-1:2019, Fireworks, Categories 1, 2, and 3 – Classification" to "PNS 1220-1:2019, Fireworks – Categories 1, 2 and 3 – Classification"</p> <p>Change "PNS 1220-2:2019, Fireworks, Categories 1, 2, and 3 – Specification" to "PNS 1220-2:2019, Fireworks – Categories 1, 2 and 3 – Specification"</p>	Accepted. DDAO was revised accordingly.
Definition of Terms	<p>Item 3.6: "...with or without sulfur"</p> <p>Item 3.37: <u>PNS ISO/IEC 17029</u> – Conformity assessment – General principles and requirements for validation and verification bodies</p> <p>Item 3.45: "...to produce a visual and/or aural effect"</p> <p>Item 3.48: "...approved by a recognized body, that provides, for common and repeated use..."</p> <p>Item 7.1: Consider using PNS 1220-3:2019, Fireworks, Categories 1, 2 and 3 – Test Methods, as reference for procedures on locally (technologically) applicable test methods</p>	Accepted. DDAO was revised accordingly.
Product Testing	Item 7.6: Consider including prescriptive requirements for fireworks, i.e. pyrotechnic composition / net explosive content (PNS 1220-2:2019, Clause 5)	Accepted. Additional item was added to accommodate the amendment (Item 7.7) Considered. This shall be added in the draft but will be subject for further review after the inter-agency and public consultations (item 7.6.2).
Marking Requirements	<p>Consider the following different types of packaging of fireworks in providing guidelines for markings concerning the space available for labels:</p> <ul style="list-style-type: none"> - Primary packs (current drafted guidelines should suffice) - Large firework items where the markings are on the unit itself - Very small items (PNS 1220-2:2019, Clause 9.4) 	Markings for very small items accepted. Additional item was added to accommodate the amendment (Item 9.2).

<p>Transitory Provisions</p>	<p>Is it possible that the transitory period applies to all requirements of the new DAO (6 months) instead of applying this to markings only. May we know the rationale for this?</p> <p>This will enable relevant stakeholders to get acquainted to the new rules and to be consistent with the TBT Agreement of "providing reasonable interval between the entry into force of technical regulations and its publication"</p>	<p>The statement in Item 22.4 has been amended to "All local manufacturers of fireworks covered by this Order shall be required to comply with the new markings of this DAO after eighteen (18) months from the date of effectivity of this Order."</p>
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<p>CONSOLIDATED COMMENTS FROM INTER-AGENCY CONSULTATION ON 01 OCTOBER 2021</p>		
<p>Rule Title</p>	<p>Suggestions/Comments/Clarification/ Proposed Revisions</p>	<p>Remarks / Action Taken / Clarification</p>
<p>Transitory Provisions (Enforcement)</p>	<p>About enforcement, are the DTI RO/PO only advised to pull-out or confiscate?</p>	<p>Clarification: The Rule for Monitoring and Enforcement was omitted in this DDAO since this is only for the updating of the PNS.</p>

CONSOLIDATED COMMENTS FROM PUBLIC CONSULTATION AS OF 20 January 2022	
Rule Title	Remarks / Action Taken / Clarification
Suggestions/Comments/Clarification/ Proposed Revisions	
During TC (Standards Development), I raised the concern on the ban of certain chemical raw materials? Is there a formality that these chemicals such as potassium chlorate is banned?	Clause 5 of PNS 1220-2:2019 states the substances that are not allowed. Incorporated under "Rule 2: SCOPE".
Defer DAO while we finalize the law on pyrotechnics. Address first the problems so we can implement better this order.	BPS has the prerogative to implement its mandate on consumer protection. This DDAO is also for updating of the PNS. It should be noted that the fireworks association are also members of the technical committee on fireworks.
Potassium chloride- sulfur mixture is banned. PPMDI plans on putting up laboratory on testing the chemical formulation.	Same concern with Comment #1. The proposed DAO will not hinder the establishment of the proposed testing laboratory on the testing of the chemical formulation.
Definition of terms in the DDAO is different from RA 7183.	The draft DAO can still be amended should a new law on fireworks be enacted. The definitions stated in the draft DAO were based from the PNS.
If we cannot harmonize the RA 7183 with this DAO, there will be a lot of confusion.	RA 7183 still remains as the legal basis of this draft DAO aside from other applicable laws.
Like foreign countries, also since these are products are explosives, PNP should be the ones regulating fireworks.	It is stated in Section 5, RA 7183 that DTI is mandated to certify fireworks.
General Comments	

Note: No comments were received from stakeholders and WTO during the commenting period.

----- nothing follows -----