

## Pesticides and the Law

### The Effect of EU Biocide Regulation 528/2012 on Natural History Collections



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## In the past

Any biocide could be used on anything including:

- arsenic in taxidermy
- mercuric chloride on herbarium specimens
- lindane ( $\gamma$ -HCH) on everything
- ortho-phenyl-phenol on textiles etc.,






## COPR 1986 (As amended)

The Food and Environment Protection Act 1985, included The Control of Pesticides Regulations 1986


Anybody who uses an insecticide at work must understand:

- principles of pest control
- types of pest
- types of pesticides
- methods of application
- legislation
- safety consideration etc.
- **only trained operatives can use pesticides**

## Pesticide registration

- COPR 1986 (as amended 1997) states biocides must be tested for efficacy and safety and registered
- Registered biocides can only be used as stated (e.g. 'for use only as a wood preservative')

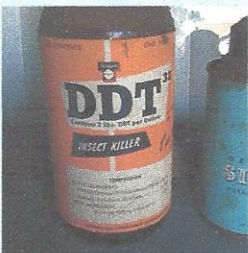


## Banned Biocides

Many popular biocides banned including:


- arsenic, strychnine, DDT, sodium fluoride etc.
- even Vapona strips

However, these continue to be used in other countries.



## EU legislation

The EU Biocidal Products Directive (98/8/EC) affects: 'active substances intended to destroy, deter, render harmless, prevent the action of, or otherwise exert a controlling effect on any harmful organism by chemical or biological means'



## Biocidal Products Regulations

BPR implements the BPD which aims to:

- provide a high level of protection for human, animals and the environment
- contribute to the harmonisation for biocidal products and their active substance

BPR covers:

- wood preservatives
- boat anti-fouling agents
- disinfectants
- mammal control
- insect control

## Actives and biocidal products

- **'Actives'** are chemicals with biocidal properties
- under BPD (98/8/EC) they must be assessed and registered
- even attractants and repellents are 'scoped'
- assessment is done by the European Chemicals Agency (ECHA)
- **'Biocidal products'** are commercial products containing 'actives' and other materials (e.g. propellants)
- they are registered by individual EU countries
- their sale is EU wide

## Problems with BPD 98/8/EC

- long delays on approvals (only 50 actives since 2000)
- high compliance costs leading to large number of products withdrawn from the market
- anomalies such as anoxia and food attractants



## Biocides Regulation (EU528/2012)

- was adopted on 22 May 2012 and became applicable on 1<sup>st</sup> September 2013
- addresses problems with BPD 98/8/EC
- simplifies procedures and makes them cheaper
- Changes include:
  - use of articles treated with biocides
  - product authorisation
  - data sharing
  - harmonising fee structure

## Exemptions to EU528/2012

The regulations do not apply to:

- physical or mechanical actions
- food or feed used as repellents or attractants
- medicines
- agricultural biocides



## Annexe 1

- 'Actives' approved by the European Chemicals Agency are registered on Annexe 1.
- so far few 'actives' registered
- transitional procedures for current biocides



### Product types

#### Main Group 3 : Pest control

**Product type 18:**  
 ➤ insecticides, acaricides and products to control other arthropods


**Product type 19:**  
 ➤ repellants and attractants

Products used for the control of arthropods (e.g.insects, arachnids and crustaceans)

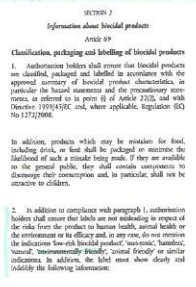
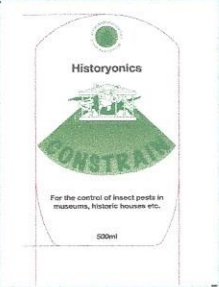
Products used to control harmful organisms by repelling or attracting either directly on the skin or indirectly in the environment

### Effects of the legislation

- some valuable biocides de-registered
- some products now registered (e.g. nitrogen to Rentokil plc)
- some materials under 'scope' (e.g. some pheromones, oxygen absorbers)




### Changes to labelling

### New hazard warnings

- some products now have hazard warning labels
- now come under the COSHH 2002 legislation
- now need formal risk assessments



### Treated materials

**Articles treated with biocides must be EU authorised:**

- only EU authorised 'Actives' can be used to treat objects
- this applies to imported material
- it is not clear whether this applies to historic treatments



### Treated materials

- 'Treated' articles appear to mean those with claims of biocidal properties, e.g. - 'moth proofed'
- only objects treated with EU approved biocides can be used for commercial purposes



### Biocides Regulation EU 528/2012

The Regulation will establish a two-step process of approval

1. Evaluation of the active substance at the Union level
2. Product authorisation at Member State level

It will allow industry to directly place their products on the entire Union market



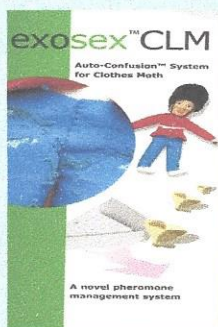
### Our museum concerns

- many effective biocides may be lost (formaldehyde etc.)
- some anoxic processes will be restricted (e.g. to Rentokil only)
- niche products, such as some pheromones will be lost as uneconomic to register



### Insect monitoring and trapping

- traps that have no attractant are not covered by the BPR
- traps with an attractant used for **monitoring** only are not covered by the BPR



### Anoxic treatments

- bottled nitrogen registered by Rentokil for their sole use
- nitrogen generators still in discussion
- oxygen absorbers (e.g. Ageless™) **may** be covered by BPR



### Biocides

- all biocides must be registered on the Annexe 1 for use
- some transitional arrangements
- many will be lost
- Formaldehyde may only be for embalming



### Amending regulation (334/2014)

- new regulation came into force 24 April 2014
- it increases the transitional period for registration of 'actives' (e.g. transfluthrine)
- probably more amendments to come



## EU Biocides regulations 528/2012

Long term effects will be:

- far fewer 'actives' and 'products'
- changes in formulations
- arguments over non commercial use
- further legislation



## European union legislation

- The Lord's Prayer contains 69 words
- The Ten Commandments contain 297 words
- The American Declaration of Independence contains 310 words
- The EU Directive on the Exportation of Duck Eggs contains 28,911 words

