
Pesticides Newsletter

Issue Number 61

HSE
Biocides & Pesticides Unit (BPU)

December 2003

To HSE Approval Holders and Interested Parties.

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Approvals

1. CHANGES TO THE CLASSIFICATION AND LABELLING OF PESTICIDES APPROVED UNDER COPR

Relevant website - (<http://hse.gov.uk/pesticides/application/classandlabel.pdf>)

a) CHIP 3

Although the purpose of the guidance published on our website in June 2003 was not to summarise or explain the requirements of CHIP 3, we wish to highlight a particular CHIP 3 requirement that we feel may be overlooked. CHIP 3, Part II, Article 9 (5) states;

In the case of a plant protection product approved under the Plant Protection Products Regulations or a product approved under the Control of Pesticides Regulations 1986, the labelling information required by these Regulations shall be accompanied by the wording "To avoid risks to man and the environment, comply with the instructions for use."

This means that, as part of the requirements of CHIP 3, the phrase "*To avoid risks to man and the environment, comply with the instructions for use*" must appear on the labels of all dangerous (that is, classified according to CHIP 3) COPR-approved products in the supply chain, by 30 July 2004. The positioning of the phrase on the label is not specified.

b) Changes to COPR Labelling phrases

The BPU website guidance contains a section 'Changes to COPR Labelling phrases', in which we have detailed our revision of several COPR labelling phrases - changing some to be exactly the same as a CHIP S phrase where possible.

We have recently updated this section of our guidance such that we have added further revisions to some environmental phrases, changing a few more COPR labelling phrases for CHIP R phrases or a new COPR labelling phrase. All the extra phrases that have been added to this section relate to aquatic and terrestrial environmental protection.

If you have not already made changes to your product labels to incorporate the CHIP 3 requirements you may wish to include these extra changes.

c) Exemptions for Environmental Labelling under CHIP

An addition has been made to the BPU guidance to clarify the possible exemptions to CHIP environmental labelling for COPR products, based on

quantity of product. This new information appears towards the end of the section, 'BPU Guidance for environmental labelling'.

The guidance briefly explains the exemptions as detailed in CHIP 3, Part II, Article 8 (10) and (12) and goes on to explain when the CHIP exemptions also apply to the use of one specific COPR environmental labelling phrase.

Approval Holders should note that the CHIP regulations require you to classify and label your products in accordance with CHIP. Due to reallocation of staff resources in BPU we cannot advise you on the general requirements of CHIP. Guidance is available on our website, the HSE website (www.hse.gov.uk) and in publications available from HSE Books (www.hsebooks.co.uk). We can only give advice on COPR labelling and how it is affected by the move to CHIP, and for further information please see the guidance on our website. If this does not answer your questions, please contact our Approvals Group at the address at the end of this Newsletter.

2. DATA REQUIREMENTS FOLLOWING THE ANTIFOULING BOOSTER BIOCIDES REVIEWS OF 2000

Approval holders of antifouling products are reminded that it is now 3 years since Data Requirement letters were initially sent out, following review of the antifouling uses of dichlofluanid, RH-287, zinc pyriothione and zineb by the UK's independent Advisory Committee on Pesticides.

Although most data were set on the active substances themselves, certain requirements on storage stability, leaching rate, efficacy and dermal penetration were placed upon products and must be met by approval holders.

Final deadlines for submission of data on antifouling products marketed at the time of the reviews will elapse by Christmas 2003 so this is a final reminder that all data must be submitted otherwise approvals may be revoked for failure to supply supporting data.

Products approved after the review in 2000 have been set their own specific deadlines for submission of supporting data.

For further information, please contact Chris Walton by email to chris.walton@hse.gsi.gov.uk, telephone 0151 951 4068, or by letter to the address given at the end of this Newsletter.

3. PESTICIDE PRODUCTS CONTAINING NONYLPHENOL ETHOXYLATE

Approval Holders are reminded of an article appearing in the June 2003 edition of our Newsletter warning that a forthcoming Amendment (26th) to the EU Marketing & Use Directive would affect pesticidal products containing 0.1% or more Nonylphenol ethoxylate (NPE).

This Amendment was published in the Official Journal in July 2003 and takes effect across Europe on 17 January 2005, although certain Member States may take action sooner.

Approval Holders are advised to look at their current product ranges with the purpose of reformulating to remove NPE or reduce levels below 0.1% - remember that you should apply to our Approvals group in writing for any proposed change to an existing formulation.

To comply with this EU legislation, if you fail to reformulate it will result in revocation of your approvals under COPR.

4. INSECTICIDES FOR USE AGAINST BEES

Approval Holders of products approved for use against bees are reminded of the extra information that may be required for such products. All products that are approved for use against bees and that make a claim against bees on the label, must carry the precautionary phrase 'DANGEROUS TO BEES', together with the statement 'Action should be taken to prevent foraging bees gaining access to treated nests, preferable by removing the combs or blocking the nest entrances.'. This second statement should also appear on all promotional literature concerning the product. Where there is no label claim against bees, there is no requirement for either the phrase or the statement to appear on the label. However, the statement 'Action should be taken....' should still appear on promotional literature concerning the product.

This phrase and statement are intended to help reduce the risk of honey bee kills and hive contamination following the use of non-agricultural pesticides on feral bee nests.

If you need any further information, please contact our Approvals Group at the address at the end of this Newsletter.

5. INSECT REPELLENTS FOR USE ON ANIMALS REQUIRE APPROVAL UNDER THE CONTROL OF PESTICIDES REGULATIONS 1986 (AS AMENDED)

The Health and Safety Executive has recently taken over responsibility for animal husbandry insecticides and repellents under the Control of Pesticides Regulations 1986 (COPR) from the Pesticides Safety Directorate (PSD) (an executive agency of DEFRA). Following this HSE has discovered that there are insect repellents that are used on animals that require approval under COPR, but that are not currently approved. HSE, in consultation with the Advisory Committee on Pesticides, has decided to approve such products via the quickest route available under the regulations. Companies who market insect repellents that are used on animal skin are urged to contact the HSE for further advice at the address below. Please note that if you market insect repellents for

use on animals that already hold authorisation through the Veterinary Medicines Directorate, such products should not be affected by this action.

For further information, please see the article on insect repellents in issue 58 of the Pesticides Newsletter which is available at the following web address - <http://www.hse.gov.uk/hthdir/noframes/pest58.htm#7> and if you then require further advice, contact Andrew Edwards at HSE by email andrew.edwards@hse.gsi.gov.uk, or telephone 0151 9513219 or in writing to the address at the end of this Newsletter. Please note that applications for approval should be received at HSE by 31st December 2003.

General

6. MARKETING AND USE DIRECTIVE – COPPER CHROME ARSENIC PRODUCTS

BPU has been approached by Approval Holders to clarify the issue of the potential tank mix of Copper Chrome Arsenic (CCA) product with other non-arsenic containing products in light of the restrictions on arsenic in timber products made by the Xth Amendment to the Marketing and Use Directive. Below is the position on this issue:

The restrictions placed on CCA are under the Marketing and Use Directive, and although HSE can implement some aspects of this Directive under COPR, we do so on behalf of the Departments who have the lead on specific issues. Whilst DEFRA have the overall lead on Marketing and Use, because the issue of wood treated with CCA is a consumer issue, it is DTI who have the lead for implementation in this area.

BPU have consulted with DTI, and at best they are uneasy with any proposal for tank mixing to remove the arsenic from the treatment tanks. They feel that this will not convince the EU that tank mixing is a real attempt to remove the arsenic. Whilst accepting that dilution will ultimately render the arsenic levels below that of any concern, there can be no guarantee that sufficient dilutions would take place before the end date to ensure that the requirements of the Directive were being met.

In the light of this advice, HSE is unable to approve a tank mix to allow such dilution to legally take place. We have not received any advice from the Commission as to the levels of arsenic which could remain in treatment tanks, therefore it is unclear what, if any, levels remaining in the treatment tank would be deemed acceptable.

Therefore, whilst it is up to companies to ensure compliance with the Directive, our advice would be that the most appropriate method would be to clean the tank, and to transfer the remaining product to another plant. Accepting that this

would not remove all traces of arsenic, it would show to the DTI and to the Commission that a reasonable solution had been followed.

For further information on this issue, please contact Mike Potts at the address given at the end of this Newsletter.

7. PROPOSED INDUSTRY SEMINAR

The Biocides & Pesticides Unit is considering holding another of its one day seminars for the pesticide / biocide industry around May 2004. As in previous years the aim of the seminar will be to bring companies up-to-date on issues and developments in the regulatory process, promote discussion and to gather feedback from the industry on issues of concern. We will aim to provide the opportunity for delegates to talk to BPU staff informally during the day.

The seminar is likely to cover both issues relating to the Control of Pesticides Regulations products, and the Biocidal Products Directive/Regulations – much of the content is expected to related to the BPD rather than COPR - and will be open to delegates from all sectors of the pesticide/biocide industry. Further details will be provided in the March 2004 Newsletter (or via a specific mailout), however, we would like to take this opportunity to ask Approval Holders what topics they would like to see covered during the seminar. If you would like to suggest possible topics, please send details by e-mail to biocides@hse.gsi.gov.uk

Whilst this will be a 'one-day' seminar, due to the large number of delegates who wanted to attend the previous event, we will aim to repeat the seminar on the following day, so delegates will be able to choose which of the two dates they wish to attend (the content will be the same for each day), and everyone who wishes to attend should be able to do so.

8. UPDATED BRITISH WOOD PRESERVING AND DAMP-PROOFING ASSOCIATION CODE OF PRACTICE

The Wood Protection Association (a division of the British Wood Preserving and Damp-proofing Association (BWPDA)) has recently released an updated Code of Practice that is intended to provide practical guidance on health, safety and environmental issues that are relevant to all companies that are involved in industrial wood preservation activities.

This report is published by the Environment Agency and copies are available from:

British Wood Preserving and Damp-proofing Association
1 Gleneagles House
Vernongate
Derby DE1 1UP
Tel: 01332 225 100

Fax: 01332 225 101
e-mail: info@bwpda.co.uk

9. PUBLICATIONS READERSHIP SURVEY

With the last issue of the Pesticides Newsletter there was a short questionnaire seeking your views, as a reader, on the content and format of this Newsletter and on the Biocides Fact Sheets also produced by the Biocides and Pesticides Unit. We would like to thank all those people who have returned the questionnaire, we are currently collating the responses and will include feedback in a future issue of the Newsletter. If you have not yet returned your questionnaire, there is still time to do so and we would value your feedback to help us improve the information we provide to you via these publications. The questionnaire is available on-line at the following web address - <http://www.hse.gov.uk/hthdir/noframes/pest60.htm#8>

We would also ask that if you no longer wish to receive copies of the Pesticides Newsletter, please let us know, either in writing to the address at the end of this Newsletter, or by email to: BPU.Admin@hse.gsi.gov.uk



If you require any further advice or information about any of the articles in this issue of the Pesticides Newsletter, please contact the Biocides and Pesticides Unit by telephone on 0151 951 3535, by fax on 0151 951 3317 or by letter to: Biocides & Pesticides Unit, Health & Safety Executive, Magdalen House, Trinity Road, Bootle, Merseyside L20 3QZ. Alternatively we can be contacted via e-mail at biocides@hse.gsi.gov.uk

Back issues of the Pesticides Newsletter and further information on pesticides and biocides can be found on the BPU webpages at : <http://www.hse.gov.uk/pesticides>

We would like to take this opportunity to wish all readers of the Newsletter a Merry Christmas and Happy New Year.