
Pesticides Newsletter

Issue Number 65

HSE
Biocides & Pesticides Unit (BPU)

January 2005

To HSE Approval Holders and Interested Parties.

Contents:

	<i>Page</i>
1. Residual Pyrethroid Insecticides – Housefly Resistance	1
2. Environmental Exposure Software : Regulatory Environmental Modelling of Antifoulants (REMA) – Free Internet Download Available	2
3. Freedom of Information	2
4. Future publication of the Newsletter	4

1. RESIDUAL PYRETHROID INSECTICIDES – HOUSEFLY RESISTANCE

Approval Holders of insecticide products containing residual pyrethroids intended for use in agricultural premises are reminded that such products **cannot** be used against houseflies in **intensive** or **controlled environment** animal houses. This is to endeavour to control the development and spread of housefly resistance and thereby maintain the effectiveness of currently available insecticides. Approval Holders are also reminded that the following text **must** appear on the product label and/or associated literature:

THIS PRODUCT MUST NOT BE USED AGAINST HOUSEFLIES IN INTENSIVE OR CONTROLLED ENVIRONMENT ANIMAL HOUSES BECAUSE IT IS LIKELY TO CAUSE CONTROL FAILURE DUE TO INSECTICIDE RESISTANCE

If you have any questions on this issue then please contact the Approvals Group at the address at the end of this Newsletter.

2. ENVIRONMENTAL EXPOSURE SOFTWARE : REGULATORY ENVIRONMENTAL MODELLING OF ANTIFOULANTS (REMA) – FREE INTERNET DOWNLOAD AVAILABLE

In 1999 HSE released the REMA model software, which was the product of a 3-year research project funded by HSE and the Environment Agency. This validated model was developed for the UK review of the ‘booster biocides’ used in antifouling paints under the national Control of Pesticides Regulations, but it may also have the potential for use in defining the exposure of antifouling substances under the Biocidal Products Directive review programme.

Originally the REMA software was made available through distribution via the Health and Safety Laboratories, Sheffield at a cost of £30 per copy. Unfortunately, the distribution contract has now ceased through lack of demand and the original address for this software is no longer valid. Therefore, in order for interested parties to obtain the REMA model, HSE is grateful to the European Chemicals Bureau who have placed the software on their website. The website address is <http://ecb.jrc.it/biocides/> and the REMA software can be located by clicking on the ‘Documents’ section, then clicking on the ‘Environmental Emission Scenarios’ link where the software is in the ‘REMA ANTIFOULANTS’ folder. In addition to the REMA software the ECB has also made User Guide and an erratum available in this folder, which users will need to be aware of.

It should be noted by intended users that the REMA model is ‘unsupported’ and recommended for use only by those with previous experience in environmental fate modelling. In situations where down-loading of software is not an option (all technical issues with downloading from the ECB site should be directed to the ECB) there are a limited number of hard copies of the model available on a ‘first come first served’ basis. All enquiries for a CD of the software, or issues relating to its use, should be directed to the Biocides and Pesticides Unit at the address given at the end of this Newsletter. It should be noted that no further copies or updated versions of REMA will be supplied by HSE once the current stocks are exhausted.

3. FREEDOM OF INFORMATION

The Freedom of Information Act 2000 (FOIA) came fully into force on 1st January 2005. The FOIA introduces new statutory rights of access to information held by government bodies, including HSE - replacing the non-statutory Code of Practice on access to Government information. Further information on the FOIA is available at <http://www.foi.gov.uk/>.

The FOIA can create a presumption that the public interest favours disclosure unless this is outweighed by a greater public interest that the information is not disclosed – in which case, one or more of the exemptions available in the FOIA will need to be applied. Some of the FOIA exemptions do not require a public interest test – usually because there is a more appropriate regime applying to that kind of information – e.g. environmental information, or personal information to which the subject access provisions of the Data Protection Act 1998 apply. More information on the exemptions can be found on the Information Commissioner’s website by following this link:

<http://www.informationcommissioner.gov.uk/cms/DocumentUploads/Absolute%20and%20Qualified%20Exemptions.doc>

HSE will be able to consider the public interest in disclosing information it holds, including information provided by duty-holders, and which someone has requested.

The FOIA is fully retrospective. This means that information already provided to HSE became subject to the FOIA access rights from 1 January 2005.

As many readers will have, or will in the future, provide information to the Bio-cides & Pesticides Unit in compliance with the requirements of the Control of Pesticides Regulations or the Biocidal Products Regulations, you should be aware that information you provide to HSE will be subject to the FOIA, and that decisions on whether or not disclosure of that information is appropriate will be taken by HSE. You will have an opportunity to make representations, though it is HSE, rather than information-providers, who have responsibilities under FOIA

As your organisation may provide information to HSE you may wish to know what will happen if HSE receives a request for such third-party information.

Information requests under FOIA will need to be handled promptly. There is a 20 working days time limit for responding to requests, except where exemptions under the Act apply. Therefore timeliness will be very important. So, on receipt of a request:

1. HSE will establish whether it holds any of the information requested.
2. If yes, HSE will consider the application of any exemptions and the need to consult you about disclosure. If consultation is necessary we will contact you as soon as possible, giving you a deadline by which you need to respond, giving your reasons why any of the requested information should not be disclosed.
3. In the meantime, HSE will keep the requester informed of progress and consider whether there are other reasons why the information should not be disclosed – e.g., ongoing enforcement action, and will also estimate whether the applicant should be charged under the FOIA fees regulations, should disclosure be appropriate.
4. Your response will be considered:
 - as part of deciding whether to neither confirm nor deny the existence of the requested information;

- in applying the public interest test; and,
 - in applying any exemptions.
5. If HSE considers the information should be disclosed despite your wishes to the contrary, HSE will inform you of this before releasing the information.

This article is to inform you of the changes that the FOIA introduced, but is not intended to give authoritative advice about the FOIA. You can get more information about the FOIA from the Department of Constitutional Affairs website (www.foi.gov.uk), the Information Commissioner's website (www.informationcommissioner.gov.uk), or you may wish to consult your own legal advisers.

4. FUTURE PUBLICATION OF THE NEWSLETTER

The Biocides and Pesticides Unit is considering the future publication of the Pesticides Newsletter and Biocides Fact Sheet. The first change that has been decided is that publication will no longer stick to the traditional timetable of the start of March, June, September and December – this is due to the need to report back on the outcome of EU Competent Authority meetings which delayed the publication of this issue of the Newsletter and Fact Sheet – instead publication will be tied more to factors such as EU meetings and to an assessment on whether there is anything useful that needs to be reported to readers. Therefore the publication schedule will be more flexible than previously.

Any other changes will be reported in future issues of this Newsletter.

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 at the address below:

*Biocides & Pesticides Unit
Health and Safety Executive
Room 123 Magdalen House
Trinity Road
Bootle
Merseyside
L20 3QZ.*

Tel: 0151 951 3535, Fax: 0151 951 3317, Email: 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/> or <http://www.hse.gov.uk/biocides/>