

GB Biocidal Products Regulation No 528/2012 (GB BPR) – Article 14(4) active substance renewal

Active substance decision reference number: 2026-002

Summary of decision

A decision has been taken under Article 14(4) of [assimilated Regulation \(EU\) No 528/2012](#) of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (the “GB Biocidal Products Regulation”, GB BPR) to renew the approval of the active substance creosote in product type 8.

Background

Creosote is a product type 8 (PT8) biocidal active substance used to prevent the destruction of softwood and hardwood by wood rotting fungi, soft rot fungi and wood destroying marine organisms.

Creosote was first approved as an existing active substance in PT8 for a period of 5 years under [Commission Directive 2011/71/EU](#) and included in Annex I of the Biocidal Products Directive ([Commission Directive 98/8/EC](#)) on 1 May 2013.

The approved uses were:

- Pressure impregnation of wood to be used in situations where it is not covered and not in contact with the ground. It is either continually exposed to the weather or is protected from the weather but subject to frequent wetting (use class 3):
 - railway sleepers
 - agricultural, equestrian, industrial and highways fencing
 - environmental barriers
 - industrial landscape retaining timbers
 - cladding for non-residential buildings
- Pressure impregnation of wood to be used in situations where it is in contact with the ground (use class 4a) or fresh water (use class 4b) and is permanently exposed to wetting:
 - transmission poles
 - agricultural, equestrian, industrial and highways fencing
 - hop poles and tree support posts (fruit, vineyards)
 - industrial landscape retaining timbers
- Pressure impregnation of wood to be used in situations where it is permanently exposed to sea water (use class 5):
 - marine installations

- Surface treatment of creosote impregnated wood after modifications such as sawing, cutting, shaping and machining. Surface treatment only applies where there has been machining of pressure treated wood after treatment (normally all machining to be done before treatment). For use class 3 and 4 applications.
- Hot and cold impregnation (non-pressure method) of wood to be used in use class 4:
 - wooden post supports for vineyards and orchards as well as horticulture and landscaping applications (vineyard posts, fruit tree and tree support posts)

The renewal of the approval was requested by the Creosote Council Europe on 27 October 2016. HSE were the evaluating competent authority on behalf of the EU, until handing over to the new evaluating competent authority (Poland) due to the UK leaving the EU.

The UK left the EU on 31 January 2020 and began operating an independent regime for regulating biocides – GB BPR – following the end of the Transition Period on 31 December 2020. Under the transitional arrangements established by GB BPR, the Creosote Council Europe resubmitted their application for the renewal of creosote to HSE on 24 March 2021.

HSE's evaluation concluded that, although sufficiently effective, creosote is a carcinogen, reprotoxin, is persistent, bioaccumulative and toxic, and all intended uses result in unacceptable risks for human health and, in most use cases, the environment.

As a result, creosote meets the exclusion criteria in Article 5(1) of GB BPR, and the approval may only be renewed if any of the conditions in Article 5(2) are met. Additionally, creosote is a candidate for substitution under Article 10(1). Under Article 10(3) HSE must consult on candidates for substitution and gather information on the availability of suitable and sufficient alternatives.

HSE launched a public consultation on 24 September 2024 to gather information on the availability of suitable and sufficient alternatives and to determine if the conditions in Article 5(2) are still satisfied for each of the proposed uses of creosote.

HSE's socioeconomic assessment of the information submitted by the applicant and through the public consultation concluded that, when compared to the risks to human health or the environment arising from the use of creosote:

- there was sufficient evidence to suggest that there would be disproportionate negative impacts for society if the following uses were not renewed:
 - railway sleepers
 - transmission poles
 - fencing (safety critical uses, namely those requiring compliance with BS8417 service factor D)
 - surface treatment of wood for the above uses when modified at the point of installation
- there was insufficient or no evidence to suggest that there would be disproportionate negative impacts for society if the following uses were not renewed:
 - fencing (non-safety critical uses)

- tree stakes
- marine applications
- environmental barriers
- industrial landscape retaining timbers
- cladding for non-residential buildings

In consultation with UK government departments and Scottish and Welsh Governments, HSE considered the balance between the identified risks, available alternatives, and the societal need, and determined that the approval of creosote could be renewed for certain uses with additional mitigations to address some of the more significant risks.

Further detail is available in the [GB opinion](#).

Decision

The approval of creosote is renewed for the treatment of wood for the following uses:

- railway sleepers
- transmission poles
- fencing (safety critical uses, namely those requiring compliance with BS8417 service factor D)
- surface treatment of wood for the above uses when modified at the point of installation

However, in light of growing evidence that alternatives may be available, a move towards phasing out the use of creosote in GB in the longer term must be considered.

To allow time to fully explore the barriers to substitution, with the aim of establishing a realistic timetable to move to the use of alternatives, the approval is renewed for a time period of 7 years.

The new expiry date is set at 31 March 2033.

Conditions of the renewal are set out in Appendix 1.

GB authorisations of creosote products must be amended to reflect the conditions of renewal (Article 48 of GB BPR applies).

Periods of grace may be applied to existing stocks of biocidal products of up to 180 days for supply, and up to an additional 180 days for use (Article 52 of GB BPR applies).

To allow time for product authorisations to be amended and supply chains to adjust, a period of grace of 12 months is granted for the [placing on the market](#) of creosote-treated timber for the uses that are not being renewed.

Creosote-treated timber must not be placed on the GB market on or after 1 April 2027 for use as:

- fencing (non-safety critical uses)

- tree stakes
- marine applications
- environmental barriers
- industrial landscape retaining timbers
- cladding for non-residential buildings

Consent

Active substance renewal decisions are subject to the consent requirements of Article 83B of the GB Biocidal Products Regulation. The Secretary of State has taken this decision with the consent of the Scottish Ministers and the Welsh Ministers.

The renewal decision applies on and after 1 April 2026.

Appendix 1

Active substance details

Active substance name	CAS number / EC number	Product type	Previous expiry date of approval	New expiry date of approval
Creosote	8001-58-9 / 232-287-5	8 – wood preservative	31 March 2026	31 March 2033

Conditions of renewal

1. Specification: Grade B and Grade C creosote as specified in European Standard EN 13991:2003.
2. The authorisation of biocidal products in GB is subject to the following conditions:
 - a. Products must only be authorised for pressure impregnation or surface treatment of timber to be used as; transmission poles, railway sleepers and safety critical fencing (use classes 3 and 4).
 - b. Surface treatment must only be authorised for application to creosote-impregnated transmission poles, railway sleepers and safety critical fencing (use classes 3 and 4) after necessary modifications at the point of installation. Treatment must be limited to situations where modifying the timber before pressure treatment is not possible.
 - c. Product authorisations must apply the following risk mitigation measures and labelling requirements:
 - i. Timber must be fully modified before pressure treatment wherever possible.
 - ii. With the exception of railway sleepers, treatment must only be applied to timber which will not be used above or adjacent to surface waters.
 - iii. Industrial application processes must be carried out within a contained area; situated on impermeable hard standing, with bunding to prevent run-off and a recovery system in place (e.g. sump). Any losses of the product must be collected for reuse or disposal as hazardous waste in accordance with local requirements.
 - iv. Surface treatment must not be carried out in areas accessible to the general public.
 - v. During in situ brush application treatments, the soil adjacent to the treated surface must be protected with an impermeable cover and any spillage should

be collected to avoid emissions to soil and disposed of as hazardous waste in accordance with local requirements.

- vi. Suitable operating processes and risk controls must be established for treatment applications to minimise exposure to workers as far as practically possible. Suitable personal protective equipment (PPE) must be worn where exposure cannot be reduced to an acceptable level by other means. Workers must be appropriately trained in operating processes and the correct use of PPE.
- vii. All protective measures in place for treatment applications must be strictly followed.
- viii. Mechanical or automated processes must be used to avoid contact with creosote and treated timber wherever possible (including down-stream work, for example during work with poles in service).
- ix. Non-essential employees must be kept out of treatment areas, especially when opening treatment vessels.
- x. Wear suitable protective gloves and impermeable coveralls when handling creosote, touching contaminated surfaces, during application and when handling treated timber.
- xi. A thinner pair of (cotton) gloves must be worn under chemical resistant gloves.
- xii. Chemical resistant (impermeable) coveralls, or equivalent, must be worn over regular work clothes (long-sleeved shirts and long trousers).
- xiii. Creosote-resistant boots must be worn when entering treatment vessels (e.g. for cleaning or maintenance).
- xiv. Tight sealings (sleeve capes) must be used e.g. at the border of gloves and sleeves and at the border of trousers and boots.
- xv. All PPE must be changed frequently, and immediately after contamination. When disposing of contaminated PPE this should be in accordance with local requirements for the disposal of hazardous waste.
- xvi. New gloves must be worn for each shift/task and changed immediately if significant contamination occurs.
- xvii. Do not launder creosote contaminated clothing or coveralls at home. Professional laundering should occur, or disposal of contaminated clothing as hazardous waste in accordance with local requirements.

- xviii. Where there is risk of skin contact, wash skin with suitable cleaning solutions as soon as possible after each work task.
 - xix. Where there is risk of inhalation exposure, respiratory protection, such as a full face mask with particle filter P3 in combination with gas filter A (brown), must be worn.
 - xx. Working areas, such as treatment areas, must be monitored or inspected regularly to ensure a suitable cleaning frequency. Other areas such as changing and washing rooms, break rooms and control rooms must be cleaned weekly.
 - xxi. Relevant equipment and tools (with the exception of brushes) must be cleaned if contaminated.
 - xxii. Do not clean brushes after surface treatment – dispose of as hazardous waste in accordance with local requirements.
 - xxiii. Freshly treated timber must be stored after treatment under shelter or on impermeable hard standing, or both, to prevent direct losses to soil, sewer or water. Any losses of the product must be collected for reuse or disposal as hazardous waste in accordance with local requirements.
 - xxiv. In case of temporary storage of treated timber at sites other than industrial impregnation facilities, timber must be stored on an impermeable hard standing or under shelter (e.g. roof or covered with a tarpaulin) and, if stored in residential or recreational areas, any access by general public must be restricted (e.g. using a fence or a cover).
 - xxv. Surface treatment may only be carried out on transmission poles, railway sleepers and safety critical fencing where it is necessary to make modifications after pressure treatment with creosote. Treatment must be limited to the parts of the timber exposed by the modifications.
 - xxvi. Treated timber must be fully dried before installation.
- d. As creosote is considered a candidate for substitution, a comparative assessment must be performed as part of the product authorisation/renewal.
3. The placing on the market of treated articles in GB is subject to the following conditions:
- a. On and after 1 April 2027, creosote-treated timber must only be placed on the GB market for use as; transmission poles, railway sleepers and safety critical fencing (use classes 3 and 4).
 - b. On and after 1 April 2027, creosote-treated timber placed on the GB market must be labelled with a statement that it is only for use as transmission poles, railway sleepers or safety critical fencing, as applicable.

- c. Creosote-treated timber placed on the GB market must be labelled with the information listed in the second subparagraph of Article 58(3) of GB BPR.
- d. On and after 1 October 2026, creosote-treated timber placed on the GB market must be additionally labelled with the following risk mitigation measures, as applicable:
 - i. In case of temporary storage of treated timber at sites other than industrial impregnation facilities, timber must be stored on an impermeable hard standing or under shelter (e.g. roof or covered with a tarpaulin) and, if stored in residential or recreational areas, any access by general public must be restricted (e.g. using a fence or a cover).
 - ii. Surface treatment may only be carried out on transmission poles, railway sleepers and safety critical fencing where it is necessary to make modifications after pressure treatment with creosote. Treatment must be limited to the parts of the timber exposed by the modifications.
 - iii. Treated timber must be fully dried before installation.
 - iv. Where there is risk of skin contact with treated timber, suitable protective gloves and chemical resistant (impermeable) coveralls, or equivalent, must be worn over regular work clothes (long-sleeved shirts and long trousers). Do not launder creosote contaminated clothing or coveralls at home. Professional laundering should occur, or disposal of contaminated clothing as hazardous waste in accordance with local requirements.
 - v. Sky lifts (aerial access platforms) must be used for transmission pole maintenance wherever possible, to minimise contact with treated timber.
 - vi. With the exception of railway sleepers, treated timber must not be installed above or adjacent to surface waters.
 - vii. The installation of creosote-treated transmission poles must be accompanied by a suitable location-specific risk assessment to identify and avoid potential exposure to the general public as far as practically possible.
 - viii. Where the installation of creosote-treated transmission poles in areas accessible to the general public cannot be avoided, additional suitable mitigations must be applied to minimise exposures as far as practically possible.
 - ix. The installation of creosote-treated safety critical fencing must be accompanied by a suitable location-specific risk assessment to identify and avoid potential exposure to the general public as far as practically possible.
 - x. Where the installation of creosote-treated safety critical fencing in areas accessible to the general public cannot be avoided, additional suitable

mitigations must be applied to minimise exposures as far as practically possible.

- e. Creosote-treated timber placed on the GB market must be labelled with a statement that the marketing of second-hand creosote treated articles to the general public is not allowed for articles treated after 31 December 2002 (as specified in entry number 31 in Annex XVII of [assimilated Regulation \(EC\) No 1907/2006](#) (UK REACH)).
- f. On or after 1 April 2027, creosote-treated timber must not be placed on the GB market for use as; fencing (non-safety critical uses), tree stakes, marine applications, environmental barriers, industrial landscape retaining timbers, cladding for non-residential buildings.