



www.cieh-npap.org.uk



www.bpca.org.uk



www.npta.org.uk

Biocidal Products Directive (BPD) and the UK – ‘An Update’

Detailed below is an update on the current situation on BPD since this document was last submitted on the 2nd July 2006.

Essential use Applications

The UK has applied to the Commission for the approval of strychnine hydrochloride to control moles and methyl bromide to control rodents on aircraft in the “essential use category.” If successful this will enable the materials to remain on the UK market until 14th May 2010. In the meantime, either a dossier must be submitted in support of the materials or an alternative material located. If unsuccessful the materials will have to be removed from the market by 1st September 2006. The applications can be viewed at http://ec.europa.eu/environment/biocides/essential_uses.htm. Note the need to underscore essential_uses.

September deadline for removal of some products from the market

Products containing active substances, which were only “identified” under the Biocidal Products Directive and those, which were “notified” (and therefore subject to review), but not under relevant Product Types, must be taken off the market by 1st September 2006. All conditions of approval for these products under the Control of Pesticides Regulations 1986 will expire on 31st August 2006. There will be no phased withdrawal of the products after the end of August 2006. It is now, however, understood that the use of some active substances may have been extended beyond the deadline. Guidance on the products involved can be found on: <http://www.hse.gov.uk/biocides/factsheets/biofact26.pdf>.

Methyl Bromide

Mites infest the protective rind of Farmhouse Cheddar cheese made in the traditional way. As a result, oxygen penetrates the cheese, which can lead to blue mould infection and loss of the cheese. In addition, the presence of mites can lead to allergic reactions amongst consumers.

The UK has applied to the Commission for approval for the use of methyl bromide to control the mites as an essential use. The application can be viewed at http://ec.europa.eu/environment/biocides/essential_uses.htm. Note the need to underscore essential_uses. Comments on the application can be submitted to the Commission until 4th September 2006.

Active substances not currently being supported

Where participants have withdrawn or no dossier was submitted by 30th April 2006 interested parties have until 14th September 2006 to take responsibility for the active substances concerned. If no one takes up this option then the phase-out deadline of 31st December 2007 will apply. This deadline will probably also apply to active substances for which dossiers were submitted but then proved to be incomplete.

The phase-out period is shorter than that applicable to previous product types which have been reviewed because the active substances of current concern have enjoyed longer marketing possibilities.

Enforcement action by PSD

Although not applicable under the terms of the Biocidal Products Directive, The Pesticides Safety Directorate has recently taken enforcement action against a horticultural retailer in the North West of England for the unlawful sale, supply and advertisement of pesticide products. The case highlighted a number of legal issues:

- Approval Holders and Marketing Companies should inform all their agents (including all retailers of their products) when a pesticide product has been commercially withdrawn or revoked. Any use up dates must be communicated to retailers.
- Retailers should also take responsibility to keep up to date with revocations and commercial withdrawals of pesticides.
- Retailers should return all un-sold products to the Approval Holder or Marketing Company after the approval dates for sale and supply have expired. Distributors of pesticide products must be aware of their legal responsibilities including what certification is required to store, sell and supply agricultural pesticides.

Further information

Further information concerning implementation of the Biocidal Products Directive can be found at:

- Health and Safety Executive Biocides and Pesticides Unit website:
<http://www.hse.gov.uk/biocides/index.htm>.

Free information and resources are available at:

<http://www.hse.gov.uk/biocides/information.htm>.

- European Commission Environment Directorate website:
<http://europa.eu.int/comm/environment/biocides/index.htm>
- European Chemicals Bureau website:
<http://ecb.jrc.it/biocides>.