

## Impact of the proposed Biocidal Products Regulation on Rodent Control

Rodents transmit a number of potentially fatal diseases to both humans and animals, and they contaminate food and feed stuffs. Article 5 of the Commission proposal for the Biocidal Products Regulation, COM(2009) 267, proposes exclusion criteria which could, combined with the foreseen outcome of the reclassification process being conducted at EChA \*, prohibit use of the anticoagulant rodenticides: brodifacoum, bromadiolone, chlorophacinone, coumatetralyl, difenacoum, difethialone, flocoumafen and warfarin/warfarin sodium.

The anticoagulant rodenticides represent the foundation of rodent control and are estimated to account for 95% of European rodenticide use and as indicated below, there is currently no viable alternative.

Importantly, the need to retain sufficient rodenticides to protect public health is foreseen in the draft regulation. Article 5.1(b) provides the possibility of derogation where,

*“it is shown that the active substance is necessary to control a serious danger to public health”*

Rodents also cause serious structural damage, cause fires by gnawing on electrical cables and are socially abhorrent, without necessarily representing a serious danger to public health. Regarding these situations, the regulation also provides the possibility of derogation, under Article 5.1(c) where,

*“it is shown that not including the active substance in Annex I would cause disproportionate negative impacts when compared with the risk to human health or the environment arising from the use of the substance and that there are no suitable alternative substances or technologies.”*

However, according to the currently proposed draft, Product Types 4 and 14 to 19 (including rodenticides) are excluded from benefitting from the Article 5.1(c) derogation. Application of the exclusion criteria could therefore prevent use of rodenticides in situations where they are not being used for protecting public health, and no reason is given for this discrimination.

There are five non-anticoagulant rodenticides, either already approved at European level, or undergoing regulatory evaluation. However, these are niche products with significant limitations, and accounting only for an estimated 5% of use. These are:

carbon dioxide, which is only available for use in traps/physical devices for mouse control only.

hydrogen cyanide, which is an acutely toxic gas which cannot be used around domestic, commercial, agricultural premises or near water courses.

aluminium phosphide, which liberates the acutely toxic gas phosphene which cannot be used around domestic, commercial, agricultural premises or near water courses.

chloralose, which is a mouse only control product which cannot be formulated to present a sufficiently efficacious bait for rats.

powdered corn cob, which is generally considered to be ineffective against both rats and mice and is known to cause extreme distress.

### **In conclusion, it is essential that**

- **the facility to grant derogations under Article 5.1(b) on grounds of, “serious danger to human health” should be retained, and**
- **in order to ensure sufficient access to rodenticides for other uses, which are not directly related to human health and therefore addressed by the Article 5.1(b) derogation, the footnote to Article 5.1 “Point (c) shall not apply to active substances for Product Types 4 and 14 to 19” should be deleted.**

\* The Rapporteur Member States involved in the evaluation of the anticoagulant rodenticides all proposed that these rodenticides should be classified as R61 on the basis of read-across from warfarin, as they are all the same chemical class of 4-hydroxycoumarins, and share the same mode of action. The Specialised Experts of the Technical Committee on Classification and Labelling agreed on this read-across from warfarin at their last meeting in 2006. The issue now falls under ECHA's remit where the Committee for Risk Assessment (RAC) is due to commence their deliberations in December 2010. In the current circumstances, the predictable outcome of RAC's evaluation will lead to classification of the anticoagulant rodenticides as toxic for reproduction category 1A or 1B – thus prohibiting their inclusion in Annex I.