

Translation / Original: German

Joint position of VCI (German chemical industry association) and VCH (German association of chemical trade and distribution)

Sustainable use of biocidal products:

Purpose of this paper

This document intends to establish a common understanding on sustainable use of biocidal products inside VCI and VCH.

The paper is intended to serve as a basis for argumentation in discussions within the industry and with competent authorities, scientists and professional audiences.

Introduction

Article 18 of Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products (Biocidal Products Regulation) reads:

“By 18 July 2015 the Commission shall, on the basis of experience gained with the application of this Regulation, submit to the European Parliament and the Council a report on how this Regulation is contributing to the sustainable use of biocidal products, including on the need to introduce additional measures, in particular for professional users, to reduce the risks posed to human health, animal health and the environment by biocidal products. That report shall, inter alia, examine:

- a) the promotion of best practices as a means of reducing the use of biocidal products to a minimum;*
- b) the most effective approaches for monitoring the use of biocidal products;*
- c) the development and application of integrated pest management principles with respect to the use of biocidal products;*
- d) the risks posed by the use of biocidal products in specific areas such as schools, workplaces, kindergartens, public spaces, geriatric care centres or in the vicinity of surface water or groundwater and whether additional measures are needed to address those risks;*
- e) the role that improved performance of the equipment used for applying biocidal products could play in sustainable use.*

On basis of that report, the Commission shall, if appropriate, submit a proposal for adoption in accordance with the ordinary legislative procedure.”

The benefits of biocidal products and sustainable use

Biocidal products are indispensable for the high standard of health and hygiene in our society. They ensure and improve the quality of products and industrial processes. As disinfectants and pesticides they provide protection against dangerous diseases or their carriers. Other biocidal products protect perishable goods (mixtures and articles), or they help maintain the value of products, articles and works of construction.

The assessment of sustainable use of biocidal products needs to comprise the following points and should consider them on equal standing with each other: environmental goals, health aspects, the social component, and the economic component including international competitiveness.

Consequently, political measures and instruments have to be examined not only as to their effects on the environment. Such examinations should also carefully look into the relevant impacts on health and hygiene standards, on the benefits pursued by the use of biocidal products as well as the economic activities and the competitiveness of the companies. Indiscriminate volume reduction targets – without giving due consideration to the benefits of biocidal products – cannot achieve the given aims and even involve risks, e.g. to the necessary compliance with hygiene standards.

Moreover, it can be necessary to use disinfectants as a precaution, e.g. to prevent the spreading of dangerous germs like EHEC, novoviruses, or multiresistant hospital pathogens. The initiative for clean hands “Aktion Saubere Hände” – promoted by the German Federal Ministry of Health (BMG) – is a successful example for the benefits of a consistent use of disinfectants. Based on an intervention concept of the World Health Organization (WHO), this initiative contributed to increasing the share of situations where hand disinfection is medically necessary in hospitals: from the base value of 65% (2011) to nearly 75% (2013). Hand disinfection to prevent healthcare-associated infections (HAI) is a major contribution to improved patient safety. In view of ca. 37,000 deaths annually in Europe¹ due to hospital-acquired infections – other sources assume even much higher numbers² – it is urgently necessary to further step up the hygiene measures. Most efforts involve a more efficient use of disinfectants.

In many cases, using biocidal products is essential for protecting materials and articles and for maintaining existing production processes. Without the targeted use of biocides, for example, water-based paints, coatings, and sealants would not be available to consumers. Also, the use of biocides enables the placing on the market of products without solvents or of low solvent content, in order to preserve natural resources and to protect the environment. Wood preservatives, too, make their contribution to sustainable use of biocidal products: they clearly prolong the working life of treated wood. In certain fields of application many economically viable uses of common local types of wood of low natural durability are made possible by the use of wood preservatives in the first place.

¹ http://www.aktion-sauberehaende.de/downloads/pdf/presse/ASH-Aktionstag2013-Interview-Dr_Reichardt_e.pdf

² P. Walger, W. Popp, M. Exner, Hyg.Med 2013; 38-7/8, p. 329-338

The current state of knowledge allows a highly reflected and controlled handling of biocidal products. In their use and application it should be ensured that the input volumes of biocides are just sufficient for sustainable problem solutions – with the motto: *“As much as necessary, and as little as possible.”*

The chemical industry and chemical traders and distributors support a responsible and sustainable use of biocidal products, giving consideration to the three components of sustainability and to the benefits of biocides. This is understood to mean that biocidal products are used

- ▶ to achieve optimal results and a long-term efficacy of the treatment;
- ▶ while reducing potential risks to health and environment to a minimum;
- ▶ in a well-targeted manner;
- ▶ in their intended field of use.

For the above, it is of central importance to use biocidal products as specified by the manufacturer.

VCI and VCH welcome that under Article 18 of the Biocidal Products Regulation a possible introduction of additional measures should aim to reduce to a minimum the risks posed by biocidal products to health and the environment. Consequently, an introduction of additional measures must be preceded by a scientific risk assessment which considers both risk and exposure. Volume reduction targets which ignore the benefits of biocidal products cannot bring the desired effect.

Current state of discussion on sustainable use

In March 2012 the German Federal Environment Agency (Umweltbundesamt/UBA) presented the report *„Thematic Strategy on Sustainable Use of Plant Protection Products - Prospects and Requirements for Transferring Proposals for Plant Protection Products to Biocides”*³. This was a first attempt to transfer sustainable use in plant protection also to biocidal products. The report focused on wood preservatives, insecticides and antifouling products.

The authors of the report conclude that – with *“some biocide specific adaptations”* – many aspects can be transferred. They recommend developing an action framework on sustainable use of biocides on EU-level.

Some results from the above report are described in the following part of this paper where they are also commented and/or assessed.

- ▶ *„The Thematic Strategy (TS) and the Framework Directive 2009/128/EC (FWD) on sustainable use of pesticides have so far only been implemented for plant protection products (PPP). For biocides there exists no harmonised approach. (...)*

³ <http://www.umweltbundesamt.de/sites/default/files/medien/461/publikationen/4261.pdf>

... an **inventory** of the present environmental impact as well as reliable data on biocide consumption and use patterns, which could be used to **identify key action areas**, are generally missing. These data are urgently needed for the **development of suitable indicators** and the **definition of the objectives**. Sustainable use of biocides addresses the **three issues: social, environmental and economic impact** at which the ecological background assigns the borderline and beam barrier of the economic and social development.”

Comment/Assessment:

This systematic course of action – inventory, identification of key action areas, development of indicators and definition of objectives – is appropriate and logical. As regards the indicators, attention needs to be given to relevance, feasibility, comprehensibility and comparability. All aspects of sustainability need to be taken into account. The ecological basis needs to be put in balanced proportion to socio-economic aspects.

- The report highlights the following aspects that might be suitable for transfer to the biocides sector:

„ ... *education and training, requirements for sales, the establishment of awareness programmes, control of the machinery for biocide application, the development of best practice standards based on integrated pest management principles, and the collection of statistics on biocide consumption.*“

Comment/Assessment:

Education and training of professional users and staff selling products to private end users as well as the development of guidelines, “best practices” and innovative technical solutions are important prerequisites for a sustainable use.

- „*The authors recommend the development of an action framework on sustainable use of biocides on European level. (...) However certain measures could be first implemented on national level and then be included in a national action plan. (...) Later on, existing national measures could be implemented in a general strategy on sustainable use at European level.*“

Comment/Assessment:

Developing an action framework initially at EU-level makes sense, because this drives forward harmonisation and comparability – also against the backdrop of the future Union authorisation. By contrast, hasty anticipatory measures at national level are counterproductive, because it is not certain whether such measures can be implemented across the European Union at a later stage. Moreover, they might even cause conflicts between national and European provisions.

The general conclusion of the UBA report is incomprehensible to VCI and VCH. In this context, it is essential to take into account the wide range of uses and the fact that there are 22 different product-types.

While use-related analogies can still be drawn between sustainable use of insecticides or rodenticides and plant protection, respectively, this is usually not possible for other product types. In particular the biocidal products of main group 1 “Disinfectants” – with product-types 1, 2, 3, 4 and 5 which are likely to constitute the by far largest share of authorised biocidal products – have nothing in common with plant protection products. There is no comparability, neither regarding the formulation nor concerning use or exposure. Consequently, for these products a different basis needs to be resorted to for defining “sustainable use”.

Potential measures for sustainable use

The market for biocidal products is highly heterogeneous: There are 22 product-types, very different forms of application (foams, spray applications, painting, submerging, pressure impregnation, baiting, fumigation etc) as well as three categories of users (professional, industrial, non-professional). For these reasons, VCI and VCH take the view that it is not possible to develop **just one** catalogue of measures for sustainable use of **all** biocidal products. Moreover, measures from plant protection cannot be transferred; this is not possible when making “*some biocide specific adaptations*”, either.

Potential measures for sustainable use of biocidal products need to be examined individually on a case-by-case basis, with an orientation to the numerous and different uses. Generally, an assessment of potential measures is possible only in an approach specific to use, product-type and active substance.

Subject to the above, VCI and VCH support the proposals for general measures as they are currently being discussed:

■ Development of “best practices”

The development of guidance and „best practices“ – product-type specific wherever possible – is a major prerequisite for sustainable use. For product-type 14 (rodenticides) the Cefic brochure “*Sustainable Use of Rodenticides*” (PT 14) as *Biocides in the EU*⁴ is already available.

■ Information and awareness raising among users

Providing information on “best practices” and safe use and disposal is a suitable measure for awareness raising among users. VCI and VCH are critical of introducing or integrating criteria in new or existing ecolabels and/or quality marks. (A ban of certain product claims – like “*environmentally friendly*” – is already laid down in Article 69(2) of the Biocidal Products Regulation).

⁴ <http://www.bpca.org.uk/assets/ceficdoc.pdf>

■ Education and training

Education and training of staff and trainees in undertakings and of professional users is a major prerequisite for sustainable use.

■ Requirements for sales of biocidal products for professional and industrial uses

For advice in sales of biocidal products for professional and industrial uses, the suppliers provide information in safety data sheets or technical data sheets.

Whether rules or special conditions for sales or marketing of products can bring the desired results needs to be examined critically on an individual case-by-case basis and in a product-type specific approach.

A qualification of industrial and professional users in the form of demonstrable proof of expert knowledge (“Anwenderfachkunde” in Germany) can be a suitable measure for minimising incorrect use. The possibility of such a qualification needs to be examined carefully in a product-type specific approach.

■ Assessment of use

For certain products an authorisation can be granted exclusively for professional and/or industrial use. Here, the basis needs to be invariably a scientific risk assessment, taking into account exposure and benefit. An evaluation of earlier experiences can be helpful in this examination, too, e.g. poisoning incidents with provable health damage.

■ Monitoring of appropriate use of biocidal products

Depending on its concrete shape, monitoring can be a useful instrument for an inventory of the existing situation and to identify action areas. By contrast, a monitoring solely of consumption volumes of biocidal products is not constructive. Risk as well as exposure and benefit need to be given consideration.

■ Measures for certain product-types after their use phase

Legal provisions are in place to regulate the disposal of both biocidal products after their use phase and of their packaging (existing legislation in Germany includes, inter alia, the Closed Substance Cycle and Waste Management Act/Kreislaufwirtschaftsgesetz and the Packaging Ordinance/Verpackungsverordnung). This means that already now certain product residues and their packaging need to be declared and disposed properly under existing waste law, e.g. by way of hazardous waste collection, if such waste is generated by private end consumers.

Annexes

- Annex 1: IHO-Merkblatt „Desinfektionsmittel Anwendung“, 2014
- Annex 2: DBC-Leitfaden „Fachgerechte Tränkung von Bauholz-Planung und Ausführung zum Schutz von Holz im Nichtdruckverfahren“, 2014
- Annex 3: DBC-Merkblatt „Merkblatt für den Umgang mit Holzschutzmitteln“, 2012
- Annex 4: DBC-Informationsschrift „Holzschutz nach DIN 68800-3“, 2012
- Annex 5: DBC-Informationsschrift “Holz schützen? Aber sicher!“, 2008
- Annex 6: “Timber Treatment Installations, European Code of Practice for their Safe Design and Operation”, 2011