

Analysis of measures geared to the sustainable use of biocidal products

A study undertaken by Milieu Ltd. for the European Commission
(DG Environment – Chemicals Unit)

Request for information – NGO's

In accordance with Article 18 of 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 BPR”) the Commission shall, on the basis of experience gained with the application of the BPR, present to the Council and the European Parliament a report on how the BPR contributes to the sustainable use of biocidal products, looking also at the need to introduce additional measures, in particular for professional users, to reduce the risks posed to human and animal health and the environment by biocidal products. The deadline for this report is 18 July 2015.

This study, which is undertaken by Milieu Ltd. and Hydrotox GmbH for the European Commission is to serve as the basis for the report to the Council and the European Parliament.

We kindly request you to answer the following questionnaire, the purpose of which is to gather information on the sustainable use of biocides, the need for additional measures to reduce the risks posed by biocidal products, and views on tools that could be used to stimulate innovation and the development of new products to decrease the environmental and human health impacts of biocidal products.

If possible, please complete the questions electronically, using Microsoft Word to fill in the response boxes on the following pages. If you prefer, you can also provide us information directly via fax or email.

We would be very grateful if you could respond by **30 April 2014** to Josephine Armstrong at Milieu Ltd. at the following email address: josephine.armstrong@milieu.be, with a copy to Claire Dupont, claire.dupont@milieu.be.

If you have any questions, comments or difficulties regarding this information request, please contact us by email or phone.

If you wish to obtain further information on the role of this study, please contact Christophe Kusendila of the European Commission (DG Environment): Christophe.KUSENDILA@ec.europa.eu

Thank you,

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Questionnaire for Non-Governmental Organisations

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| Organisation | Women in Europe for a Common Future |
| Country | France- Germany – the Netherlands |
| Name of person answering questionnaire | Elisabeth RUFFINENGO* |
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* This information will only be used by Milieu Ltd in the case that clarifications are needed and in the context of this Study, but will not be made publicly available.

1. Please briefly describe the principle area(s) of concern to your organisation, and any specific involvement that your organisation has in matters associated with biocidal products, in particular concerning the sustainable use of biocidal products.

WECF (Women in Europe for a Common Future) is a European NGO, with more than 150 members in 40 countries of Western, Eastern Europe, Caucasus and Central Asia. WECF is official partner of UNEP, has ECOSOC status and is an accredited stakeholder of ECHA, the European Chemicals Agency. WECF has 4 fields of activities: water and sanitation, chemicals and health, energy and climate change, Agriculture and rural development, and its projects all imply a gender cross-cutting approach.

One of our activities area is the “chemicals and health”. Within this department, the staff in charge of the chemicals agenda within the organization carry out a variety of tasks, either advocacy activities (letters, positions, events, workshops, public testings, etc.) or awareness raising campaigns on the impacts on human health of chemicals of concern in the environment, in products, exposure to chemicals of populations, with a focus on vulnerable groups like pregnant women and children.

Chemical products/substances raise substantial concerns regarding their potential impacts on human health and/or the environment and deserve an adequate regulatory framework as well as effective implementation of said legislation, as regularly underlined by international, European or national experts¹. Among the variety of existing chemicals, and just like so-called plant protection products/pesticides, biocidal products do require a particular

¹ Global Chemicals Outlook : Towards Sound Management of chemicals, UNEP, 2012, http://www.unep.org/pdf/GCO_Synthesis%20Report_CBDTIE_UNEP_September5_2012.pdf

precautionary and prevention approach, as stated in the Biocidal Products Regulation 508/2012. Several elements justify this approach, which encompasses what can be called a “sustainable use” of biocides:

- The **very nature of biocidal products**: just like pesticides, biocidal products are primarily designed to control/kill living organisms, as their very name makes it clear. Their properties mean that they have the inherent capacity to threaten a variety of living organisms, like non-target organisms and/or the ecosystems;
- The **widespread use of biocidal products whether by professional or non-professional users**: with 23 product-types, biocidal products encompass a variety of products, a variety of uses and may be in certain cases used on a daily basis by professionals and non-professional users. It is clear that biocides products are an ingredient of today’s EU way of living, given their presence in our very everyday environment.
- The **size of the European biocidal market**: in 2007, the European Commission estimated the EU market of biocides between 300,000 to 750,000 tonnes. These data show that biocides are distributed to a very large extent and do represent a significant tonnage, if in line with their use, the proportional contamination they could cause have to be considered most seriously.
- The **relatively late regulation of the biocidal products**: the former Biocides directive was voted in 1998. This is relatively late compared to other harmonization of product categories like cosmetics (1976) or toys (1988), which do not initially have the same potential inherent hazardous properties as do biocides. As any post-market regulation, the 1998 biocidal directive has proven to be quite difficult to implement. This situation means that there still may be knowledge gaps in the biocidal products already placed on the market.
- The **extremely poor level of information of the populations on biocides**: If asked, people may say that they do not use biocides, since, contrary to pesticides, which are now quite identified by the general public as a category of products with particular can cause significant harm to both health and the environment, the word “biocides” is generally not identified by the public. The fact that quite a number of biocides are incorporated in consumer products/goods (human hygiene products, materials entering in contact with food, drinking water, construction materials, etc.) make their presence somehow invisible which in turn impairs the public’s ability to become aware of the potential risks of these products. As a consequence, products such as antibacterial products, which are widely advertised and promoted to the general public, and would deserve a precautionary use by the general public, may be widely used, to the potential detriment of human health and the environment.
- The **potential irreversible consequences which may result of an improper use of biocides and their dissemination or that of their byproducts in the environment**: due to their very nature, biocidal products, if used without the necessary precautionary approach, may trigger irreversible damages. To take only one example, antimicrobial resistance and its emergence as a primary health and environment challenge may be partly related to the improper use of a variety of biocides products, like for example the use of sub-lethal doses of biocides can increase antibiotic resistance in *Escherichia coli* ². As stated in a 2011 report by the European Center for Disease Prevention and Control (ECDC)³: “The use and overuse

² Response of *E. coli* to sub-lethal doses of biocides, *Capita R. Appl Environ Microbiol.* 2013;doi:10.1128/AEM.02283-13, <http://www.asm.org/images/Communications/tips/2014/0114biocide.pdf>

³ Surveillance of antimicrobial consumption in Europe, 2011, European Center for Disease Prevention and Control, <http://www.ecdc.europa.eu/en/publications/Publications/antimicrobial-consumption-europe->

of antimicrobials is one of the main factors responsible for the development and spread of antimicrobial resistance. The use and overuse of antimicrobials is one of the main factors responsible for the development and spread of antimicrobial resistance. This has become a serious threat to public health, notably because of the emergence and spread of highly-resistant bacteria, and because there are very few novel antimicrobial agents in the research and development pipeline. »

A definition of sustainable use:

The above-mentioned elements show that today the sustainable use of biocidal products is not a reality; “Sustainable use” would deserve a definition to be sure that all stakeholders involved in this study do consider the same thing when dealing with it. From an NGO perspective, it seems that the term “sustainable use” covers several aspects like first of all not using biocides where it is not necessary, then using it in the very minimum quantity/concentrations, phasing out the substances identified as harmful for human health and/or the environment and finally promoting in a very concrete manner the use of less hazardous/non-harmful alternatives, including non-chemical alternatives.

Keeping in mind these considerations, sustainable use would therefore encompass the following considerations :

- No use of biocidal products if not necessary (interpretation and definition of what is necessary is needed);
- Phasing out and substituting the biocides of concern at the global EU scale;
- Ban of use of substances which fulfil cut-off criteria and no derogations allowed except under very strict conditions,
- Transparency on the composition, quantities, uses, dissemination, disposal if applicable of biocidal products since only information can trigger appropriate action;
- Minimize the quantities of biocides used in any case;
- Promotion and practical support to the development of integrated methods of control which are non harmful and based for example on non chemical alternatives, so as to escape the reliance to biocidal products when possible to promote other methods (SAICM process);
- Minimization of the possibilities to advertise the use of biocidal products to the general public;
- Training and awareness raising among staff in charge of selling biocidal products to the public so as to ensure a better information of the public;
- Restricted access to certain biocides products for sale;
- Short-term ban of most hazardous biocidal products from use in places where children, pregnant women and vulnerable groups as a whole (as defined by the BPR) may be exposed.

Involvement of WECF on the biocides area:

- 2010-2013: Follow-up of the development of the BPR regulation at the level of the European Parliament, the Commission and Member States, together with NGO colleagues, joint coordination with French NGO partner of contributions to the debates;
- Oct 2010-January 2011: Participation in the survey on administrative measures concerning the use phase of biocides carried out by PAN-Europe;
- 2009-2014: Regular information on the public on matters dealing with biocides through the Nesting project website www.projetnesting.fr as well as answers to requests by the general public on products containing biocides in the dedicated

forum of the website;

- November 2013: At the request of Chemical Watch, participation and speaker (workshop vision for 2030) to Biocides 2013 conference organized in Vienna;
- March 2014 – up to now : participation as observer to CA meetings in Brussels (March 2014, May 2014);
- April 2014: interview with Chemical Watch on the new biocidal products regulation, as contribution to a series of interviews for Chemical Conference Europe/Asia 2014;
- April 2014: participation to the sustainable use study on biocides by Milieu Ltd for DG Environment;
- By end of 2014: drafting and dissemination of a fact sheet on what are biocides to inform the general public.

2. How do you see the role of NGO's in the sustainable use of biocidal products?

The role of NGOs in the sustainable use of biocidal products is quite the same as the one they have on the sustainable use of plant protection products/pesticides.

Preliminary remarks (*expressing only the views of the author and none that of its organization*):

In the biocides area, the role of NGOs is complementary to the roles of European and national competent authorities, risk assessment bodies, research bodies and economic operators. The more adequate resources the European and member state authorities will have to deal with their very missions according to the legislation, the less NGOs will have to take in charge a significant part of these missions. The effective role of NGOs can depend widely upon their resources, whether human, technical or financial, since a variation in one of these three aspects may have consequences on the capacity of NGO stakeholders to handle that kind of technical issues the best possible way.

The role of NGOs on sustainable use of biocides would consist of:

Involvement in the legislative and implementation processes at relevant levels:

Like for any other legislative area dealing with human health and the environment, health and environment considerations have to be at least equally considered to economic and commercial ones. Therefore the involvement in the legislative and implementation processes of economic operators whose commercial interests are at stake make it necessary to be balanced by the presence of actors whose primary interests are not commercial or economic. The high level of protection of human health which the European Union wants to guarantee to its citizens makes it important to have this balanced representation.

One of the role of health and environment NGOs would be to contribute to the emergence of a legislation most protective of human health and the environment at the time it is voted and then take part and contribute as observer to relevant meetings during the implementation phase.

Pay particular attention and act towards the respect of the provisions on disclosure of information by economic operators, transparency of data and access to relevant information, as contained in BPR provisions:

The role of NGOs is especially important in regards to provisions on disclosure of information, transparency of data and access to relevant information to interested stakeholders (like themselves) or the public, where protection of public health or/and the

environment is at stake. For example, in October 2013⁴, the European Court of Justice judged that NGOs were right in asking the disclosure of environmental pesticide-testing information if they relate in a sufficiently direct manner to emissions into the environment.

Promotion of non hazardous, less harmful, non-chemical and integrated alternatives/methods:

Another role of NGOs is to promote any measures that contribute to reducing the exposure of the populations to biocides, including promoting a sustainable use of such products as well as non or less harmful alternatives and methods.

Awareness raising activities and improvement of the (level of) information of the general public and their understanding on what are biocides and why to deal with it carefully:

At last, NGOs carry out activities complementary to better inform the public and help them make an informed choice. This can imply for example informing the public about its right to information, similar to that of the REACH regulation.

3. Has your organisation been involved in any information campaigns in relation to the sustainable use of biocidal products, in order to encourage the sustainable use of biocidal products? If so, please describe the nature of these, their target audience, and whether they were product specific or applied generally to the use of biocidal products.

The first aim of WECF as an NGO in the biocides area is to minimize and reduce the exposure to chemicals of concern of the population. As such, since our primary audience is the general public, we rather encourage not to use biocidal products at all, than promoting their sustainable use, which is a role which should be firstly devoted to the economic operators.

Indirectly, however, our activities may have contributed to a sustainable use of biocides, through the dissemination of publications and articles on certain product categories used by the **target audience** of our Nesting project, namely **pregnant women, parents-to-be, parents of infants and young children.**

The categories of products which have been mostly covered by our activities so far are:

- Human hygiene products (group 1, PT 1),
- Disinfectants and algacides not intended for direct application to humans and animals (group 1, PT 2), such as products contained in textiles, tissues, treated articles, furniture, etc.
- Wood preservatives (group 2, PT 8),
- Fibre, leather, rubber and polymerised materials preservatives (group 2, PT9),
- Construction material preservatives (PT 10),
- Pest control products (group 3).

4. Are you aware of any guidance or other documents (e.g., information mechanisms, industry standards etc.) on the use of biocides that you consider as best practice?

⁴ *Stichting Greenpeace Nederland and Pesticide Action Network Europe v European Commission (Case T-545/11)*,

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=142701&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=182753>

The existing labelling of biocidal products provides some guidance on how to use them, as well as indications on the hazardous properties of the products, but I am not aware of any other best practices. The information on the use phase is generally precise on packaging, as well as the labelling on the toxicity of the product. One element which would help the public would be to have pictures to illustrate use procedures rather than long texts which the public may not read: pictures with gloves, with masks, with other elements like how to store the products, which would raise the attention of the public.

Main group 3 – pest control products

The fact that products covered by the main group 3 “pest control” can be sold as ordinary products to the general public in shops, exactly under the same condition as food products for example, may generally confuse the general public, which do not make a difference between this category of products and other products which do not have the same level of hazard. It is striking to see that during a recent visit in a supermarket (in France) to illustrate this study, several elements raise my attention:

- The part **“advise” on a product** designed to kill a certain category of pest was in fact not about using properly the product but rather promoting the use of another product of the same brand to kill other pest category. Here the product is used to promote another biocidal product, so used as an advertisement support.
- Another issue is the ever **changing considerations on gloves**: “wearing gloves is recommended” or “wear gloves during use”; This should be harmonized to make it clear to the general public.
- The **advertisement of products with the assertion that they “protect the family”**, illustrated especially on TVs should be made illegal: this assertion may induce a misinterpretation of the consumer and citizen and consequently an inappropriate use (in quantity and in frequency of use)
- several products (rodenticides, avicides, insecticides, repellents and attractants) had their **packaging opened**, and especially one bottle of glyphosate herbicide has product leaching quite obviously out of it (picture below):



Once aware of the situation and in front of the shelf, the staff of the supermarket, contrary to be embarrassed and proposing to remove immediately the products from sale, stated that: “people open the packaging to look inside, that’s why some products may be damaged”, and did not propose to withdraw it from the shelves, even upon request and precise mention that “these products are supposed to be handled with gloves and are not ordinary food products, they are inherently of very high concern. Do you not consider problematic that some liquid leaches out of the bottle, won’t you withdraw it from the shelf?”

This concrete example illustrates, if necessary **the obvious absence of awareness of the**

staff in charge of selling the products, on the hazardous properties of the product, as well as the apparent absence of will to act to better protect the general public from this exposure.

Note: This example is not presented as representative of the general situation regarding the sale of biocidal products on the market, but is one element supportive to the proposed recommendations.

Activities carried out by member states on sustainable use:

In 2007, Test Achats (Belgium), with the support of the Federal Ministry of Health and Food Safety of Belgium edited a small brochure entitled “Pesticides and Biocides: not without risks! Practical tips respectful of environment and health: <http://www.fytoweb.fgov.be/FR/doc/fiche-fr.pdf> . Using and updating this publication as a basis to disseminate information in other EU Member States could serve public health interests and enhance consumer information.

Generally speaking, national campaigns still focus very much on pesticides rather than biocides; The word biocides is even not mentioned regularly in the media, or even by the authorities. It is clear that a vast majority of Europeans ignore what “biocides” mean and that they do use them on a daily basis.

5. Do you consider that additional measures are required to reduce risks to professional users of particular biocidal products?

WECF is not dealing with the risks to professional users, but indeed an appropriate training and level of knowledge of professionals is required to ensure their effective protection from harmful exposures to biocides.

6. Do you consider that additional measures are required to address exposure risks posed by the use of biocidal products in specific areas (public parks, schools, hospitals etc.)?

Yes, indeed, more generally for protecting the general public, even at home.

The measures proposed to previous questions may already give some indications, in addition we recommend:

- In schools: we **do recommend to the European Commission to carry out a study on the various exposures to environmental toxicants which can occur at school in several EU countries representing countries of Northern and Southern Europe, so as to reflect the variety of situations, including biocidal products**, so as to have more concrete information on the situation on the field. From what we know, we do not have the necessary information to give an informed opinion on this specific issue. We only had once questions related to the use of products designed to kill mosquitoes at schools, by the local authority in charge of a primary school.
- **Clear recommendations including pictures to make it easy to understand** to be drafted and widely disseminated through any appropriate communication tools to kindergarden, schools, any public places where (young) children may be present.
- **Specific advice given to pregnant women by health professionals** and/or women of childbearing age (even before the beginning of pregnancy) on avoiding to use pesticides, pest control products at home as well as disinfectants on a daily basis. In France, a report on the evaluation of the second Health and Environment Action Plan

noted that approximately 67% of pregnant women do use insecticides at home. Allegations such as “protect your home”, “protect your family”, together with the continuous advertisement

- To do so, it is important that **a budget is made available to compensate the unbalanced situation which confuses the general public today: an increasing quantity and variety of advertisement through new and varied communication tools (internet, television, cell phones, etc.) vs a quasi-absence of public campaigns on avoiding or reducing to the very minimum one’s consumption of biocidal products.**

7. Do you consider that integrated pest management principles (IPM) could be applicable to biocidal products, either generally or to specific product-types?

Yes, to biocidal products generally.

8. Do you consider that an eco-label or other scheme to highlight the better profile (for environment and public health) of certain biocidal products, could be developed for biocides?

Eco-labels and biocides are not compatible:

No, since like is the case of certain categories of products, attribution of eco-labels is judged not possible: this is the case for electronic toys, which cannot be granted an eco-label due to their very nature (presence of batteries).

A similar decision should apply to biocidal products. Indeed, due to their very nature, it would be totally contradictory to provide an eco-label to them or any other scheme, since this would induce the consumer into thinking that the product may be eco-friendly; It should be clear that this is neither possible for a pesticide, nor for a biocide, which very aim is to kill living organisms or harm them. We think that this option should not be implemented, in any case.

Improving existing information is a must:

A scheme to highlight a better understanding and handling of consumers during the use phase is made necessary, especially when regarding certain assertions like “dispose of the product in your ordinary garbage, after having rinsed it” (if the content of the product is not suitable to be disposed of in an ordinary garbage, of course there should be indications on how and where to rinse it, to avoid unwanted contaminations.

9. At present, advertisements for biocidal products cannot claim that the product is a ‘low-risk biocidal product’, ‘non-toxic’, ‘harmless’, ‘natural’, ‘environmentally friendly’, ‘animal friendly’ or any similar indication. To what extent do you feel that the advertising restrictions for biocidal products are too strict?

In line with answer provided to question 8, this provision seems appropriate and based on common sense as well as accurate thinking: a product designed to kill living organisms should not be labelled as any “environmentally friendly” or “animal friendly”, indeed.

According to WECF, these existing restrictions should even be strengthened, when it comes

to assertions regarding the fact to “protect the family”, “be absorbed in the soil”, etc. As well, we recommend the Commission to carry out a study on the field to observe how the rules mentioned above are effectively implemented by companies which place products on the market.

10. Based on your experience with the application of the Biocidal Products Regulation (authorisation process), how does the BPR contribute to the sustainable use of biocidal products?

It is still too early to give an answer, since WECF has only been taking part as observer in 2 Competent Authorities meeting so far. This does not give us experience enough to make a guess about this.

11. Do you have any further suggestions as to ways in which the sustainable use of biocidal products could be encouraged/improved (such as the introduction of reduced fees for low risk products, taxes on biocides, sale restrictions, certification of professional users or retailers, risk awareness raising campaigns, use of an eco-label, equipment for application etc.)? Please distinguish between measures for professional users and for consumers.

We have provided proposals on sale restrictions as well and risk awareness raising campaigns in previous answers. Please refer to these proposals.

Professionals users, in France “certi-biocides”:

To our knowledge, in France, the “certi-biocides” system, similar to that of the system implemented for plant protection products will provide an improvement of the level of knowledge and training of professional users.

Consumers: pay attention to social and environmental inequalities:

When it comes to consumers, we do recommend specific measures to enhance the transparency and access to ingredients names of treated articles or products. **The ways and tools to do so have to be discussed so as to achieve the best possible number of people, taking into account social and environmental inequalities to adapt information tools.** This should be done for example through **sharing the best existing practices in all 28 member states** so as to mutualize communication tools and resources. We do recommend the set up of a platform where Europeans can have access to someone who can handle their requests on safe use, since this is a very difficult task to deal with as NGOs and we sometimes would need a more direct and swift access to experts as well as swift reaction to public requests.

At EU and international level: promote non-chemical alternatives:

As well, we do recommend **the EU to make the best use of the SAICM provisions on non-chemical alternatives** to both pesticides and biocides, by supporting projects which aim at developing alternative methods on the field, whether inside or outside the EU.

12. Are there any other issues arising in relation to the sustainable use of biocidal products that have not been covered by these questions, which you wish to comment on?

WECF has currently no other concern to raise, as regards the above contribution.