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Toxic Christmas gift: Council decides to keep hazardous biocides on market

Today, the Environment Council of the European Union adopted its political agreement on a new authorisation system for household pesticides and other biocides. Environment and health NGOs, PAN Europe, PAN Germany, HEAL, WECF, HCWH Europe, IEW and PAN UK, sharply criticize the EU environment ministers' approach because their decision will allow continued wide circulation of highly toxic consumer products on the market. This approach is a step backwards from the European Parliament's call for the promotion of alternatives and from EU chemical laws like REACH and the pesticide legislation.

The environment ministers adopted their position on the EU biocides regulation which regulates more than 50.000 biocidal products on the EU market such as household rodent poison, smell-free socks or antibacterial cleaners.ⁱ Many of these products contain substances which are cancer-causing, toxic to the immune system, hormone disruptors or cause other serious impacts for human health and the environment.

"The Council does not ensure an effective ban on highly hazardous biocides like Carbendazimⁱⁱ or Triclosan.ⁱⁱⁱ It does not prioritize available sound alternatives instead," says Carina Weber, executive director of Pesticides Action Network Germany.

The Council even eludes the call of the European Parliament for strategies that help to efficiently replace and swiftly phase out such products, by banning their EU-wide authorisation for the protection of human health and the non-targeted wildlife. The new European Union authorisation could cancel stricter national protection standards in 75% of all biocides application areas.^{iv}

Although the Council suggests some promising provisions like addressing biocides mixture effects, nano-biocides and the protection of children or pregnant women, such measures are jeopardised by contradictory requirements in the new draft law.

"We are disappointed that EU Environment Ministers fall short of ensuring the highest level of protection for those that are most vulnerable, such as children or pregnant women. It is regrettable that Ministers decided to excuse biocides with developmental neurotoxic and immunotoxic effects from substitution. Their inclusion would have helped facilitate the development of safer products," says Anne Stauffer, Policy Manager from Health and Environment Alliance. It is not even ensured that relevant products are only used by professional users.

"More than 15.000 poisonings have been already recorded in Europe, a majority of which is related to professional or household use of insecticides, rodenticides, disinfectants,

repellents and wood preservatives.^v And this figure seems to be the tip of an iceberg as there is no tracking or no efficient recording in many EU Member States, let alone no existing ways, like an adequate labelling of all articles containing biocides, to minimize the risks for children or pregnant women", states Elisabeth Ruffinengo, Advocacy Officer of Women in Europe for a Common Future.

"The use of biocides is an increasing global problem that might enhance the dissemination and development of antibiotic resistant bacteria. This problem must to be taken seriously." reports Dr Åsa Melhus, Department of Clinical Microbiology, Uppsala University Hospital Uppsala, Sweden and member of Health Care Without Harm Europe (HCWH Europe) and HEAL.

The wide and unnecessary use of antibacterial cleaners results in emerging health and environmental risks, such as the antimicrobial resistance to effects of biocides. Bacterial resistances to biocides due to improper use have been already reported.^{vii}

The Environment Council opposes EU-wide measures for ensuring the proper use of these and other problematic products, such as a sufficient qualification of salesmen.

Environmental and health NGOs are also concerned that today's decisions will not help to reduce the dependency on biocidal products. In contrast, this will be a step back from current chemical laws like REACH and the Pesticide Regulation, which encourage the substitution of chemicals of very high concern.^{viii}

There is no consistent effort of promoting preventive measures that can help to minimize the dependency on biocidal products, and their related impact on health and the environment.

"This is disappointing but perhaps not surprising given the power that the chemical industry has over government decision making. Rather than listen to the voice of the people industry wins once again," states Nick Mole, Policy Officer of Pesticide Action Network UK.

NGOs therefore renew their call for a Community Framework Directive that ensures Action Plans for the sustainable and proper use of biocidal products and for the promotion of safer alternatives. "Such measures need to be adopted for the coming second reading negotiations on the biocide regulation in 2011", says Gergely Simon, board member of Pesticides Action Network Europe.

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Background information:

Council of the European Union (2010): Proposal for a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products-
Political agreement. Doc. No. 17474/10. Hyperlink:

<http://register.consilium.europa.eu/pdf/en/10/st17/st17474-ad01.en10.pdf>

Environment Council (2010): Background. Environment Council. Brussels 20 December 2010. Hyperlink:
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/envir/118503.pdf

PAN information on biocide policy and biocides:
http://www.pan-germany.org/gbr/project_work/biocide_policy_europe.html

ⁱ PAN Germany (2010): Biocides – risks and alternatives. Hamburg. Hyperlink: http://www.pan-germany.org/download/biocides/biocides_risks_and_alternatives.pdf

ⁱⁱ Carbendacim is applied as film, textile and masonry preservative. It is mutagenic and reproductive toxic of EU category IB and endocrine disruptive of EU category EDC 2.

ⁱⁱⁱ Triclosan is used for tooth paste, antibacterial cleaners, textiles and other everyday life products. The „common biocide“ can cause mutagenic alterations, allergies or antimicrobial resistancies and is possibly carcinogenic according to the International Agency for Research on Cancer (IARC) as it is a source of dioxines. Triclosan and Carbendacim is included in the PAN International List of Highly Hazardous Pesticides. PAN Germany (2010): PAN International List of Highly Hazardous Pesticides. Hamburg. Hyperlink: http://www.pan-germany.org/download/PAN_HHP-List_101216.pdf

^{iv} According to Article 35 (4) of the EU Council draft (14.12.2010) the EU-Commission decides whether the market placement of an Union authorized biocidal product can be adjusted or refused on a territory of an EU member state on the grounds of protecting human health and the environment. This clause is applied for 17 of 22 product types such as for insecticides, disinfectants or textile preservatives.

^v European Commission, Directorate General Environment (no year): Composite report in accordance with Article 24 of Directive 98/8/EC concerning the placing of biocidal products on the market. Covering the period from December 2003 to November 2006. Brussels. Page 64.

^{vi} European Commission, Directorate General for Health & Consumer (2009): SCENIHR: Assessment of the Antibiotic Resistance Effects of Biocides. Page 29. Hyperlink: http://ec.europa.eu/health/scientific_committees/emerging/docs/scenahr_o_028.pdf

^{vii} European Commission, Directorate General for Health & Consumer (2010): SCENIHR: Research strategy to address the knowledge gaps on the antimicrobial resistance effects of biocides, opinion March 2010. Hyperlink: http://ec.europa.eu/health/scientific_committees/emerging/docs/scenahr_o_028.pdf

^{viii} Article 4. 7 of the REGULATION (EC) No 1107/2009 requires to draw up a phasing out plans concerning the control of the serious danger by other means, including non-chemical methods (Regulation OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC). According to Article 62 (4) of Regulation (EC) No 1907/2006 (REACH) the applicant shall provide a substitution plan for carcinogenic substances of EU category 1 and 2 and other highly hazardous substances including a timetable for proposed actions.