

Chemicals Network Discussion Forum

Pesticides vs Chemicals management

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Why do we need Chemicals / Pesticides legislation?



- In a modern society we can not live without functions such as cleaning agents, pesticides and fertilizers, plastics or petrol.
- For these functions we rely on chemicals.
- Chemicals are used in virtually every sector of modern society as such or as components of articles.
- Depending on their intrinsic properties and use, these different chemicals need to be controlled and managed
- A predictable legislation with clear requirements leads to risk reduction.
- Many countries worldwide have implemented a legislation for pesticides.
- A smaller number of countries have implemented a legislation for industrial and consumer chemicals.



Terms and definitions in this presentation

Placing on the market - supplying or making available, whether in return for payment or free of charge, to a third party. Import is deemed to be placing on the market.

Chemicals

- Chemical substances and mixtures of substances – certain requirements cover chemicals which may be further regulated (e.g. pesticides, cosmetics)



Pesticides

- Biocidal products - disinfectants, preservatives, pest control and other biocidal products (anti-fouling, embalming)
- Plant protection products - protecting plants or plant products, growth regulators



The claim decides if a chemical shall also be defined and regulated as a pesticide

Example from the EU Biocidal Products Regulation:

The legislation refers to the intention of the product like:

“...destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism...”

The company is obliged to describe the claim of the product. In case it is pesticidal and matches the definition in the legislation, the product needs to be regulated accordingly.



Some chemicals are regulated under a chemical legislation but also under other regulations as pesticides, veterinary products, cosmetics etc. depending on the claim and the actual use.



Aim, scope and application – need to be clear to contribute to compliance by all parties

Chemicals

Aim

- to ensure a high level of protection of human health and the environment,
- to promote the free circulation of substances on the market while enhancing competitiveness and innovation.

Scope and application

- The legislation shall apply to the manufacture, placing on the market or use of substances on their own, in mixtures or in articles and to the placing on the market of mixtures.

Pesticides

Aim

- to ensure a high level of protection of human health and the environment,
- to promote the free circulation of substances on the market while enhancing competitiveness and innovation,
- improve agricultural production,
- ensure the efficacy of pesticide products for their intended use

Scope and application

- The legislation shall apply to products (substance or mixture), in the form in which they are supplied to the user, and intended for one of the following uses...

Roles and responsibilities - need to be clear to contribute to compliance by all parties

Chemicals

Government / authorities are responsible for:

- drafting and issuing legislation and guidance for interpretation
- assessment of applications for authorization for the use of certain substances (if required in legislation)
- enforcement

Industry is responsible for:

- information on safe use of chemicals placed on the market
- Submitting applications for authorization for the use of certain substances
- informing government /authorities of any new information that might affect the assessment.

Pesticides

Government / authorities are responsible for:

- drafting and issuing legislation and guidance for interpretation
- providing application forms for approval of pesticides
- assessment of the applications & decisions on approval or non approval
- enforcement

Industry is responsible for:

- submitting applications for approval including a dossier containing all necessary data in accordance with legal requirements and guidelines
- informing government /authorities of any new information that might affect the assessment

Management and control

Chemicals

- Bans / authorization / restrictions of the most hazardous substances according to certain criteria
- Classification and labelling (GHS)

Pesticides

- Bans of substances
- Pre-market approval through registration of products
- Restriction of use of products through risk reduction measures, non-approval or withdrawal of products according to certain criteria
- Classification and labelling (GHS)

Why a pre-market approval for pesticides and not for chemical products?

Pesticides are:

- Designed to control pests including weeds and thereby harmful
- Handled by people during mixing/loading and application → health problems
- Deliberately applied to foodstuff and the environment → food and environmental problems
- Data requirements to be able to sell and use pesticides are usually high

Chemical products are:

- Not designed to control adverse organisms
- Not deliberately applied to foodstuff or the environment

About 23 000 chemical substances registered **in EU** compared to less than 1000 active substances for pesticides....

➔ Pre-market approval for all chemicals would not be possible for authorities to handle!

Which substances need to be managed?

Chemicals

- Substances banned or restricted in ratified global conventions or agreements.
- Substances with certain intrinsic properties:
 - Carcinogens, mutagens, toxic to reproduction (CMR:s)
 - Endocrine disrupting properties
 - Persistent, bioaccumulative, and toxic
 - Very persistent and very bioaccumulative
 - Persistent organic pollutant

Pesticides

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- Substances with certain intrinsic properties:
 - Carcinogens, mutagens, toxic to reproduction (CMR:s)
 - Endocrine disrupting properties
 - Persistent, bioaccumulative, and toxic
 - Very persistent and very bioaccumulative
 - Persistent organic pollutant
- Products which lead to risk for humans and/or the environment

Short summary

- An **overarching chemicals legislation** should apply to **all chemicals**, not only those used in industrial processes but also in our day-to-day lives, for example in cleaning products, paints and articles such as clothes and furniture, and **ensure a high level of protection of human health and the environment**.
- Advantages:
 - basic principles are laid down in one legislation
 - downstream legislations refer to the same legislation
- The **intended use and the claim** decide if a chemical shall be considered a **pesticide**
- Important to define **roles and responsibilities** between government and industry
- A specific pesticides legislation is needed since pesticides:
 - have been designed to control pests including weeds and are thereby harmful
 - are deliberately applied to the environment