

# a white paper

## from Pete Trotman

The effects of biocides  
legislation on pest  
management



### A white paper on the effects of biocides regulation (EU) 528/2012 (BPR) on controlling rodent population

This paper covers how the Biocide regulations are affecting the pest control industry via the control of rodenticides. Certainly the continued use of high volumes of rodenticide in exterior areas has a negative effect on the environment and legislation needs to influence the pest control industry to address this issue. Having been in pest control now for over 30 years I have seen many changes and I welcome the opportunity this presents to upgrade our skill set in the use of non-toxic methods of control. Some pest control companies will fight the reduction of rodenticides stating we need them to protect our health. I firmly believe we do not and must use innovation and dynamism to deliver risk management and product safety to our customers.

#### Overview of change

Regulation concerning the use of Biocidal products repealed and replaced Directive 98/8/EC, as of 01 September 2013. This will probably affect the availability and conditions of use of all Biocides to include rodenticides and insecticides.

**“Legislation has created the perfect conditions for clients and pest control companies to work together, using an Integrated Pest Management (IPM) approach. We strongly believe that Mitie is leading the way in terms of IPM”**

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Under the biocidal Products Directive, the European Commission approves (or not) the active substances in rodenticides. As the regulatory authority for biocidal products in the UK, HSE's role is to consider the applications for authorisation of specific formulations of products and to specify appropriate and necessary conditions or restrictions of use which will allow products to be used without unacceptable risks to humans or the environment. Overall responsibility for rodent control lies with the Department for Environment, Food and Rural Affairs (DEFRA).

We must not get confused that on the 1st September the 'LAW' suddenly changed to what we could or could not use and the conditions of use, it this is not the case. The regulations have a more subtle effect generally this can be seen when products go for registration and the label directions will change. So in use today there are products that have the 'old' conditions of use and ones that have new conditions of use. Eventually there will be no products with the 'old' conditions of use and at that time the full effect of the regulations will be in practice.

### So what's a biocide?

"Any substance or mixture, in the form in which it is supplied to the user, consisting of, containing or generating one or more active substances, with the

**What's a biocide?**  
It's a substance which can deter, render harmless, or exert a controlling effect on any harmful organism, by chemical or biological means

intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on any harmful organism by any means other than mere physical or mechanical action. A treated article that has a primary biocidal function shall be considered a biocidal product.

### What's not a biocide?

"Products that destroy, deter, render harmless etc, only by physical means i.e. – fly swat or sticky board. Products that are regulated under other legislation i.e. plant protection veterinary or human medicines or cosmetics". *Note: biocides cannot be simply defined by the active ingredients or products i.e. if essential oil is used as a fragrance rather than an insect repellent.*



## The continual use of second generation anti-coagulant rodenticides (SGAR's) has come under review

### The Law

Failure to comply with the conditions of authorisation may be an offence under the H&S at work act or under the regulations.

Note: For the purpose of evaluation of impact on the pest control industry and their customers, only rodenticides will be considered for the remainder of this paper.

### What information should be included on the product label under EU BPR?

Effectively the product label is the 'law' on how, where and when the product can be used. It is changes in the product label that has the single biggest impact on use. The items that have the greatest effect pest control products are items 6,7,12 & 14

Article 69 of EU BPR states that in addition any information required from CHIP (Chemicals (Hazard Information and Packaging for Supply Regulations) [1] or CLP (Classification, Labeling and Packaging of substances and mixtures regulations) [2] the following information must be shown clearly and indelibly on the product label.

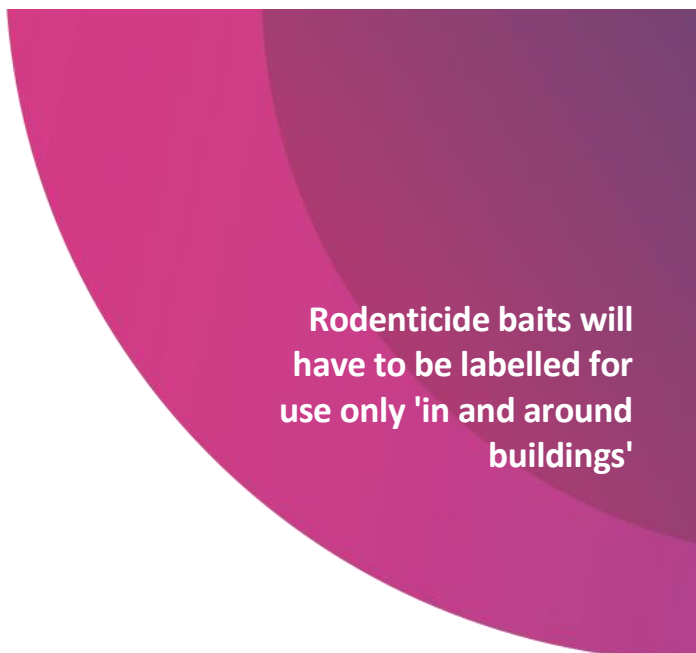
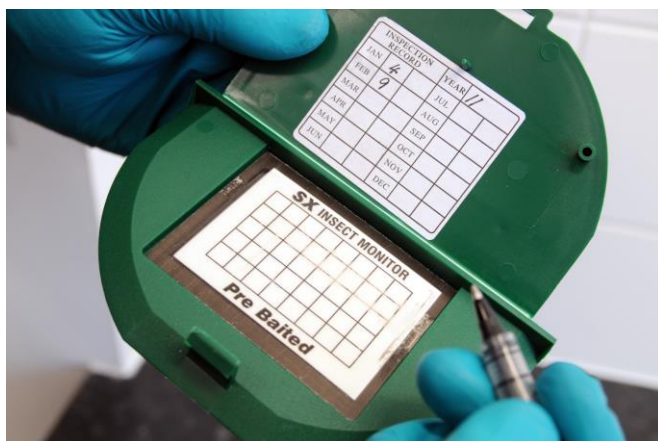
1. The identity of every active substance and its concentration in metric units
2. the nanomaterial's contained in the product, if any, and any specific related risks, and, following each reference to nanomaterial's, the word 'Nano' in brackets
3. the authorisation number allocated to the Biocidal product by the competent authority or the Commission
4. the name and address of the authorisation holder;
5. the type of formulation
6. the uses for which the Biocidal product is authorised
7. directions for use, frequency of application and dose rate, expressed in metric units, in a manner which is meaningful and comprehensible to the user, for each use provided for under the terms of the authorisation
8. particulars of likely direct or indirect adverse side effects and any directions for first aid
9. if accompanied by a leaflet, the sentence 'Read attached instructions before use' and, where applicable, warnings for vulnerable groups
10. directions for the safe disposal of the Biocidal product and its packaging, including, where relevant, any prohibition on the reuse of packaging
11. the formulation batch number or designation and the expiry date relevant to normal conditions of storage
12. where applicable, the period of time needed for the Biocidal effect, the interval to be observed between applications of the Biocidal product or between application and the next use of the product treated, or the next access by humans or animals to the area where the Biocidal product has been used, including particulars concerning decontamination means and measures and duration of necessary ventilation of treated areas; particulars for adequate cleaning of equipment; particulars concerning precautionary measures during use and transport
13. where applicable, the categories of users to which the Biocidal product is restricted
14. where applicable, information on any specific danger to the environment particularly concerning protection of non- target organisms and avoidance of contamination of water
15. For Biocidal products containing micro-organisms, labeling requirements in accordance with Directive 2000/54/EC.



## What impact does the revised labeling have on the use of rodenticides?

There is a switch in labeling requirements from the Control of Pesticides Regulations (COPR) to the BPR, and under this, rodenticide baits based on difenacoum and bromadiolone will in future have to be labelled for use only 'in and around buildings'. The definition of what "in and around buildings" means is being tightened up. HSE have stated that they would adopt the EU definition:

1. 'In and around buildings' shall be understood as the building itself, and the area around the building that needs to be treated in order to deal with the infestation of the building. This would cover uses in sewer system or ships but not in waste dumps or open areas such as farmlands, parks or golf courses. The 'buildings' must be closed or closable, and would not include, for example, a barn with no door.
2. The widely used technique of permanent baiting will not be acceptable as a routine measure. It will only be permitted where specific circumstances dictate.
3. The use of these products in 'open areas' such as playgrounds, waste dumps, the wider countryside etc. remains up for debate. One suggestion is that where public health risks exist that use should be permitted to deal with such rat problems in areas defined as having 'public access', but this is still not clear.
4. Where baits are used outside, notices will be required to inform members of the public of bait use in the area.



The new labeling process wording generally restricts anti-coagulant use and new product label phrases include for example:



1. Do not use anti-coagulant rodenticides as permanent baits
2. Anti-coagulant bait should have achieved control within 35 days. Should activity continue beyond this time, the likely cause should be determined, and either alternative rodenticides or control techniques used, or justification given for on-going use of the same rodenticide/technique.
3. Once control is achieved, bait should be removed and no re-treatment of the site should occur unless significant re-infestation occurs.
4. The continued use of rodenticides for the control of rats and mice, without 'frequent inspections' and justification for the continued use, should not be applied.

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Current labeling (as at 25th November 2013) shows  
(P = Permitted) – Example of products below:

Product Name	Active Ingredient	Inside	Outside (around buildings)	Outside	Recommended Baiting Period (Weeks)
Brigand Bromadiolone Wheat Bait	Bromadiolone	P	P	P	5 Weeks
Brigand Difenacoum Wheat Bait	Difenacoum	P	P		5 Weeks
Contrac Blox	Bromadiolone	P	P	P	25 Weeks
Deadline Bromadiolone Paste	Bromadiolone	P	P	P	Not Specified
Jaguar Blox	Brodifacoum	P			25 Weeks
Klerat Wax Blocks	Brodifacoum	P			Not Specified
Raco Force Paste	Brodifacoum	P			12 Weeks
Roban Gold	non-toxic)	P	P	P	N/A
Roban Oktablok II	Difenacoum	P	P		5 Weeks
Roban Pasta Bait	Difenacoum	P	P		5 Weeks
Roban Whole Wheat Grain Bait	Difenacoum	P	P		5 Weeks
Rodex Excel	Bromadiolone	P	P		5 Weeks
Rodex Oktablok II	Bromadiolone	P	P		5 Weeks
Rodex Pasta Bait	Bromadiolone	P	P		5 Weeks
Rodex Whole Wheat Bait	Bromadiolone	P	P		4-6 Weeks
Sakarat D Wax Bait	Difenacoum	P	P		5 Weeks
Storm Bait Blocks	Flocoumafen	P			5 Weeks
Tomcat 2 Blox	Bromadiolone	P	P	P	25 Weeks
Vertex Contact Gel	Brodifacoum	P			Not Specified
Vertex Excel	Brodifacoum	P			Not Specified
Vertex Pasta Bait	Brodifacoum	P			Not Specified
Vertex Pellet Bait	Brodifacoum	P			4-6 Weeks
Vertex Wax Block	Brodifacoum	P			Not Specified

Not all products are getting registered at the same time so the precise wording may vary between pack labels, depending on the manufacturer

While some product labels may not have changed to the new conditions, it is likely that these will change soon. Attitudes within the Biocides Directive are that the use of rodenticides does not surpass environmental considerations such as primary and secondary poisoning of non-target species.

Over many years it has become “common practice” to use rodenticides permanently around buildings in a method referred as “blanket baiting”, often with a view that the more ‘monitoring’ stations the better, irrespective of the potential for infestation. The aim being should any mouse or rat head towards the location being “protected” they will consume the bait and die, theoretically before gaining access. However, control of rats and mice externally is not instantaneous and does not directly contribute to prevention of possible internal ingress.

Permanent external baiting is likely to be phased out totally if not greatly reduced. Furthermore, we expect the changes to restrict permanent internal baiting too. Therefore in recognition of the regulations, spirit of the approach and in preparation for a complete end to permanent exterior baiting, the best approach is fully enforce Integrated Pest Management (IPM) program.

## The Integrated Pest Management (IPM) approach

This requires a holistic approach involving a partnership between client and contractor, focussing on the key areas of:

- Harbourage reduction (proofing voids)
- Reduce opportunity for ingress (proofing and good door management)
- Hygiene standards (reduce food availability)
- Control measures (use of traps and rodenticides)

The challenge to the pest control industry is to manage and coordinate IPM which can take considerable skill set and determination. Service specifications need to focus on the needs of the site, the condition of the buildings/local environment and the risk of potential pest infestations. Pest control contracts will need to evolve to include:

**An integrated pest management approach requires a partnership between client and contractor**

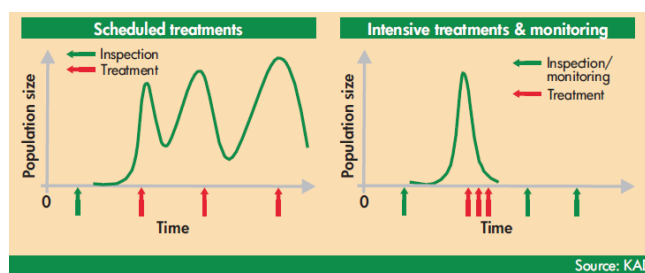
1. More frequent visual inspections for high risk sites
2. Detail and quality of visual inspections
3. Internal and external rodent traps in tamper-resistant boxes.
4. Non-toxic tracking dust to help identify harbourages and entry points
5. Temporary targeted use of rodenticide bait
6. Effective reporting and distribution of all actions
7. Greater understanding building structure and drainage systems
8. When active rodent infestation is present, to adopt a more aggressive control programme of visits over a short period of time typically a minimum of three visits over a 7 day period with one clear visit before close of riddance visit programme.

### Scheduled treatments

Traditional approach of regular PPM visits with longer resolution time and more extended use of rodenticide.

### Intensive treatments & monitoring

Shorter resolution time and much less use of rodenticide; increased IPM.



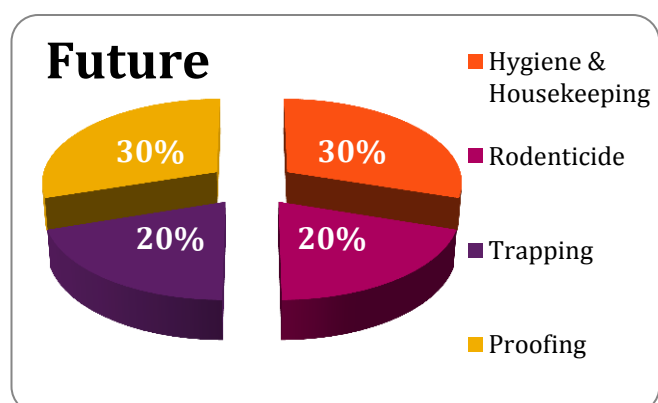
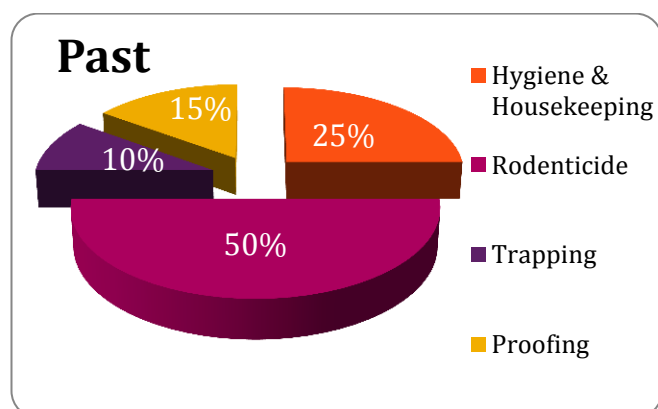
Note: training for site staff on pest awareness and the vital part they play within an IPM program.

## So how is the work load changing?

The work involved in controlling and preventing rodent activity has moved from high reliance on extensive use of rodenticides to more effort into environmental management of targeted pest populations.

Therefore this changes the need for engagement for all parties to be involved in pest management.

Previous average resource involved in rodent control (estimate only)



## How do we still provide protection to sites but still remain within the legislation?

Effectively there is little need to change any current practises on the inside of buildings. On the outside there is still some confusion and interpretation of the label directions. Therefore simple but bold steps need to be taken. The advice from MITIE is simple – For exterior bait stations if they are attached to the perimeter of the building then rodenticide can be used (if needed). For any other external areas then baiting should be avoided and protection should be in the form of approved traps (if needed).



**“Mitie has been leading the way by offering clients environmentally friendly options, such as the Integrated Pest Management programme, while ensuring legal compliance and managing the risk of rodent activity in a more sustainable manner”**

**Pete Trotman**  
Managing Director  
Mitie's pest control business

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Please note that this white paper is provided for general information purposes only. It's not intended and should not be used as a substitute for taking legal advice. Specific legal advice should be taken before acting on any of the topics covered.

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