



Chartered
Institute of
Environmental
Health

Environmental Risk Mitigation Measures for Second Generation Anticoagulant Rodenticides (SGARs)

Response from the National Pest Advisory Panel (NPAP) of the CIEH to
the Health and Safety Executive consultation document

October 2012

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

The National Pest Advisory Panel of the CIEH

The CIEH National Pest Advisory Panel consists of pest management experts and includes environmental health practitioners from local government and the private sector as well as representatives from academia and the pest control industry.

The objectives of NPAP are to:

- provide expert advice to the CIEH on pest management policy matters and via the CIEH to advise government departments and other agencies
- raise the profile of pest management in the UK, leading to better understanding of the need for good pest management.
- establish channels of communication throughout industry, government, local authorities and academics, leading to a greater awareness of problems and the need for priorities.
- improve the standards of pest management throughout the UK by promoting good practice, leading to reduced pest levels and pesticide use.
- identify and promote research needs into pest management issues.

Stakeholder Engagement questions

1. User type

The document proposes that SGARs should continue to be authorised for use in the UK by both professional and non-professional users.

The CIEH response to the stakeholder's engagement is as follows:

- 1.1 We believe that it is important that non-professional users can have access to SGARs.
- 1.2 Surveys show that where local authorities out-source or discontinue their pest control services, 75% of householders (i.e. non-professionals) are more likely to purchase products from retail stores and carry out DIY treatments than to employ a pest control company. It is essential therefore that properly approved products are readily available to non-professionals.
- 1.3 It is also essential that access to products is balanced by correct point of sale information on their use and storage. This is in accordance with the recommendation from the World Health Organization in their book Public Health Significance of Urban Pests and the requirements of the Sustainable Use Directive.
- 1.4 Products for use by non-professionals should be restricted in their packaging size, concentration (where applicable) and formulation. For example, the pack size should only be enough for a single treatment and the concentration of active substance should be limited to that suitable for a non-professional user.
- 1.5 It is also essential that the sale of a "professional use only" product to a non-professional person is made illegal. Without this, the "professional use only" category will have no meaning and will be unenforceable. This is an essential requirement and industry would be happy to assist in making it possible.

2. Restrictions on outdoor situation of use

The five options suggested by HSE are:

- **Option 1 – restrict SGAR use to indoors (including sewers)**
- **Option 2 – restrict SGAR use to in and around buildings and sewers**
- **Option 3 – restrict SGAR use to in and around buildings and sewers for professional users and indoor use for non-professional users**
- **Option 4 – continue with the use areas/restrictions applied under COPR**
- **Option 5 – for professional users continue to use areas/restrictions from COPR and for non-professional users restrict all SGARS to indoor use.**

Option 2 is the HSE preferred option.

- 2.1 In forming our opinion, we note that it is the HSE position that it is not possible to differentiate between the five SGARs. The NPAP does not have sufficient expertise to

comment on this position and our comments are made on the assumption that it remains the official HSE view.

- 2.2 We do not consider Option 1 to be acceptable because the majority of Norway rat infestations live outdoors and an indoor only restriction will prevent effective control of infestations.
- 2.3 We agree with the choice of Option 2 as being the most appropriate, since this will allow the use of resistant-breaking products in areas where resistance is a problem.
- 2.4 We do not consider Option 3 to be suitable because experience has shown that the existing ban on the use of brodifacoum and flocoumafen outdoors has not been capable of adequate enforcement. CIEH believes that it is better to allow the use of all SGARs outdoors but to require all manufacturers and distributors to produce simple point of sale guidelines advising non-professionals of the right way to use them.
- 2.5 We do not consider Options 4 or 5 to be acceptable because they will lead to increased resistance as the use of the resistant-breaking products will be prohibited outdoors.

3. Definition of “around buildings”

Options 2 and 3 involve restricting use to in and around buildings. The document therefore proposes the following definition of “around buildings”:

“Where a rat population is living and/or feeding predominantly within 5 m of a building or other enclosed structure, and is having a significant impact on the building or its occupants. Bait stations or covered bait points should be placed around the perimeter of the building, and burrow baiting is permitted providing that it is within 5 m of the building. Baiting should not take place along hedgerows or in woodlands.”

- 3.1 We do not agree with the 5 metre restriction for the following reasons:
- 3.2 It has long been a principle of professional pest control practice that PCOs should carry out an assessment prior to commencing a treatment. This assessment has covered health and safety and environmental considerations. PCOs have been judged on the assessment made. Because conditions vary, it has always been considered impossible to set a standard assessment.
- 3.3 The implementation of an obligatory 5 metre restriction goes against this principle. Whether a 5 metre or any other restriction is appropriate should depend on the environmental assessment made at the time of treatment.
- 3.4 Following a meeting hosted by the CIEH in September 2007 involving UK trade associations, professional and non-governmental bodies, academic experts, industry consultants and Government agencies (HSE, Natural England, Environment Agency and FERA) industry produced a [guide to environmental assessments](#). This has been promoted at a series of meetings involving speakers from industry and Natural

England. If there is a change to allow all SGARs to be used in and around buildings, it will be appropriate to include a section on choice of FGARs/SGARs to ensure that the more potent active substances are not used unnecessarily.

- 3.5 There have been several successful prosecutions of PCOs whose assessments have been inadequate. NPAP does not accept that the absence of a specified distance in this instance will make enforcement more difficult than it has been up to now.
- 3.6 It is clear that a 5 metre restriction will mean that effective treatments will not be possible in many instances. [The Critical Review of the Environmental Risk Mitigation Measures for Second Generation Anticoagulant Rodenticides](#) carried out by Adrian Meyer, a well-respected expert in rodent behaviour and control makes it clear that rodent infestations will often live and breed outside a 5 metre distance from buildings.
- 3.7 This is reinforced by the responses to a [survey](#) carried out by NPAP among 12 major cities and towns in the North-East, North-West, Yorkshire, London, Central and South-West England.
- 3.8 The survey also expresses concern that a 5 metre restriction could result in over 100,000 rat infestations in UK cities and towns having to go untreated each year. This would pose a significant public health risk at a time when the trend away from pro-active local authority pest control to the more re-active out-sourced control is already likely to reduce the amount of rat control in open public areas. Our concerns are the theme of the recent CIEH publication [The Perfect Storm](#).
- 3.9 The CSL Guide to Good Practice for Controlling Norway rats with rodenticides (CSL. 2002) advises that rats are more likely to eat the bait sooner if it is laid beside runs, in holes, along walls and in sheltered places. It also advises that bait points should be sited close to fresh rat signs, such as by the side of, or on, well-used runs, near active burrows or gaps in vegetation. Points should be sited so that they intercept rats on their way to their normal feeding location. Suitable places for baits should be where rats might nest.
- 3.10 None of this is consistent with a 5 metre restriction.
- 3.11 The 5 metre restriction is designed to minimise the risk to non-target wildlife. However a considerable number of treatments each year are carried out in urban areas where the presence of predatory birds and non-target mammals is very limited. The restriction will severely and adversely affect the ability of urban pest controllers to protect public health and clear degraded environments of rodent infestations.
- 3.12 It will also lead to higher costs on industry and local authorities if a less cost-effective alternative such as trapping is required. This would be totally unacceptable in today's financial climate.
- 3.13 Control of rodents in open areas around waste bins on recreational sites such as parks, sporting venues and outdoor events will be impossible if the use of the majority of rodenticides used for this purpose is made illegal.

- 3.14 The engagement refers to baiting not taking place in hedgerows or woodland. CIEH does not support extensive use of rodenticides in hedgerows between fields. However, it must be appreciated that a ban on use in hedgerows will also prevent the effective control of Norway rats in hedgerows around industrial units, housing estates and parks in urban areas.
- 3.15 This is especially important since this is often where rats will be found living in burrows. A difference needs to be made between hedgerows between fields and hedges in urban areas where secondary poisoning is a minimal problem but protecting public and health is not.
- 3.16 Under the Prevention of Damage by Pests Act 1949, local authorities are legally required to keep their districts free from rat infestations. This Act is still in force. Any definition of in and around buildings which contains a 5 metre restriction will prevent local authorities from being able to meet their obligations under the Act since there is no cost-effective alternative to the use of SGARs in many urban areas.
- 3.17 The restriction will also mean that conservation projects carried out by Government Agencies or others, such as those involving the control of rodents in areas where endangered species of birds nest on the ground, will become illegal. Although there is a suggestion that a special licensing system may exist, experience has shown that this is unworkable and the conditions laid down make any application so expensive that it is meaningless.
- 3.18 Applications so far made have been handled in a manner that is contrary to the Government's stated policy of reducing unnecessary costs on industry.
- 3.19 We would point out that there is an agreed EU definition of "in and around buildings". The EU definition, which has been agreed by all EU Competent Authorities, including the HSE, and which is the basis for Annex 1 listing for all SGARs is "the building itself, and the area around the building that needs to be treated in order to deal with the infestation of the building".
- 3.20 This definition does not contain a 5 metre restriction. There is no explanation given why the earlier agreed definition should be changed.
- 3.21 We would also point out that in the USA, the Environment Protection Agency previous operated a "50 feet from buildings" restriction. Because this proved in practice to be unworkable, they had to change it in March this year to a "100 feet from man-made structures" restriction.

4. Restrictions on methods of bait placement and composition

The document does not propose "across the board" restrictions on bait composition or methods of placement but proposes that the following phrases be included on the labels of SGARs authorised in the UK:

"Prevent access to bait by children, birds and non-target animals (particularly dogs, cats, pigs and poultry).

For use in areas that are inaccessible to infants, children, companion animals and non-target animals.2

- 4.1 The proposed label phrase "Prevent access to bait by children, birds and non-target animals (particularly dogs, cats, pigs and poultry) is sensible and acceptable.
- 4.2 The proposed label phrase "For use in areas that are inaccessible to infants, children, companion animals and non-target animals" is impractical because many areas that need treatment will be in areas where infants, children, companion animals and non-target species may be able to gain access.
- 4.3 The first phrase is sufficient in that it requires the PCO to take the steps necessary to prevent access through appropriate mechanical means.

5. Restriction of maximum duration of baiting

The document proposes that the following phrases be included on the labels of SGARs authorised in the UK:

"In most cases, anticoagulant bait should have achieved control within 35 days. Should activity continue beyond this time, the likely cause should be determined and documented.

Unless under the supervision of a pest control operator, do not use anticoagulant rodenticides as permanent baits."

- 5.1 The CIEH agrees with the Campaign for Responsible Rodenticide Use (CRRU) that the first phrase should read "In most cases, anticoagulant bait should have achieved control within 35 days. Should activity continue beyond this time, the likely cause should be determined, documented **and appropriate remedial action taken.**
- 5.2 It also agrees that the second phrase should read "Permanent baiting should not be conducted as a routine practice. When necessary, it should be done only under the supervision of a pest control operator **and up-to-date written justification for any permanent baiting must be available"**.

6. Frequency of revisiting bait points

The document does not propose a statutory minimum frequency for revisiting bait points, but proposes that the following phrase be included on the labels of SGARs authorised in the UK:

"Search for and remove dead rodents at frequent intervals during treatment, at least as often as when baits are checked and/or replenished. Daily inspection may be required in some cases."

The NPAP agrees with this phrase being added to labels.