

Water UK Briefing paper Biocidal Products Regulation and UK Water Industry

Summary

Water UK considers that in due course, provided that drinking water is treated with an Authorised biocidal product whose active substance component is Approved and is on the Commission's Union list and appropriate labelling is made via websites and other communication channels, then no further action is required for drinking water as a treated article. Where drinking water is treated with an active substance that is generated in situ from 'commodity chemicals', that in situ active substance will also be considered as the biocidal product.

Biocidal Products Regulation and UK legislation

The EU Biocidal Products Regulation (528/2012) (the "Regulation") aims to improve the safety of chemicals produced, sold and used in the EU. The EU Biocides Regulation 528/2012 (EU BPR) are enforced in the UK under the Health and Safety at Work Act 1974 (HASWA), in-line with the Health and Safety (Enforcing Authority) Regulations 1998 (SI 1998 No 494, by virtue of Regulation 8 (1) of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (BPC). The BPC regulation defines the application of the Act, including enforcement powers, offences, and the allocation of enforcement responsibilities.

Relevance to drinking water

The Regulation requires Approval of active substances for use in drinking water (Product Type 5). This includes those substances that are procured as active substances by water companies and those generated on site from precursor substances (in situ generation).

Article 58 of the Regulation requires that articles including mixtures or substances (potable water in this case) treated with a biocidal product may only be put on the market / supplied in the EU if the active substance(s) in that biocidal product are included in the Commission's Union list of Approved active substances (or has/have been supported by submission of a data Dossier that is under evaluation).

Article 58 also requires that articles treated with a biocidal product are appropriately labelled. In the case of drinking water this is not possible at the point of delivery (customer tap) and therefore it would be prudent for water companies to make reference to the Regulation in websites and consumer documentation and listed as part of regulatory relevant legislation is DWI guidance.

Drinking water in the UK is also governed by a robust system of regulation that covers both the quality of the final product and the impact of those materials that come into contact with it (during both treatment and distribution) (Water Supply (Water Quality) 2016 (England and Wales) and equivalents in Scotland and Northern Ireland)).

In addition the physical and chemical processes by drinking water is generated is covered by specific chemical handling, storage and management regulations.

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