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P75 : USING THE BORON COMPOUNDS WITHIN THE SCOPE OF THE BIOCIDAL PRODUCTS

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Purpose
In this study, the classification of boric acid in the European Union and the practices in Turkey related to the classification are assessed.

Method
In this study, national and international legislation and practices in the countries of the European Union are reviewed.

Findings
According to Annex II to Commission Regulation (EC) No 1451/2007 corresponding to Annex A of the By-Law on the Biocidal Products, boric acid is an existing active substances identified as available on the market before 14 May 2000 as active substance of biocidal products and the product types are 1, 2, 3,6, 7,8,9, 10, 11, 12, 13, 18 and 22. In 2002, the Swedish government decided to classify borates as toxic to the reproductive system of the human body. Later, in February 2007, the EU- Working Group on the Classification and Labeling of Dangerous Substances recommended that the EU Commission adopt the same classification within the scope of the Directive 67/548/EEC Category 3. The EU Commission finalized its decision in June 2008. The European Union classıfied boric acid (EC No 233-139-2; CAS No 10043-35-3) as a Repr. Cat. 2; R60-61 according to 67/548/EEC Directive, table 3.2.; that means Repr. 1B; H360FD according to 1272/2008 EC CLP Regulation table 3.1.

Having been subject to WTO sanctions twice before, Turkey has for the first time submitted an application to the WTO, asking for action on the grounds that the directive brings inequitable limits to free trade. This application is also important because it is filed against the European Union. Turkey's objection is based on the premise that the classification of boron as a hazardous substance is not based on scientific studies and therefore must be seen as a technical
barrier to trade. The EU has given approval for boric acid only for PT 8 as active substance for biocidal products. ECHA invites the parties concerned to comment on two new proposals for harmonized classification and labelling (CLH) on lenacil and boric acid. The public consultation will be open for 45 days and will end on 28 June 2013.

The CLH proposal on boric acid was submitted by Poland. There is already a harmonized classification for this substance and the dossier submitter is proposing to revise the classification for reproductive toxicity, i.e. to remove the classification for fertility effects and to downgrade the classification for developmental toxicity. Turkey's classification proposal of boric acid and sodium borates is Repr. Category Repr. 2 H361d instead of Repr. Category 1B H360FD (F:fertility, D:development) according to the CLP Regulation 1278/2008 ECHA reminds the parties concerned of the ongoing public consultation (until 14 June) for two other borates for which the dossier submitter (The Netherlands) proposed a more severe classification than boric acid, for both developmental and fertility effects. There is no classification of boric acid in Turkey.

Result
If the By-Law on the Biocidal Products ıs fully harmonized in line with Regulation (E) No 528/2012, authorization for biocidal products given by the Ministry of Health may not be valid in the EU. It is necessary to make classification of boric acid in cooperation with the related institution in Turkey in accordance with the scientific basis. for products exported into EU. Classification of boric acid is made on basis of the EU legislation and it is useful to await ECHA's decision on classification of boric acid.

Keywords: boric acid, the material safety data sheet, classification, biocidal products