

BPC-48: Minority position of the Finnish CA on the BPC Opinion on the Union authorisation of LANXESS CMIT/MIT biocidal product family

Finnish CA raises concerns that the term white water of paper industry is used in a divergent way compared with how the term white water is defined in the guidance document (BREF) for Industrial Emission Directive 2010/75/EU (Best Available Techniques (BAT) Reference Document for the Production of Pulp, Paper and Board¹). In the BPC opinion and the PAR, the term white water is applied as a synonym for short circulation of a paper machine process water, whereas in the BREF white water has a broader definition including also the long circulation (pp. 565 and 600 and the List of abbreviations of the BREF). The BREF presents the results of an exchange of information between EU Member States, the industries concerned, non-governmental organisations promoting environmental protection and the Commission. Therefore, our understanding is that the paper industry is familiar with BREF and all definitions mentioned there. In addition, the definition of white water is also included in the efficacy guidance² (Vol. II B+C) published at ECHA website in August 2023. This definition supports our view that white water is all the recirculated process water of a paper machine and not only short circulation.

The interpretation of white water in the opinion and the PAR has two consequences:

- 1) The term white water is not used as an input parameter in the calculation models of the PT 12 ESD³. Instead, the model uses terms 'typical case' and 'reasonable worst case'. The reasonable worst means that slimicide is added to both short and long circulation of the paper machine. Whereas, the typical case describes the situation where slimicide is added only to the short circulation. In this case the concentration in the process water is 60% compared to the realistic worst case.

In the PAR it has been assumed that by allowing the dosage of only white water the concentrations in the process water multiplied by a factor of 0.6 results in an acceptable risk in the STP. In the realistic worst case, i.e., without multiplication by a factor of 0.6, the risk in the STP would be unacceptable. In the context of BREF the dosage of white water would

¹ https://eippcb.jrc.ec.europa.eu/sites/default/files/2019-11/PP_revised_BREF_2015.pdf

² <https://echa.europa.eu/fi/guidance-documents/guidance-on-biocides-legislation>

³ https://echa.europa.eu/documents/10162/983773/pt12_slmicides_en.pdf/db58688a-c486-48b9-9f46-3459344d3254

mean the realistic worst case of the PT 12 ESD. It has been agreed at the BPC-46 that the STP is a protection goal.

- 2) This BPC opinion creates an unharmonized situation compared with an earlier union authorization for a product family containing CMIT/MIT as an active substance for similar use in paper manufacturing. To mitigate unacceptable risks an RMM was assigned including the term short circulation.

We remain in the opinion that similar terms should be used for biocidal products when they have similar uses. Further, there should not be a discrepancy in terminology between ECHA guidance and PARs. We consider the opinion acceptable if the term white water is changed to short circulation.