European Crop Protection

POSITION PAPER
09/07/2019 – POS/19/SR/31536

ECPA Position Paper on recast of Drinking Water Directive – Quality of Water intended for human consumption - *updated*

ECPA supports a scientific risk-based approach to water safety including drinking water, and welcomes much of the current draft of the Commission's proposed recast of the Directive on the Quality of Water intended for human consumption (COM(2017)753 final).

At the same time, we are concerned with some of the changes which have been recently introduced into the Council's General Approach (adopted by the Environment Council on 5th March) related to the identification of pesticide relevant metabolites in **Annex 1 – Part B – Chemical Parameters - Pesticides**.

The proposed changes (see next pages) introduce ambiguous explanations about relevant metabolites; whilst the **original Commission text** (see annex of this document) makes clear reference to the pesticide EU regulation (1107/2009) and does not need changing.

Moving in to the trialogue process **we would urge the institutions to maintain the wording in the original Commission proposal, which is also reflected in the current position of the European Parliament**. The wording referred to can be found in the annex to this document.

Adoption of the wording in the Council's General Approach would:

- **Contradict provisions of existing sectoral legislation, and create a lack of clarity** – Existing Commission guidance documents (such as SANTE guidance document SANCO/221/2000) already provide a definition of relevant metabolites and set out the necessary tests and triggers which must be fulfilled to enable a metabolite to be defined as relevant or non-relevant.

  Non-relevant metabolites are compounds which do not have pesticidal properties or other unacceptable toxicological properties and therefore should be regulated similarly to other chemicals, and differently from pesticides and their relevant metabolites. As a consequence there should be no general limit value for all non-relevant metabolites but rather specific substance limit values as for any other chemical in Annex I of the Directive that could appear in water.

- **Not be based on the most recent science** - The chosen limit value of 0.75 µg/L is based on an old threshold of toxicological concern (TTC) value for genotoxic substances, while non-relevant pesticide metabolites are tested and shown to be non-genotoxic. Therefore, this value is inappropriate, overly conservative, and will result in significant and unnecessary implementation difficulties and additional costs which can not be justified by health risk concerns.

  If authorities decide to apply a general limit value for all non-relevant metabolites, application of the current default WHO drinking water intake methodology would lead to a threshold value of 9.0 µg/L for non-relevant pesticide metabolites (non-genotoxic Cramer Class III substances) in drinking water.

  The limit value of 0.75 µg/L is given as a testing threshold in the SANTE guidance document on non-relevant metabolites (SANCO/221/2000) by which an acceptable daily intake value should be derived. It is not a guidance value to manage the presence of non-relevant metabolites of pesticides in drinking water.

Why is this important?

Non-relevant metabolites are compounds that do not have pesticidal properties. Consequently, they should be regulated similarly to other chemicals, and differently from pesticides and their relevant metabolites.

Being common chemical substances, individual and toxicology-based limit values for drinking and groundwater would be justified for non-relevant metabolites.

In the event that a generic threshold value for non-relevant metabolites is intended or preferred, a modern and specific threshold of toxicological concern (TTC) concept should be used for its determination, which leads to a threshold value of 9.0 µg/L in drinking water, based on current default WHO drinking water intake methodology (allocation of 20% of ADI to drinking water).

The existing EU Guidance document (SANCO/221/2000) should be used consistently to define and assess non-relevant metabolites in drinking and groundwater for regulation in the EU.

Consistent regulation of non-relevant metabolites in drinking and groundwater in the EU is important in order to:

(i) avoid confusion and misunderstanding among stakeholders,

(ii) reduce unnecessary costs for drinking water producers for treatment and well management, and

(iii) provide planning security for development of crop protection products for the European market.

A substantial number of active substances would be affected if the proposed change was adopted. Surveying the EFSA conclusions published since 1 January 2017, 13 active substances from a total of 41 have non-relevant metabolites above 0.75 µg/L, which is 24%. Consequently, if a value of 0.75 µg/L were to be used as an arbitrary trigger value then an additional 24% of the active substances reviewed during this period could be lost.

ANNEX

COMMISSION PROPOSAL & CURRENT EUROPEAN PARLIAMENT POSITION

Pesticides	0,10	µg/l	Pesticides' means: – organic insecticides, – organic herbicides, – organic fungicides, – organic nematocides, – organic acaricides, – organic algicides, – organic rodenticides – organic slimicides, – related products (*inter alia*, growth regulators) and their relevant metabolites as defined in Article 3(32) of Regulation (EC) No 1107/2009[1] . The parametric value applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide, the parametric value is 0,030 µg/l.

[1] Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309 24.11.2009, p. 1).

NEW PROPOSED COUNCIL GENERAL APPROACH

Pesticides	0,10	µg/l	Pesticides' means: – organic insecticides, – organic herbicides, – organic fungicides, – organic nematocides, – organic acaricides, – organic algicides, – organic rodenticides – organic slimicides, – related products (*inter alia*, growth regulators) and their ~~relevant~~ metabolites as defined in Article 3(32) of Regulation (EC) No 1107/2009[2] , **that are considered relevant for water intended for human consumption.** **A pesticide metabolite is deemed relevant for water intended for human consumption if there is reason to consider that it has intrinsic properties comparable to those of the parent substance in terms of its pesticide target activity or that it generates (itself or its transformation products) a health risk to the consumer.** The parametric value applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide, the parametric value is 0,030 µg/l. **Member States may define a guidance value to manage the presence of non-relevant metabolites of pesticides in drinking water or, in the absence of such value, Member**

[2] Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309 24.11.2009, p. 1).

			States should use the value of 0,75 µg/l. Only those pesticides which are likely to be present in a given supply need to be monitored. **Based on the data reported by Member States, Commission may establish a database of pesticides and their relevant metabolites taking in to account their possible presence in water intended for human consumption.**