



Historic England

European Commission DG

SANTE Unit E.4 –
Pesticides and Biocides F101 05/068
1049 Brussels
Belgium

17 January 2020

Dear Sir/Madam,

Our ref: ECHA Nitrogen
derogation
consultation

Your ref: -

Telephone 07979 206699
Fax

re: Appeal for the cultural heritage collections: Allow a derogation of the nitrogen ban (EU 528/2012)

Heritage assets, reference and research collections are frequently challenged by pests due to various forms of contamination and changing climatic conditions. One of the most versatile and environmentally friendly methods, where the use of hazardous chemicals is avoided, for disinfection purposes are “anoxia” or controlled atmospheres with an extremely low content of oxygen in treatment chambers where **nitrogen is generated in situ** for anoxic insect disinfection of cultural heritage objects.

The EU legislation issue

Since the mandatory registration of the use of nitrogen for disinfection purposes by the biocidal products regulation EU 528/2012 in September 2017, only one method of using nitrogen (along with several other restrictions) was acknowledged and included: nitrogen in canisters. In situ generated nitrogen fell out. The nitrogen ban is not justified for health aspects and economically damaging the market of European stakeholders in the integrated pest management (IPM) business. Because of this juridical flaw, existing anoxia facilities in Europe can no longer be operated legally. As a result, cultural heritage institutions are facing an acute danger of damage or irretrievable loss.

We strongly urge the Commission to allow for derogation under art. 55(3) in the BPR to be granted those Member States applying, because this method allows any material to be safely treated, contrary to the alternatives. In situ generated nitrogen is harmless, the most economic and environmentally friendly alternative to the presently allowed use of nitrogen for this purpose.

Sincerely,

Dr Jen Heathcote
Head of Investigative Science, National Specialist Services



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