SCHEDULE 4 Regulations 2(1) and 5(6)

CLASSIFICATION PROVISIONS FOR PREPARATIONS INTENDED TO BE USED AS PESTICIDES

Interpretation

1. A pesticide means a preparation designed—

(a) to destroy organisms harmful to plants or to plant products or to protect plants and plant products from such organisms;

(b) to improve or regulate plant production, with the exception of a fertiliser and a soil conditioner;

(c) to preserve plant products except—

(i) a wood preservative which does not contain preservatives which penetrate into the wood, or

(ii) a food preservative to which the Preservatives in Food Regulations 1979(**1**) apply;

(d) to destroy undesired plants;

(e) to destroy parts of plants or to prevent undesired growth; or

(f) to render harmless or to destroy, or to give protection against, any nuisance or harmful animals or insect pests and to control organisms with harmful or unwanted effects on water systems, buildings or other structures, or manufactured products.

Classification as very toxic, toxic or harmful

2.—(1) A preparation intended for use as a pesticide shall be classified as very toxic, toxic or harmful if its toxicity as determined by an internationally recognised test method in accordance with sub-paragraph (2) below is within the range for that classification in the table set out at the end of this sub-paragraph.

Classification	*LD_{50} absorbed orally in rat, mg/kg*		*LD_{50} absorbed percutaneously in rat or rabbit, mg/kg*		*LC_{50} absorbed by inhalation in rat, mg/litre (4 hours)*
	Solids other than baits and tablets	*Liquids and bait preparations and pesticides in tablet form*	*Solids other than baits and tablets*	*Liquids and bait preparations and pesticides in tablet form*	*Gases, liquified gases, fumigants and aerosols, in powders having particle size < 50 microns*
Very Toxic	< 5	< 25	< 10	< 50	< 0.5
Toxic	&;gt 5 to 50	> 25 to 200	> 10 to 100	> 50 to 400	> 0.5 to 2
Harmful	> 50 to 500	> 200 to 2,000	> 100 to 1,000	> 400 to 4,000	>2 to 20

(**1**) S.I. 1979/752.

(2) Subject to sub-paragraphs (3) and (4) below, pesticides shall be classified as very toxic, toxic or harmful by carrying out toxicity tests on the pesticide in the form in which it is intended to be used and these tests shall be suitable having regard to the naturfi e and intended method of use of the pesticide and in particular—

(a) in the case of pesticides which can be absorbed through the skin, the percutaneous LD50value shall be used where it is such that it would place a pesticide in a more restrictive class than the oral LD_{50} value or the inhalation LC_{50} value; and

(b) in the case of gases, liquefied gases, fumigants and aerosols and powders in which the diameter of the particles does not exceed 50 microns, the inhalation LC_{50} value shall be used.

(3) In a case where a preparation to which this Schedule applies—

(a) contains only one active ingredient;

(b) the toxicity of that active ingredient is known; and

(c) there are valid grounds for believing that the toxicity determined on the basis of a calculation carried out in accordance with this sub-paragraph would not differ substantially from the toxicity determined by biological testing carried out in accordance with sub-paragraphs (1) and (2) above, the toxicity of the preparation may be calculated in accordance with the formula—

$$\frac{L \times 100}{C}$$

where

L is the oral toxicity (LD_{50}) of the active ingredient and C its concentration as a percentage by weight and in this sub-paragraph where the active ingredient is listed in column 1 of Part VI of the approved supply list, its toxicity shall be taken as the conventional LD50 value given in the corresponding entry in column 2 of that Part.

(4) Account shall also be taken of any fact which suggests that—

(a) the preparation in normal use involves a risk to human health;

(b) the preparation is less toxic or harmful than its ingredients seem to indicate; or

(c) in relation to a particular preparation, the rat is not the most suitable animal for testing.

(5) Classification for properties other than very toxic, toxic or harmful shall be carried out in accordance with the provisions of regulation 5(5).