CLAIMS:

1. A construction element ~~for~~ capable of forming an expansion joint, wherein the construction element acts as a physical and chemical barrier to impede the ingress of insects into a structure, the construction element comprising

a polymeric foam containing at least one insecticide substantially distributed throughout the polymeric foam;

wherein the polymeric foam has a cell size of approximately 0.5 to 2 mm; and

wherein on at least one outer surface of the construction element there is a water resistant adhesive attached thereto and a removable cover releasably attached to the adhesive whereby the removable cover is adapted to be removed upon application of the construction element~~.~~;

wherein the construction element acts as a physical and chemical barrier to impede the ingress of insects into a structure;

wherein the polymeric foam has a compression set at 22 hours of less than 6%;

wherein the polymeric foam is closed cell polymeric foam;

wherein the polymeric foam is manufactured at a temperature of less than 180°C and is prepared primarily from a blend of a crosslinked polyethylene and a low melting ethylene-vinyl acetate (EVA) copolymer; and

wherein the polymeric foam has a density of between 23 to 28kg/m^3.

~~2. The construction element according to claim 1, wherein the polymeric foam is closed cell polymeric foam.~~

~~3~~2. The construction element according to claim 1 ~~or claim 2~~, wherein the polymeric foam has a cell size of approximately 0.5 mm to 1 mm.

~~4~~3. The construction element according to ~~any one of the preceding claims~~claim 1, wherein the polymeric foam is approximately 0.5 to 30 mm thick.

~~5~~4. The construction element according to claim 1 ~~or claim 2~~, wherein the polymeric foam is approximately 10 mm thick.

~~6. The construction element according to any one of the preceding claims, wherein the polymeric foam is manufactured from at least one polymer selected from the~~

~~group comprising polyamide, polyvinylchloride, polyethylene, polystyrene, synthetic rubber, polymethacrylate, polypropylene, EVA polymer and polyurethane.~~

~~7~~5. The construction element according to claim ~~6~~1, wherein the ~~polymeric foam may be manufactured primarily of polyethylene, preferably a linear low density polyethylene (LLDPE).~~crosslinked ethylene is a crosslinked linear low density polyethylene (LLDPE).

~~8~~6. The construction element according to claim ~~7~~1, wherein the polymeric foam is a composite comprising LLDPE and low melting EVA polymer.

~~9. The construction element according to any one of the preceding claims, wherein the polymeric foam further comprises one more additives is selected from the group inorganic fillers, pigments, lubricants, stabilizers, antioxidants, antifungal agents, acid scavengers, ultraviolet absorbers, flame retardants, processing aids, dispersion aids, extrusion aids, and the like.~~

~~10~~7. The construction element according to claim ~~9~~1, wherein ~~the stabilizing agent~~a stabilizer is present in 0.1-10 wt.% and ~~is one or more~~the stabilizers is selected from the group comprising inorganic silicate, silicone dioxide, hydrophobic silicone dioxide, montmorillonite clay, sodium bentonite clay with high montmorillonite content, magnesium aluminium silicate and aluminium silicate.

~~11~~8. The construction element according to claim ~~9~~1, wherein the ~~stabilizing agent is a high surface area inorganic silicate, preferably~~ polymeric foam comprises a stabilizer and the stabilizer is kaolin.

~~12~~9. The construction element according to ~~any one of the preceding claims~~claim 1, wherein the insecticide ~~is any active agent that~~ exhibits control or repellent affects against ~~insect species, particularly~~ termites.

~~13~~10. The construction element according to claim 1~~2~~, wherein the ~~active agent(s)~~insecticide is selected from any one or more of the group comprising pyrethrum, synthetic pyrethroids, organo- chlorines, organo-sulfurs, carbamates, organo-phosphates, formamidines, nicotinoids, spinosyns, phenylpyrazoles,

pyrroles, pyrazoles, dinitrophenols, pyridazinones, quinazolines, and benzoylureas.

~~14~~11. The construction element according to claim ~~13~~, wherein the insecticide is a synthetic pyrethroid compound ~~is~~ selected from the group comprising deltamethrin, permethrin, bifenthrin, and mixtures thereof.

~~15~~12. The construction element according to claim 14, where-in the ~~synthetic pyrethroid~~insecticide is bifenthrin.

~~16. The construction element according to any one of the preceding claims, wherein the concentration of the insecticide is between approximately 0.25 to 2.0 wt. %, more preferably approximately 0.5 wt. %, more preferably 0.75 wt. % and more preferably 1 wt. %.~~

~~17~~13. The construction element according to ~~any one of the preceding claims~~claim 1, wherein the polymeric foam has a density of ~~between 23 to 28 kg/m^3, preferably~~ 25 kg/m^3.

~~18~~14. The construction element according to ~~any one of the preceding claims~~claim 1, wherein the polymeric foam has a tear strength of between approximately 2.5 to 4.0 kg/cm^2~~, preferably greater than approximately 2.5 kg/cm^2~~.

~~19. The construction element according to any one of the preceding claims, wherein the polymeric foam has a compression set at 22 hours of less than 6%.~~

~~20~~15. The construction element according to ~~any one of the preceding claims~~claim 1, wherein the polymeric foam has an elongation of greater than 140%.

~~21~~16. The construction element according to ~~any one of the preceding claims~~claim 1, wherein the removable cover includes a motif.

~~22~~17. The construction element according to claim ~~21~~, wherein the removable cover includes a motif and the motif comprises words, logo, decorative design or novel construction element characteristic.

~~23~~18. The construction element according to ~~any one of the preceding claims~~claim 1, which includes at least one zipping strip to one top edge of the polymeric foam.

~~24~~19. The construction element according to ~~any one of the preceding claims~~claim 1, wherein the polymeric foam includes a UV stabilizer.

~~25. Use of the construction element according to any one of the preceding claims for the preparation of a construction joint, penetration wrap around a utility pipe, tube to be applied to utility pipes, concrete panel, perimeter barrier and a stump cap.~~

~~26~~20. A method of protecting a structure against the ingress of insects into the structure, the method comprising the step of positioning one or more construction element(s) at a position(s) during the construction of the structure to form a barrier to at least impede the entry of insects, the construction element comprising

a polymeric foam containing at least one insecticide substantially distributed throughout the polymeric foam;

wherein the polymeric foam has a cell size of approximately 0.5 to 2 mm; and

wherein on at least one outer surface of the construction element there is a water resistant adhesive attached thereto and a removable cover releasably attached to the adhesive whereby the removable cover is adapted to be removed upon application of the construction element~~.~~;

wherein the polymeric foam has a compression set at 22 hours of less than 6%;

wherein the polymeric foam is closed cell polymeric foam;

wherein the polymeric foam is manufactured at a temperature of less than 180°C and is prepared primarily from a blend of a crosslinked polyethylene and a low melting ethylene-vinyl acetate (EVA) copolymer; and

wherein the polymeric foam has a density of between 23 to 28kg/m^3.

21. The construction element of claim 1 wherein the polymeric foam further comprises one more additives selected from the group comprising inorganic fillers, pigments, lubricants, stabilizers, antioxidants, antifungal agents, acid

scavengers, ultraviolet absorbers, flame retardants, processing aids, dispersion aids, and extrusion aids, and the like.

~~27. A construction element substantially as hereinbefore described.~~

~~28. Use of a construction element substantially as hereinbefore described.~~

~~29. A method of impeding the ingress of insects into a structure substantially as hereinbefore described.~~