

The UK Expert Committee on Pesticides (ECP)

Advice to Ministers:

Application for an emergency authorisation for the use of 'Cruiser OSR' and 'Modesto' as neonicotinoid seed dressing on oilseed rape

Introduction

This paper provides advice to Ministers relating to two applications from the National Farmers' Union, seeking an emergency authorisation for the use of 'Cruiser OSR' and 'Modesto' as neonicotinoid seed dressing on oilseed rape (OSR) to control cabbage stem flea beetle (CSFB).

Background

The applications are for authorisation for a suitable quantity of product to treat 67,760ha of OSR. This figure represents 11.2% of the area of winter OSR crop that was grown in England in 2015. The applicant proposes that this would be split evenly between the two products. The requested area is based upon the Agriculture and Horticulture Development Board's national assessment results from autumn 2015 which indicate that 14% of the national area suffered moderate damage which exceeded CSFB control at emergence. To this, the applicant has applied factor of x0.8 to account for growers who do not wish to use treated seed and those who fall outside of the stewardship arrangements due to pyrethroid resistance.

This application differs from similar requests submitted in 2015 and 2016, notably in proposing targeting use at areas: subject to 'moderate' (as opposed to 'high/severe') pest pressure; and where there is no known pyrethroid resistance.

Discussion

Applications for emergency authorisations are subject to a number of tests: establishing the case for need; ensuring that use will be 'limited and controlled'; and that the risks associated with the use are understood. As emergency authorisations are to be granted in 'special circumstances' or 'exceptional cases', it is appropriate to subject 'repeat' applications to a thorough assessment in those cases where the Committee has sought specific supporting information or data, or where there is a substantial change in the scale or other nature of the application relative to the original.

The case for need was discussed extensively by the Committee during consideration of the 2016 application. The Committee noted that CSFB could cause economic damage and that a regulatory data package was available to support the previously-authorized label claims for these products in providing moderate pest control to aid crop establishment.

In consideration of the 2017 application the Committee noted that:

- Moderate pest pressure was defined as 25-49% of leaf area being lost on average, but that the applicant has not provided data to indicate that this threshold constituted an emergency per se (considered, by the Committee, to be severe yield loss or crop loss).
- There was no rationale for the x0.8 factor used to adjust the area to be treated to take account of growers who do not wish to use treated seed and those who fall outside of the proposed stewardship arrangements due to pyrethroid resistance.
- The applicant had based the area to be treated on data from 2015, but there was no evidence that this was representative of the situation in 2016/17 or which might exist in autumn 2017.
- The applicant had proposed to use the derogation in areas where there was no known resistance to pyrethroids, but in such areas, if readily identifiable, there should be a reasonable alternative method of control.
- The proposed thresholds for intervention were based on those developed for spray applications. Industry had not taken the opportunity afforded by previous emergency authorisations to develop thresholds for seed treatments.
- There are some alternative controls for CSFB. In the short-term integrated approaches are not an appropriate solution as a response to pest pressures this year (as they would require a number of years to implement changes to whole-farm practice). Use of other pesticides is limited to use of products containing pyrethroids which carry different risks and an increasing incidence of resistance to CSFB; and
- The applicant's plan to avoid continued reliance on emergency authorisations appeared limited to lobbying for re-authorisation of the currently-restricted uses. This reflected the lack of effective integrated approaches and the fact that no new chemistry is/was likely to be available.

Turning to whether use would be 'limited and controlled' the Committee noted that it recommended the 2015 application be granted with an expectation that applicants would take the opportunity to improve the targeting of pesticide use in future applications. In 2016 ECP noted that the applicant had failed to demonstrate that use could be targeted at areas of highest risk and that, as such, the use would be insufficiently controlled. The Committee cited these as key reasons why the 2016 application be refused.

In consideration of the 2017 application in relation to limiting (targeting) use the Committee noted that:

- This application did not contain any new data/information to provide assurances that uses could be restricted to crops of OSR likely to have 'moderate' pressure in 2017 (or those at highest risk of severe plant loss and crop yield loss).
- The evidence provided in support of the application did not support the claim that resistance was spreading (later sampling exercises appeared to have been taken at more places and over a wider area). Independent advice sought by the Committee

suggested that average resistance to pyrethroids had increased in tested samples over a three year period.

- It was difficult to define/prove 'no known' resistance to pyrethroids in a pest population. The Committee considered that the applicant's approach to establishing this (based on repeat use of pyrethroids in previous seasons) was not robust.

In relation to control the Committee noted that:

- This would be delivered by use of stewardship activity. As in previous years this would be based upon growers being supplied with treated seed only when use has been recommended by BASIS-qualified advisors and when the growers had agreed to the terms of stewardship. Suppliers must also agree to stewardship terms and guidance has been developed for advisors.
- The applicant had not provided sufficient detail of the on-line advisor training (for example the status of 'BASIS-accreditation' and pass-mark). The information that was available did not suggest that the relatively high risk which use of these products might pose to the environment had been incorporated into the decision-making process. Members also noted the leading nature of some of the questions to would be purchasers and users and the need for greater challenge to ensure treated seeds were only applied in the areas identified in the application.

Regarding understanding the risks resulting from the proposed use, the risks to pollinator health from the use of neonicotinoid pesticides is a high-profile subject and well-understood by the Committee. The ECP has kept abreast of new information/research which is emerging on this subject and adopts a weight of evidence approach. The risks from the proposed use are, therefore, understood inasmuch as they can be.

The Committee considered that:

- A submission by Friends of the Earth relating to the application was clear and articulate and contained some worthwhile perspectives on the use of alternative approaches. It did not, however, raise any issues of which the Committee was unaware.
- There was a case for need, but the approach proposed by the applicant did not necessarily mean that this would prevent emergency occurrences (considered to be severe yield loss or crop loss).
- The application did not provide sufficient assurances the product would or could be used in locations of moderate pest pressure.
- There was insufficient information available to take a view on suitability of the stewardship arrangements, in particular the advisor training.
- There is a relatively high (but not unacceptable) environmental risk associated with the proposed use of these products.

Committee Advice

The Committee advises that the applications: do not meet the tests enabling an emergency authorisation to be granted; and should therefore be refused.

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