The Chair reminded the meeting of the confidentiality of the papers and their discussions. If Members believed that they had a commercial or financial interest in any of the items being discussed, they should declare their interest as soon as the meeting.
moved on to that agenda item. They would then not take part in the discussion, nor would they be involved in any decision-making, unless invited to do so.

1.2 A Member had identified a potential conflict of interest at item 4 and had agreed with the Chair that they would not attend the meeting.

Agenda Item 2: Full Minutes of the previous meeting [ECP 1 (14/2017)]

2.1 The draft Full Minutes of the March 2017 meeting were agreed subject to a minor amendment.

Agenda Item 3: Matters arising and Forward Business Plan [ECP 2 (14/2017)]

3.1 The Secretary provided an update on matters arising from previous meetings and invited Members to suggest any additions/amendments to the forward business plan.

Agenda Item 4: Emergency Authorisation Application: Neonicotinoid seed treatments [ECP 13-13-1 (14/2017), 14 (14/2017) and 3-3-19 (14/2017)]

4.1 This item was arranged into four parts: an introduction to a Commission proposal to further restrict the use of neonicotinoid seed treatments; a discussion on a submission from Friends of the Earth on the emergency authorisation application; consideration of the ADAS Monitoring Report submitted as part of the application; and provision of advice on the application.

4.2 Defra explained the Commission proposal to further restrict the use of neonicotinoid seed treatments. It was reported that the European Food Safety Authority (EFSA) has been undertaking parallel reviews of data relating to neonicotinoid pesticides: a wide-ranging assessment of information provided in response to an open call (which is due to conclude by November 2017); and a smaller scale assessment of confirmatory data. EFSA is assessing risks to bees using draft guidance. Their guidance on how to assess risks to bees has been prepared, but not yet been adopted, having failed to attract support from EU Member States, some of whom consider its approach to be too precautionary. Defra reported that it had been understood that that the wider-ranging review would be concluded before consideration was given to further action. The Commission proposal, however, is based on the confirmatory data review only and would permit use of neonicotinoid seed treatments only on crops grown, for their complete life cycle, in glasshouses.

4.3 Defra reported that the Commission may seek a vote on their proposal at the May 2017 Standing Committee meeting. The Government was seeking ECP advice on the science underpinning the proposal.
4.4 The Committee noted correspondence on this matter which it had received just prior to the meeting from Bayer CropScience Limited and the National Farmers’ Union on the proposal. Member’s initial view was that there did not appear to be scientific justification for the proposed approach, but that the building suite of evidence suggests that the use of neonicotinoid seed treatments may pose a greater hazard to pollinators than originally thought. The Committee agreed to provide views to Defra by 19 April 2017.

Action: ECP

4.5 The Committee considered a submission on the emergency authorisation application submitted by Friends of the Earth (Paper ECP 14 (14/2017)). Members noted that this was a clear and articulate paper, with some interesting perspectives on the use of alternative approaches. The paper did not, however, raise any issues of which the Committee was unaware or materially affect the ECPs view of the application.

4.6 The Committee noted the interim and final Reports prepared by ADAS (Papers 3-7 and 3-8 (14/2017)) submitted as part of the emergency authorisation application. Members did not think that the Report contained new evidence that would influence how previous decisions might be viewed, nor affect future deliberations.

4.7 The Committee then considered the request from HSE to provide advice to Ministers on 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).

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

4.8 This application differed 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.

4.9 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.

4.10 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-authorised label claims for these products in providing moderate pest control to
aid crop establishment.

4.11 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 appropriate solutions 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.
4.12 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.

4.13 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.

4.14 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.

4.15 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.
4.16 The Committee considered that:

- 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.

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

Action: Secretariat to draft advice

Agenda Item 5: Emergency Authorisation: ‘Reglone’ as an aquatic herbicide [ECP 4 (14/2017)]

5.1 HSE introduced this paper explaining that Government required advice to Ministers in relation to an application from Witham Fourth Internal Drainage Board (W4IDB) for an emergency authorisation for ‘Reglone’. The application is for the product to be used as an aquatic herbicide for the prevention of flooding caused by obstruction of water flow.

5.2 The Witham Fourth Internal Drainage District covers approximately 41,000ha of Lincolnshire Fens and the Board maintains a network of 702km of watercourses. W4IDB has been making annual applications for an emergency authorisation for ‘Reglone’ for a number of years, since the aquatic uses of diquat were specifically prohibited following the EU-wide review of this active substance.

5.3 Use of ‘Reglone’ to control aquatic leaves was considered by the Advisory Committee for Pesticides (ACP) in 2009 when it was concluded that critical data were missing to identify the risk to fish, primarily from dissolved oxygen reduction. Cutting and removal of weed was considered likely to be less of a problem with respect to dissolved oxygen levels, and the ACP recommended no authorisation.

5.4 W4IDB applied again for an emergency authorisation in 2012, basing their case on flood prevention. They did not provide supporting data at that time, seeing Reglone as a temporary solution until other herbicides could be introduced. Ministers took advice from the Environment Agency and Defra’s flood defence team and agreed to the authorisation
(although ‘Reglone’ was not, in the end, used in 2012) and agreed again in the years 2013-2016 on the basis that the risks related to potential flooding outweighed the potential risk to fish.

5.5 Although the decision to authorise has been made by Ministers, the ACP/ECP has been kept informed by way of information papers. In 2016, although W4IDB were considered to have addressed the basic requirements of the previous year’s authorisation, the ECP agreed the information provided did not advance the position in any meaningful way and advised not to grant the authorisation. Ministers, however, agreed to grant an authorisation with the maximum use reduced from 25% of the water body to 10% and advising the applicant that a similar request next year would be put to the ECP for full consideration.

5.6 In line with previous years, the 2016 authorisation was subject to the following requirements:

- W4IDB must provide HSE with advance notice of treatments, including proposed location, size of treatment area, date and time of treatment. This information was to be supplied at least two working days prior to treatment.

- Details of actual use must be recorded with justification of why alternative control methods (mechanical/hand/glyphosate) were not appropriate. Details to include; location, size of treatment area, date and time of treatment, dissolved oxygen levels before and after treatment and any adverse effects (e.g. fish kills and sub-lethal effects such as gasping). Observation and monitoring of effects should take place at least weekly for two weeks after each application. During the period of authorisation, four reports should be submitted to HSE, covering each consecutive thirty day period. Each report to be submitted within five working days of the end of the period.

- W4IDB must supply HSE with a detailed plan of the development of alternative control methods (chemical and non-chemical.) No further authorisations for this use would be considered unless a satisfactory plan was supplied.

5.7 In June 2016, W4IDB provided locations of planned treatments along with a summary treatment schedule (not actual dates). In the 2017 submission W4IDB supplied details of the actual treatment dates and locations. According to the summary provided W4IDB applied ‘Reglone’ to approximately 89,000m of watercourses. Although W4IDB indicate this is less than 10% of the watercourses managed, it appears to be slightly more (in terms of length) than 10% of the 702 km stated in the 2016 report. Details of the dates and location of treatment were provided.

5.8 A report previously submitted in 2016 was resubmitted; this included a detailed report on the catchment and the results of a questionnaire to other IDB’s about aquatic herbicide usage, but no detailed plan of the development of alternative control methods (chemical or non-chemical). The submitted information was considered to have only addressed part of the authorisation requirements set in 2016.
5.9 The Committee subjects applications for emergency authorisations 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.

5.10 On the case for need the Committee noted that:

- Other Drainage Boards have successfully used alternative (mechanical) approaches for aquatic weed control. It was noted that the applicant had reported that “Witham Fourth has very shallow falls in its drains. This encourages weed growth and increases the need for pumping stations, which require weed-free channels to operate effectively. Much of the land area is in crop production, with nutrient flows into the water promoting weed growth. Some channels are difficult to access for mechanical weeding and this can be time-consuming and more expensive than other methods”.

- There appear to be no long-term alternative chemical solutions to managing aquatic weeds under consideration by the applicant. Diquat may not be re-approved as an active substance and the applicant appears to have accepted that their previously identified potential chemical replacement (flumioxazine) is not now an option.

5.11 On limiting and controlling use the Committee noted that the product would be applied to a limited area (no more than 10% of the total water body controlled by the Board) in a controlled fashion.

5.12 The Committee noted that risks resulting from the proposed use are well understood and potentially significant to fish.

5.13 The Committee advised that the application did not meet the tests enabling an emergency authorisation to be granted – in particular the applicant had not established that there was a danger which could not be controlled by any other reasonable means and there are environmental risks. The Committee also noted that the applicant did not comply with all the authorisation requirements set in 2016. ECP recognised that a failure to manage aquatic weeds may result in an increased risk of flooding and Ministers may wish to obtain separate advice on the relevance of this to the application. Nevertheless the Committee advised that the application be refused.

Action: Secretariat to draft advice

Agenda Item 6: Experiences of the revised approach to emergency authorisations in 2017 [ECP 5 (14/2017)]

6.1 HSE introduced this item explaining that they had adopted a new approach to better manage emergency authorisation applications in 2017. Early identification and processing
of ‘repeat’ applications had successfully freed up resource to deal with novel casework. However, the quality of applications remains variable and HSE intends to take a tougher line with applicants in 2018.

6.2 Members welcomed the fact that some sectors of the farming and growing industries were adopting a more strategic approach to use of emergency authorisations and agreed that it was important that HSE provide feedback to applicants. The Committee re-iterated that it needs a sufficient period of time to consider applications.

**Agenda Item 7: Emergency authorisations: for information [ECP 6, 7, 8 and 9 (14/2017)]**

7.1 HSE introduced this item, notifying the Committee of repeat emergency authorisations. In line with previously agreed procedures, HSE was notifying the Committee that it considered that the applications met the criteria enabling an emergency authorisation to be granted, with the final decision being taken by Ministers. As the ECP had advised within the past three years that it supported the granting of an authorisation HSE was not necessarily seeking views from the Committee.

7.2 The Committee were updated on the following applications;

- ‘Custo-fume’ and ‘K&S Chlorofume’ for use as a soil fumigant on fruits and ornamentals (ECP 6 (14/2016)). The Committee considered the 2015 application at its May 2015 meeting and was advised that a repeat authorisation had been granted at the June 2016 meeting. The Paper re-iterated the need for this use, its limited and controlled nature and summary of assessments of risk.

- ‘Exirel 10SE’ for use against Spotted Wing Drosophila on cherry (ECP 7 (14/20176)). The Paper noted the Committee’s consideration of the 2015 application, the need for this use, its limited and controlled nature and summary of assessments of risk. It also highlighted work being done to obtain a standard authorisation.

- ‘Exirel 10SE’ for use against Spotted Wing Drosophila on plum and damson (ECP 8 (14/2017)). The Paper noted previous ECP consideration of these applications/uses by email in July 2016 and outlines the need for use. Previous papers highlighted the limited and controlled use nature of use and summary of assessments of risk.

- ‘Tracer’ for use against Spotted Wing Drosophila on outdoor cherry, strawberry, plum, damson and apricot (ECP 9 (14/2017)). The Committee initially considered these applications/uses by email in May 2015 (for cherry) and July 2015 (for others). Previous papers outlined the need for use, its limited and controlled nature and summary of assessments of risk.
Agenda Item 8: Date of next meeting

8.1 16 May 2017 in York.

Agenda Item 9: Any Other Business

9.1 The Committee:

- Received a report on Paper ECP 10 (14/2017) on the impact of restrictions on neonicotinoid seed treatments on winter oilseed rape cultivation in Scotland. The representative of the Scottish Government noted that the survey was derived from telephone surveys of farmers’ perceptions. Growers reported variable experiences but in general pest pressure, damage and use of foliar insecticides had declined. There were no reports of pyrethroid resistance. It was noted that restrictions on the use of neonicotinoid pesticides did not adversely impact the cultivation of oilseed rape to the same extent as in, for example, England.

- Noted Paper ECP 11(14/2017) on control of Spotted Wing Drosophila. The Paper highlighted the need to develop understanding of this pest and develop controls. In the meantime growers were relying on a small suite of pesticide products. The Committee noted that industry had engaged positively with Government to manage this emerging problem and that the AHDB had been active in educating growers. Members highlighted the need for awareness of: this pest in the amateur sector; and wider environmental impacts as the scale of use increases. It was noted that the mode of action of the pesticide products being used was not known, but would become clear when standard authorisations were sought.

9.2 The Chair:

- Advised ECP that it was intended to commence recruitment to three Committee posts in June 2017.

- Reported that decisions would be made at the ECPs May 2017 meeting on the content of the next Committee’s Open Meeting.

- Reported his attendance at the Defra/Royal Society ‘Science for Defra’ event.

Grant Stark
ECP Secretariat
April 2017