The UK Expert Committee on Pesticides (ECP)

Full Minutes of the meeting of the UK Expert Committee on Pesticides (ECP) held on 30 April 2019

Those present:

Chairman:
Prof W Cushley

Members:
Prof R Blackshaw; Ms H Chambers; Mr R Davis; Ms J Dean; Mr M Dempsey; Dr M Hare; Prof T Hutchinson; Prof T Lock; Dr R Mann; Dr C Morris; Prof R Shore; Prof A Smith; Dr C Stephenson and Dr M Whelan

Assessors:
Dr S Jess (representing the Department of Agriculture, Environment and Rural Affairs, Northern Ireland); Ms G Reay (representing Scottish Government); Mr D Williams (Defra) and Mr M Williams (representing Welsh Government)

Advisers:
Mr A Dixon (HSE); Ms S Hugo (Defra); Ms C Lowther (Defra); Mr B Maycock; Dr H Nakeeb (representing Department of Health); Dr C Snaith (HSE) and Ms M Wade (HSE)

Others:
Mr D Bogie (HSE, item 7 only); Mr P Brian (HSE, items 6 and 7 only); Ms R Brian (HSE, item 6 only); Mr J Chambers (HSE; item 6 and 10 only); Ms S Clark (HSE, item 5); Ms N Cook (HSE, item 8 and 10 only); Ms F Fisher and Brandy (HSE; item 4 only); Mr Tony Fisher (HSE) Mr Tom Fisher (HSE, item 7 only); Mr L Furmidge (HSE; item 5 only); Mr P Hamey (HSE; item 4 only); Mr M Hawkins (HSE, item 4 only); Mr J Hingston (HSE, item 7 only); Ms M Reed (HSE; item 6 only) and Ms R Scrivens (HSE, item 4 only)

Apologies:
Dr S Wilkinson and Ms S Zappala (natural England)

Agenda Item 1: Introduction

1.1 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 are required to declare their interest to the Chair and
Secretariat prior to the meeting. 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 with item 4 and had agreed with the Chair that they would leave the meeting when this was discussed.

1.3 The Chair thanked Dr T van der Velde-Koerts for contributing to the meeting via a tele-conference to provide expert input at agenda item 4.

**Agenda Item 2: Full Minutes of the previous meeting [ECP 1 (28/2019)]**

2.1 The draft Full Minutes of the March 2019 meeting were agreed subject to some amendments.

**Agenda Item 3: Matters arising and Forward Business Plan [ECP 2 (28/2019)]**

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 which would be incorporated before the next meeting. It was reported that Defra Ministers had taken a different view to the Committee and decided that it was appropriate to grant an emergency authorisation for the use of 'Cuproktl' in apple orchards.

**Agenda item 4: Review of chlorpropham [ECP 3 (28/2019)]**

4.1 HSE introduced further work that has been done since the Committee considered this issue at the March 2019 meeting and concluded that further discussion was necessary. Chlorpropham is currently the dominant sprout suppressant authorised for use on stored potatoes. Residue levels currently being detected in treated produce very occasionally exceed concentrations that are deemed to present no unacceptable risks to consumers. Noting that there are indications that the EU approval for chlorpropham may be withdrawn and the critical nature of this use for potato storage. HSE wished to explore with the Committee whether:

- refining the way in which the risk was assessed, stores managed and the product used could lead to the identification of a suitable treatment regime.

- Data/information requirements could be developed which would enable better assessment of the outcomes of any treatment regime; and

- Whether, and if so, how any use of chlorpropham could be effectively supported by stewardship activity.

- HSE proposed a regime that was based around 60 day with-holding periods, use of amended dose rates; use of differing variability factors based on storage practice to
determine consumer exposures; and specifying a minimum temperature (7°C) at which potatoes should be stored.

4.2 Members discussed:

- The sample size on which variability data were drawn from. Noting comments from the March 2019 meeting HSE reported that application of the Harrell-Davis method for estimating percentiles, as demonstrated by EFSA, suggested that a sample size of 50 or more was adequate. ECP agreed with this.

- The Committee confirmed that increasing the with-holding period, reducing the amount of active applied and introduction of a minimum temperature above which treatments were permitted would be expected to reduce residue levels. The Committee noted the HSE proposals but judged that the data were inadequate to conclude whether the detailed recommendations were justified or would consistently reduce residues to acceptable levels.

- The Committee further noted that reducing the maximum individual application dose rate without reducing the overall permitted amount was likely to result in more frequent application of the lower doses and, hence, be unlikely to reduce final residue levels.

- The proposal for the imposition of a 60 day with-holding period. The Committee noted that these were based on an extrapolation of data ranging between 25 to 126 days for different storage practices. These data were limited and there was evidence of observations that contradicted the expected outcomes underpinning the rationale of setting a longer with-holding period. The number of data points, uncertainties around the effect of a multiple dose treatment regime and scarcity of data/information on product degradation made it difficult to draw firm conclusions and substantiate that 60 days was the most appropriate value.

- The impact of temperature on residues. It was noted that potato store temperatures depend on factors such as the variety of potato and its intended use. If the temperature is increased, potatoes are more likely to sprout and would potentially require more treatment. Members noted that whilst the data pointed towards the approach suggested by HSE, it was insufficient to conclude that this would be either effective or that 7°C is the correct threshold.

- Appropriate variability factors for box and bulk storage and use of chlorpropham as a spray. The Committee noted that the data indicated that it may be possible to assign different variability factors to box and bulk stores but that there were concerns that differences in sampling from the two store types could be a contributory factor, as could ventilation. The data were inadequate to conclude whether the greater variability in sample residues seen from box stores was inherent from the structure of the stores or driven, for example, by high individual tuber residues arising from chorpropham crystallisation due to poor fogging. It was further noted that applying different variabilities for different store
types would raise issues in conducting risk assessments as the type of store is highly likely to be unknown and therefore the worst case variability factor would have to be used as a default. HSE modelling indicated that in this scenario there would be an unacceptable risk of exceeding the current MRL of 10mg/kg.

- Members noted that spraying is likely to give the least variability, however, if potatoes were sprayed on the way into stores and stored for long periods of time further applications would be required via fogging as the only available option - variability would, therefore, still be an issue.

4.3 Members discussed future data requirements. It was agreed that it was not a function of ECP to design R&D programmes but members would submit suggestions to HSE outside the meeting so that HSE could better advise the applicants.

4.4 As regards product stewardship the Committee supported HSEs proposed approach. Members commented that it was important that information generated from any programme should be able to be interpreted and analysed. Any programme should be compliant with the ‘principles of product stewardship’ and might include best ventilation practice; replacing non-slated boxes; dealing with crystals; adoption of SMART targets; and enhanced feedback on activity and outcomes (including greater detail on the situations in which reported residues were occurring). ECP noted that the responsibility was on industry to develop stewardship programmes.

4.5 Members concluded that based on the evidence before them, they do not support authorisation of chlorpropham to continue.

Agenda item 5: Emergency Authorisations applications: ‘Custo-fume’ on soft fruit, ornamental crops and apple and pear orchards [ECP 4 – 4-2 (28/2019)]

5.1 The Government has received an application for an emergency authorisation for the use of ‘Custo-fume’, a vapour releasing product containing 99.5% chloropicrin for use as a soils sterilant before the planting of outdoor and protected apple, pear, soft fruit (strawberry, raspberry and blackberry) and ornamentals (nursery stock). Key uses are for the control of replant diseases in apple and pear and Verticillium wilt diseases in soft fruit and ornamentals.

5.2 The Committee was:

- requested to advise on the nature of risk to human health and the environment from the proposed use and provide views on other factors relevant to consideration of an emergency authorisation application, including (but not necessarily limited to): the case for need (including the use of alternative controls); limitation and control of use; and plans to avoid long-term reliance on emergency authorisations.

- invited to offer a view on whether it agreed with HSEs assessment of the way in which future applications would be handled under the proposed new arrangements for processing emergency authorisations.
5.3 The Committee noted that:

- HSE had concluded that:
  - Risks to human health could be mitigated through a number of risk mitigation measures including: the requirement to observe restrictions on the latest time of application prior to planting; use of suitable application equipment, clothing and restrictions on working time; adoption of measures to keep unprotected persons from the area under fumigation; and avoiding applications to protected crops.
  - Identified environmental risks could be partially mitigated by: adopting measures to remove bee hives from the treated area; use of bird-scarers; avoiding applications within 25m of a water body or 1m of a dry ditch; ensuring applications were made before the end of September, but never to heavy clay soils; keeping livestock out of treated areas; and not removing plastic sheeting from treated soil for 21 days.

5.4 The Committee advised that, based on the evidence available to it (in particular the very limited proposed scale of use), risks to human health and the environment from the proposed use could be viewed within the context of an emergency as acceptable, subject to the imposition of the mitigation measures described above.

5.5 ECP also took the view that:

- a case for need had been demonstrated (potentially significant agronomic impacts arising from a failure to manage the diseases and a lack of a suitable range of control options); and
- use would take place on a very limited scale;

5.6 The Committee believed a suitable case had been presented and that the Government could consider granting an emergency authorisation.

5.7 The Committee did not consider that immediate future applications relating to this use of ‘Custo-fume’ should be referred to ECP for advice/views (unless there was a significant increase in the area treated).

[Post meeting note: In preparation of the Committee advice note an issue came to light which require further consideration of an aspect of this application. This will be discussed and a Committee view finalised at a future meeting.]

Agenda item 6: Emergency Authorisations application: ‘Emerger’ on celery [ECP 5 – 5-1 (28/2019)]

6.1 The Government has received an application for an emergency authorisation for the use of ‘Emerger’ suspension concentrate containing 600g/l aclonifen, for use as a herbicide on outdoor celery to control fat hen (Chenopodium album) and volunteer oilseed rape (Brassica napus).

6.2 The Committee was requested to:
• advise on the nature of risk to human health and the environment from the proposed use and provide views on other factors relevant to consideration of an emergency authorisation application, including (but not necessarily limited to): the case for need (including the use of alternative controls); limitation and control of use; and plans to avoid long-term reliance on emergency authorisations;

• provide views on the: identified risk to birds via soil accumulation; and whether the proposed mitigation and dose reduction 'is sufficient to grant an emergency authorisation'; and

• invited to offer a view on whether it agrees with HSEs assessment of the way future applications would be handled under the proposed new arrangements for processing emergency authorisations.

6.3 The Committee noted that:

• conducting the dietary risk assessment to modern standards did not identify any concerns for consumers of treated crops (subject to the imposition of a 90-day pre-harvest interval).

• HSE had concluded that:
  - The non-dietary risk assessment identified risks to human health could be mitigated by a requirement for operators to wear suitable protective gloves when handling the concentrate and the imposition of a suitable pre-harvest interval.
  - Risks to the aquatic environment could be mitigated by the imposition of requirements for horizontal boom sprayers to be fitted with 3-star drift reduction technology and the observance of a 6m aquatic buffer zone.
  - Some risks to small mammals had been identified from the proposed use but this was considered to be mitigated if the proposed application rates were reduced from 1.25 l/product/ha to 0.65 l/product/ha (applications at this rate would be effective but HSE would not evaluate the degree of control). Members noted that the proposed pre-emergence use would be on fields that were not attractive environments for small mammals.
  - Other ecotoxicological risks would be managed by the aquatic mitigation measures and a requirement to take extreme care to avoid spray drift to non-crop plants outside of the target area.

• Given indications from the data that aclonifen was relatively persistent the Committee advised that Government restrict its use on the same field area, irrespective of crop type, such that applications are not made in two consecutive years.

6.4 The Committee advised that, based on the evidence available to it, risks to human health and the environment are acceptable, provided adaptations to the proposed conditions and use and adoption of appropriate mitigation as described above were reflected in any authorisation.
6.5 ECP also took the view that:

- a case for need had been demonstrated (potentially significant agronomic impacts arising from a failure to manage these weeds and a lack of a suitable range of control options).
- although use would take place on a relatively limited scale (60% of approximately 950ha planted to celery) it tended to be concentrated in particular geographical locations; and
- the applicant had outlined a reasonable plan to avoid long-term reliance on emergency authorisations (seeking an Extension of Authorisation for Minor Use for the 2020 growing season).
- the Committee understands that there have been significant advances in the use of mechanical weeding technologies in recent years and that such techniques may soon provide a practical alternative to the use of pesticides. ECP advises that Government and industry consider development of this technology should any future application for this use be submitted.

6.6 Commenting more generally on emergency authorisations, the Committee suggested that applications, in general, could be strengthened by ensuring that statements were backed by evidence (a particular example, which was cited related to the cost of alternative methods of control (for example, hand-weeding) and applying pesticides; supplemented by value of control in any crop/situation.

6.7 The Committee considered that the basis of a suitable case had been presented and that the Government could consider granting an emergency authorisation.

6.8 The Committee took the view that if a future application was received for this use it should be referred to the ECP for advice/views.

Agenda item 7: Emergency Authorisation application: ‘Asulox’ on celery [ECP 6 – 6-1 (28/2019)]

7.1 The Government has received an application for an emergency authorisation for the use of ‘Asulox’, a soluble concentrate formulation containing 400 g/l asulam, for use as an herbicide on celery for the control of groundsel (*Senecio vulgaris*).

7.2 The Committee was:

- requested to advise on the nature of risk to human health and the environment from the proposed use and provide views on other factors relevant to consideration of an emergency authorisation application, including (but not necessarily limited to): the case for need (including the use of alternative controls); limitation and control of use; and plans to avoid long-term reliance on emergency authorisations.
- invited to offer a view on whether the granting of an emergency authorisation for this use in Belgium posed a sufficient risk to UK consumers to warrant further action.
7.3 The Committee noted that:

- a lack of data meant it was not possible to define the risk to consumers.
- HSE had concluded that acceptable risks could be demonstrated for workers, residents and bystanders and environmental fate and behaviour. Ecotoxicological risks (to birds and terrestrial non-target plants) could be mitigated by reducing the proposed dose rate.

7.4 The Committee advised that the available data did not support an acceptable risk assessment for consumers. Other risks from the proposed use could be viewed within the context of an emergency as acceptable, subject to the imposition of the mitigation measures described above.

7.5 ECP also took the view that:

- a case for need had been demonstrated (potentially significant agronomic impacts arising from a failure to manage groundsel and a lack of a suitable range of control options);
- although use would take place on a relatively limited scale (60% of the 950ha grown to celery) it tended to be concentrated in particular geographical locations; and
- a range of chemical and mechanical control options were being developed, with the potential to ensure there was no long-term reliance on the emergency authorisation.

7.6 The Committee did not believe a suitable case had been presented for the granting of an emergency authorisation.

7.7 The Committee noted that the lack of an acceptable risk assessment for consumers meant that there is a risk to UK consumers from Belgian celery, if any were imported. Consistency in the application of the principles guiding this assessment suggests consideration be given to prohibiting the importation of Asulox treated celery.

Agenda item 8: Emergency Authorisation application: ‘Teppeki’ on carrots [ECP 7 – 7-5 (28/2019)]

8.1 The Government has received an application for an emergency authorisation for the use of ‘Teppeki’ an oil dispersion formulation containing 500g/l flonicamid, for use as an insecticide on outdoor carrot for control of willow carrot aphid (*Carariella aegopodii*) and peach-potato aphid (*Myzus persicae*).

8.2 The Committee was requested to advise on the nature of risk to human health and the environment from the proposed use and provide views on other factors relevant to consideration of an emergency authorisation application, including (but not necessarily limited to): the case for need (including the use of alternative controls); limitation and control of use; and plans to avoid long-term reliance on emergency authorisations.
8.3 The Committee was also invited to offer a view on whether it agreed with HSEs assessment of the way future applications should be handled under the proposed arrangements for processing emergency authorisations.

8.4 The Committee noted that:

- The application had only been necessary because administrative issues (in the EU) had delayed the adoption of a Maximum Residue Level that would have enabled the granting of an Extension of Authorisation for a Minor Use. If the emergency authorisation is granted measures will need to be adopted to prevent treated carrots or products containing them being exported.

- HSE had concluded that:
  - The dietary risk assessment did not identify any concerns for consumers of treated crops.
  - The non-dietary human exposure, environmental fate and ecotoxicology risk assessments identified the need to impose a minimum interval of 21 days between applications and prevention of applications when bees are flying or flowering weeds are present).

8.5 The Committee advised that, based on the evidence available to it, risks to human health and the environment are acceptable, provided appropriate mitigation is adopted.

8.6 ECP also took the view that:

- a case for need had been demonstrated (potentially significant agronomic impacts arising from a failure to manage these pests and a lack of a suitable range of control options to manage resistance);

- it was questionable whether use could be said to be ‘limited’ given that it could take place on up to 95% of the estimated 11,000 ha planted to carrots; and

- It was unlikely that a further application for an emergency authorisation for this use would be submitted in the future.

- Government should seek reasonable assurances that all of the potential export sector is aware of the necessary trade restrictions.

8.7 The Committee considered that the basis of a suitable case had been presented and that the Government could consider granting an emergency authorisation.

8.8 The Committee took the view that, although it was not anticipated, any future applications relating to this use should be referred to the ECP for advice/views.

Agenda item 9: Date of the next meeting

9.1 29 May 2019 – Foss House, Kings Pool, York
**Agenda item 10: Any other business**

10.1 First Authorisation of product ‘Emerger’ for use on potato [ECP 8 – 8-1 (28/2019)]

10.1.1 HSE introduced a paper for information relating to an application for the first authorisation in the UK for ‘Emerger’ (contains aclonifen) on potato. The Committee noted the authorisation.

10.2 First Authorisation of product containing active substance new to UK – ‘Chrysal AVB’ [ECP 9 – 9-1 (28/2019)]

10.2.1 HSE introduced a paper for information relating to an application for the first authorisation in the UK for ‘Chrysal AVB’ (contains sodium silver thiosulphate) for use as a plant growth regulator on ornamental plant production. The Committee noted the authorisation.

10.3 Emergency Authorisations received 2018/19

10.3.1 Members were provided with a list detailing all emergency authorisations received by HSE in 2018-19.

10.4 Pesticide Usage Survey Reports for 2017 [ECP 11 -11-3 (28/2019)]

10.4.1 The Committee noted the publication of detailed Pesticides Usage Survey Reports (edible protected crops, grassland and fodder crops and outdoor vegetable crops).

10.5 Chairs report

10.5.1 The Secretariat have carried out a review of the Scientific Advisory Committee Code of Practice against the ECP Code of Practice and identified some amendments that could be made. Once the suggested amendments have been made to the ECP Code of Practice, it will be brought to a future meeting for Members comment.

10.5.2 The Chair informed Members that at the end of 2020, seven current Members terms of appointment are due to end. Therefore, work was necessary to consider Committee capability and capacity and to develop a suitable recruitment regime.

10.5.3 The Committee noted the increasing demands on HSE to include more information on papers submitted to the Committee for consideration and the need for this to be balanced by ensuring Members had sufficient time to appropriately scrutinise paperwork. Two Members volunteered to work with HSE to help shape the structure and content of future papers.

**ACTION:** HSE and Committee Members

Rachel Merrick
ECP Secretariat