

## The UK Expert Committee on Pesticides (ECP)

# Full Minutes of the meeting of the UK Expert Committee on Pesticides (ECP) held on 21 April 2020

*Due to the covid-19 pandemic and lockdown measures that were in place, the meeting was held via a teleconference.*

### **Those present:**

#### **Chairman:**

Prof W Cushley

#### **Members:**

Prof R Blackshaw; Mr R Davis; Mr M Dempsey; Dr J Garratt; Mr M Glynn; Dr M Hare; Prof T Hutchinson; Prof T Lock; Dr R Mann; Dr C Morris; Prof A Smith; Prof D Spurgeon and Dr M Whelan

#### **Assessors:**

Mr B Maycock (FSA); Ms G Reay (representing Scottish Government); Mr D Williams (Defra) and Mr M Williams (Welsh Government)

#### **Advisors:**

Mr A Dixon (HSE); Mr D Flynn (HSE); Ms S Hugo (Defra); Mr C King (Defra); Dr H Nakeeb (Public Health England); Mr J Newman (Environment Agency) and Dr C Snaith (HSE)

#### **Others:**

Ms R Brian (HSE); Mr J Chambers (HSE); Ms S Clarke (HSE); Ms A Gane (HSE); Ms S Mason (HSE); Mr B Neill (HSE) and Ms K Parker (HSE);

#### **Apologies:**

Ms H Chambers; Dr S Wilkinson; Dr S Jess (representing the Department of Agriculture, Environment and Rural Affairs, Northern Ireland) and Ms M Wade (HSE)

## **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 may then either be invited to absent themselves

from the discussions; not participate; and/or not be involved in any discussions and decision-making, unless invited to do so.

1.2 Two Members identified potential conflict of interest, but it was determined that they could remain and participate in discussion on the relevant agenda item.

1.3 The Chair noted that it was Dr S Wilkinson's final ECP meeting. He thanked him for the valuable contributions he had made to the Committee's work during his time as a Member.

## **Agenda Item 2: Full Minutes of the previous meeting [ECP 1 (35/2020)]**

2.1 The draft Full Minutes of the March 2020 meeting were agreed subject to a minor amendment.

## **Agenda Item 3: Matters arising and Forward Business Plan [ECP 2 (35/2020)]**

3.1 The Secretariat 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.

3.2 The Committee noted that due to the current circumstances, it is likely the June ECP Meeting will have to be held virtually.

## **Agenda item 4: Emergency Authorisation: 'Teppeki' on carrots [ECP 3 – 3-2 (35/2020)]**

4.1 The government had received an application for an emergency authorisation for the use of 'Teppeki' (contains flonicamid) for use as an insecticide on carrot for the control of willow-carrot aphid (*Cavariella aegopodii*) and peach-potato aphid (*Myzus persicae*).

4.2 The Committee was requested to provide advice on the consumer risk assessment for this application and offer views on the suitability of stewardship.

4.3 The Committee noted:

- 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 assessments 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 spraying or flowering weeds being present.

4.4 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.

4.5 ECP also took the view that:

- a case for need had been demonstrated (potentially significant agronomic impacts arising from a failure to manage these pests and a lack of a suitable range of control options to manage resistance);
- government should seek firm assurances that all relevant parts of the export sector (in particular, that dealing in the trade of processed commodities) are aware of and will comply with the necessary trade restrictions.

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

## **Agenda item 5: Emergency Authorisation: ‘Tracer’ on plum and cherry [ECP 4 – 4-5 (35/2020)]**

5.1 The government had received an application for an emergency authorisation for the use of ‘Tracer’ (contains spinosad) for use as an insecticide for the control of the fruit fly Spotted Wing Drosophila (SWD) (*Drosophila suzukii*)

5.2 Following discussion, the Committee established that it was requested to provide advice, in relation to the proposed use on cherries:

- Whether an authorisation should allow two applications per year. Such a condition of use would require the applicant to provide evidence of adhering to stewardship measures.
- The nature of any stewardship scheme if two applications per year were authorised.

5.3 The Committee were requested to provide views on:

- The suitability of the case provided for limitation and control of use, given the usage data provided in the registration report.

- Whether any available alternative controls for SWD (particularly non-chemical methods of control with which HSE may be less familiar) are available and on possible long-term solutions now that the pest is established in the UK.

5.4 The Committee noted that HSE had concluded that:

- Non-dietary risks to human health could be mitigated by a requirement for operators to wear gloves when handling concentrate.
- Risks to consumers from dietary exposures were acceptable.
- Two applications of this product to cherries would result in an exceedance of the current EU MRL. It would, therefore, be necessary to require stewardship of treated produce to prevent its export.
- The environmental fate assessment had not identified any risks to groundwater.
- Other environmental risks could be mitigated by the imposition of a 50m buffer zone adjacent to surface waters, a restriction on the timing of application and preventing applications when bees are foraging and when flowering weeds are present.

5.5 The Committee advised that, based on the available evidence it was appropriate to authorise two applications per year on the cherry crop. The Committee did not consider that it was appropriate to advise on the nature of the stewardship scheme but noted that the government had developed and shared its thinking on 'principles of stewardship'.

5.6 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).
- Whilst the use could be said to be limited by virtue of the area being treated it was not clear how it would be controlled.
- There was a lack of information on alternative chemical, integrated and other methods of controlling SWD. Given that this was now an established pest, there was merit in government facilitating work to pull together research, industry, regulatory and other relevant interests to review current UK and international knowledge and develop other approaches.
- Government should seek firm assurances that all relevant parts of the export sector are aware of and will comply with stewardship requirements/trade restrictions. The Committee suggested that failure to provide proof of adequate stewardship of products/treated produce should have clearly defined consequences for future applications.

- The imposition of a 50m buffer zone may not be practical for many growers.

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

## **Agenda item 6: Emergency Authorisations: ‘Benevia 10OD’ on:**

### **6.1 Outdoor and protected strawberry [ECP 5 – 5-3 (35/2020)]**

6.1.1 The government had received an application for an emergency authorisation for the use of ‘Benevia 10OD’ (contains cyantraniliprole) for use as an insecticide for the control of Spotted Wing Drosophila (SWD) (*Drosophila suzukii*).

6.1.2 The Committee was requested to provide:

5.8 Advice on whether it is appropriate to authorise only a single application of the product before the end of June to address environmental risks, considering the availability of alternatives and the need for season long control.

5.9 A view on whether the use could be considered limited and controlled.

6.1.3 The Committee noted that HSE had concluded that:

- Non-dietary risks to human health could be mitigated by requirements for operators to wear gloves when handling concentrate, the product not to be applied via hand-held equipment and vehicle mounted or trailed horizontal boom sprayer must only be used where the operator’s normal working position is within a closed cab with a suitable in-cab filtration system.
- Risks to consumers from dietary exposures were acceptable provided restrictions were imposed on the amount of cyantraniliprole that could be applied to treated land in a calendar year.
- Environmental risks could be mitigated by the imposition of a number of mitigation measures. These included: preventing applications when bees are foraging in flowering crops and weeds; a minimum 10m buffer zone plus use of 50% drift reducing technology is required to ensure an acceptable off-field risk for non-target arthropods;
- There was a data gap for aerobic soil degradation in the pH range 4.8 to 5.7, as well as a failure at the first tier for the drainflow assessment.
- This product would be used in conjunction with others to deliver season long control and manage resistance.

6.1.4 The Committee advised that:

- It is appropriate to restrict use of this product to a single use to address environmental risks, taking account of the availability of alternatives and the need for season long control.
- The use could be viewed as limited and controlled. It was noted that potentially all of the strawberry area grown in England could be treated depending on pest pressure, but this could be necessary given the high-quality standard for this crop.

6.1.5 ECP also took the view that:

- The aerobic soil degradation data gap did need to be addressed but should not be viewed as an impediment to granting an authorisation on this occasion.
- Government should review the rationale for some of the environmental risk mitigation measures, noting that uncropped areas between fields could be a source of recolonization.
- Government should identify and establish the robustness of evidence relating to aphid vulnerability and obviation of the need to conduct a drainflow assessment for products grown in trays.
- Government should consider specifying the use of technology that delivers a 'minimum' of 50% drift reduction.

6.1.6 It was noted that a number of these points could be applicable to other applications considered by the government.

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

## **6.2 Outdoor leeks [ECP 6 – 6-3 (35/2020)]**

6.2.1 The government had received an application for an emergency authorisation for the use of 'Benevia 100D' (contains cyantraniliprole) for use as an insecticide against *thrips tabaci* (onion thrips).

6.2.2 The Committee was requested to provide a view on whether the use could be considered limited and controlled.

6.2.3 The Committee noted that HSE had assessed the risk on the basis of two applications of the product (to ensure season-long control and help manage resistance) and concluded that:

- The estimated treated area would be approximately 350ha (20-25% of total area of leeks grown).

- Non-dietary risks to human health could be mitigated by a requirement for operators to wear suitable PPE and gloves when handling concentrate.
- Risks to consumers from dietary exposures were acceptable provided restrictions were imposed on the amount of cyantraniliprole that could be applied to treated land in a calendar year.
- There was a data gap for aerobic soil degradation in the pH range 4.8 to 5.7, as well as a failure at the first tier for the drainflow assessment. A drainflow assessment was not required as leeks are not grown on drained soils.
- The risks to birds, mammals, soil macro-organisms, soil micro-organisms and non-target plants were acceptable without the need for any risk mitigation.
- Other environmental risks were acceptable provided appropriate mitigation measures were imposed. These included: a 5m buffer zone to protect aquatic life from spray drift; preventing applications when flowering crops and flowering weeds are present to protect bees and pollinating insects; a 10m buffer zone and use of 50% drift reducing technology to protect off-field non-target arthropods (this would prevent the use of hand-held equipment).
- The estimated treated area will be 561 ha, main use will be in Lincolnshire and Cornwall with some used in Southern and Central England. The application period will be July to September

6.2.4 The Committee advised that the use could be considered limited. The Committee notes that monitoring of this pest on this crop occurs elsewhere and there is guidance available to determine the timing of sprays. The stewardship programme should also deliver evidence that the substance is not being used prophylactically so that there can be confidence that use is controlled.

6.2.5 ECP also took the view that:

- The aerobic soil degradation data gap did need to be addressed but should not be viewed as an impediment to granting an authorisation on this occasion.
- The applicant should be encouraged to develop thinking on monitoring pest pressures and use of thresholds (noting that current guidance referred to assessing whether pests were increasing, and work done in New Zealand on this issue).
- Risks to earthworms from this use were likely to be of relatively limited significance compared to those associated with preparing a seed bed for cultivation of this crop.
- Based on the available evidence it was appropriate to consider granting an emergency authorisation for two applications per year on the crop.

### **6.3 Outdoor kale, collards and oriental brassicas [ECP 7 – 7-3 (35/2020)]**

6.3.1 The government had received an application for an emergency authorisation for the use of 'Benevia 100D' (contains cyantraniliprole) for use as an insecticide to control diamond back moth.

6.3.2 The Committee was requested to provide advice on:

- The appropriateness of proposed threshold value and any potential alternatives to determining when pest levels are sufficiently high.
- Whether the risk to aquatic invertebrates and sediment dwelling invertebrates from drainflow is of sufficient magnitude to limit the emergency use to a single application of the product at the end of June.

6.3.3 The Committee were requested to provide a view on the appropriateness of year on year authorisation without evidence of robust stewardship.

6.3.4 The Committee noted that HSE had assessed the risk on the basis of two applications of the product being made and concluded that:

- Non-dietary risks to human health could be mitigated by a requirement for operators to wear PPE when handling concentrate and prohibiting hand-held application.
- Risks to consumers from dietary exposures were acceptable. However, EU MRLs for milk could be exceeded if treated crops were fed to livestock. It would, therefore, be necessary to require stewardship of treated produce to prevent its export via dairy products. Confidence in the applicant's ability to effectively manage stewardship as required is low in light of previous failure to provide evidence such as records and monitoring information.
- The risk to the aquatic environment from drainflow has not been shown to be acceptable to aquatic invertebrates and sediment dwelling invertebrates beyond a single application of the product made by the end of June. No appropriate mitigation measures can be applied to ameliorate the risks.
- Other environmental risks were acceptable provided appropriate mitigation measures were imposed. These included: a 5m buffer zone to protect aquatic life from spray drift; preventing applications when crops and flowering weeds are present to protect honeybees; a 10m buffer zone and use of 50% drift reducing technology to protect off-field non-target arthropods.
- The estimated treated area will be 1,150 ha, main use will be in Lincolnshire and Cornwall with some used in North West England, Northern Ireland and Scotland. The application period will be June to October.

6.3.5 The Committee also noted that HSE was of the view that the proposed threshold is inappropriate. Growers have previously requested urgent release of the authorisation when the pest pressure (assessed by the trappings) was less than that described in the threshold. HSE plan to discuss with the applicant prior to any future application.

6.3.6 The Committee is of the view that when weighing: degree of risk assessed as arising from the proposed application of this product; with information provided on potential impacts to growers (and by implication availability of this produce to consumers), that a suitable case has not been presented to the government for the granting of an emergency authorisation.

6.3.7 Consequently, the Committee did not consider it necessary to address the issue of the appropriateness of the threshold value since no data were presented by the applicant to justify superseding the existing, research-derived value.

6.3.8 The Committee also took the view that that failure to provide proof of adequate stewardship of products/treated produce should have clearly defined consequences for future applications.

#### **6.4 Protected oriental brassicas [ECP 8 – 8-3 (35/2020)]**

6.4.1 The government had received an application for an emergency authorisation for the use of 'Benevia 10OD' (contains cyantraniliprole) for use as an insecticide to control cabbage stem flea beetle (*Psylliodes chrysocephala*).

6.4.2 The Committee was requested to provide advice on how the nature and degree of risk identified to aquatic invertebrates and sediment dwelling invertebrates from drainflow arising from two applications of this product could be viewed when set against an emergency situation.

6.4.3 The Committee noted that HSE had:

- Identified that the proposed treatment area was relatively limited, at approximately 55ha and focused in three counties.
- Concluded that:
  - Non-dietary risks to human health could be mitigated by a requirement for operators to wear suitable protective clothing and gloves when handling concentrate.
  - Risks to consumers from dietary exposures were acceptable provided restrictions were imposed on the amount of cyantraniliprole that could be applied to treated land in a calendar year.
  - Two applications of this product would result in an exceedance of the current EU MRL. It would, therefore, be necessary to require stewardship of treated produce to prevent its export.

- Environmental risks could be mitigated by the imposition of a number of mitigation measures. These included: a 5m aquatic buffer zone; preventing applications when flowering crops and weeds are present to protect honey bees; a 10m buffer zone plus use of 50% drift reducing technology is required to ensure an acceptable off-field risk for non-target arthropods;
- The risks resulting from two applications of the product to aquatic invertebrates and sediment dwelling invertebrates had not been shown to be acceptable. An acceptable risk was identified with one application of the product at the end of June.

6.4.4 The Committee advised that when weighing: degree of risk assessed as arising from two applications of this product; with information provided on potential impacts to growers (and by implication availability of this produce to consumers), that a suitable case had been presented and that the government could consider granting an emergency authorisation for this very limited scale of use.

6.4.5 ECP also noted that:

- Government should seek firm assurances that all relevant parts of the export sector are aware of and will comply with stewardship requirements/trade restrictions.
- Despite there being 'no tolerance of damage' a spray threshold of pest presence should still be applied to ensure that use is controlled, and no unnecessary applications are made. This monitoring requirement should form part of stewardship.
- There was some uncertainty associated with how buffer zones were applied in the case of crops grown in polytunnels and asked government to reflect upon and clarify this issue.

### **Agenda item 7: Emergency Authorisations: 'Exirel 10SE' on outdoor cherry, plum and grape and outdoor and protected soft fruit (blueberry, raspberry and blackberry) [ECP 9 – 9-13 (35/2020)]**

7.1 The government had received an application for an emergency authorisation for the use of 'Exirel 10SE' (contains cyantraniliprole) for use as an insecticide to protect against spotted wing drosophila (SWD) (*Drosophila suzukii*) and to be used in a spray programme with other modes of action to prevent the development of insecticide resistance.

7.2 The Committee was requested to provide advice on how the nature and degree of environmental risk arising from two applications of the product should be viewed, when set against an emergency situation, and the benefits explained in terms of season-long control and resistance management.

7.3 The Committee was also invited to offer views on:

- Whether the use could be considered 'limited and controlled' for soft fruits and stone fruits.
- The lack of information provided to demonstrate stewardship in preventing the export of treated outdoor raspberry and blackberry crops (for which there is no statutory MRL to accommodate the proposed use) and any products derived from them.

7.4 The Committee noted that HSE had assessed the risk on the basis of two applications of the product (to ensure season-long control and help manage resistance) and concluded that:

- Non-Dietary Exposure risks could be mitigated by requirements such as: wearing suitable PPE; and not authorising application to outdoor crops using hand-held equipment. Additionally, a 'thermal comfort' restriction is applied to mitigate heat stress risk for workers treating soft fruit in protected situations.
- Dietary exposures are acceptable for all uses. However, two applications of this product to raspberry and blackberry crops would result in an exceedance of the current EU MRL. It would, therefore, be necessary to require stewardship of treated produce to prevent its export.
- No drainflow assessment was required for the soft fruit and wine grape use. There was a data gap for aerobic soil degradation in the pH range 4.8 to 5.9 for this use, so no clear conclusion could be drawn on risks.

The quantitative groundwater assessment for soft fruit and wine grapes produced predicted environmental concentrations in groundwater ( $PEC_{gw}$ ) values within those already assessed for cyantraniliprole products and similar or lower for cherry and plum and damson. There is a data gap for aerobic soil degradation in the pH range 4.8 to 5.9, and no clear conclusion could be drawn on the risk for soft fruit and wine grapes grown in soils in this pH range.

The first tier drainflow assessment for cherry, plum and damson failed. A higher tier drainflow assessment was conducted for one and two applications at different timings for ecotoxicological consideration. It was noted again that this assessment could not address the risk for soils with pH values 4.8 to 5.9, and this range included some soils in the classes most vulnerable to drainflow.

- There was an acceptable risk to birds, mammals, earthworms and other soil macro-invertebrates and non-target terrestrial plants for all uses without the need for any risk mitigation.
- Risks to aquatic life could be mitigated by the imposition of:
  - A 5m buffer zone when using a horizontal boom sprayer to treat soft fruit.

- A 10m buffer zone when using a broadcast air assisted sprayer to treat soft fruit and for treatments of wine grape and plum and damson.
- A 15m buffer zone for use on cherry.
- Use on cherry and plum and damson results in an unacceptable risk to aquatic life from drainflow. However, the risk from one application applied before the end of July (for cherry) or August (for plum and damson) is acceptable.
- Other environmental risks can be mitigated by: preventing applications when flowering crops and flowering weeds are present to protect honeybees; the imposition of requirements to use a:
  - 5m buffer zone and 3-star drift reducing technology when using a horizontal boom sprayer to treat soft fruits;
  - 10m buffer zone when using a broadcast air-assisted sprayer to treat wine grapes and soft fruits.
  - 15m buffer zone and 3-star drift reducing technology for use on plum and damson.
  - 20m buffer zone and 3-star drift reducing technology for use on cherry.

7.5 The Committee advised that based on the available evidence and the fact that this was an emergency authorisation it was appropriate to authorise two applications per year. This, however, was conditional, in the case of cherry, plum and damson use on:

- The period of use between the two applications being as long as reasonably practicable to protect non-target arthropods.
- Incorporation into resistance management which is best delivered by use of alternative modes of action in spray programmes, ideally with no active substance being solely used and the two applications of Exirel being interspersed with use of an alternative product.
- No more than one application of the product in the drainflow risk periods; after July for use on cherry and after August for use on plum and damson.

7.6 ECP also took the view that:

- The use would be limited by virtue of the area treated.
- The aerobic soil degradation data gap did need to be addressed but should not be viewed as an impediment to granting an authorisation on this occasion. Information on the soil types on which these crops were grown was not currently readily available but would help government better understand the

risks associated with the proposed use and should be established for any future application.

- It is a matter for government to reflect on the lack of information to demonstrate effective stewardship and what this means for a regulatory decision. The Committee is of the view that suitably robust/well-developed stewardship arrangements would enable regulators to better establish that the use is controlled, confirm that drainflow risk is similar to the estimates used in HSEs assessment and that data is available to quantify the relative risk geographically.
- It is not possible to evaluate the potential benefits of resistance management arising from an individual authorisation without a holistic view of concurrent applications and proposed spray programmes. This will continue to be the case in the absence of an appropriate mechanism and government should evaluate the feasibility of developing such functional arrangements.
- Government should seek firm assurances that all relevant parts of the export sector are aware of and will comply with stewardship requirements/trade restrictions. The Committee suggested that failure to provide proof of adequate stewardship of products/treated produce should have clearly defined consequences for future applications.

## **Agenda item 8: Emergency Authorisation: ‘Acelepryn’ on managed amenity turf [ECP 10 – 10-4 (35/2020)]**

8.1 The government had received an emergency authorisation for the use of ‘Acelepryn’ (200 g/l chlorantraniliprole) intended for control of chafer grubs and leatherjackets on established amenity grassland (limited to airfields, golf courses, tees and fairways and horse racing courses and gallops) and selected international sporting venues.

8.2 The Committee was requested to advise on:

- Whether there is any substantial increase in risk from previously authorised uses in allowing additional use at selected, named international sporting venues and any possible mitigation measures that could be considered.
- Whether the period of sale for any authorisation should be extended (compared to the 2019 emergency authorisation) to November 2020 to enable leatherjacket control.

8.3 The Committee noted that HSE had concluded that:

- Non-dietary risks to human health did not require the adoption of mitigation measures (such as the wearing of Personal Protective Equipment).

- It was necessary to mitigate risks associated with use on golf courses required by imposing a condition of use that the product could only be used on greens, tees and fairways and the maximum fairway area permitted to be treated on any course is 10% of the total area.
- It was necessary to mitigate wider environmental risks by imposing a number of mitigation measures. These included: a 5m aquatic buffer zone; respect an untreated habitat protection zone of 5m to non-crop land to protect non-target insects/arthropods; and requirements to avoid applications when bees are foraging and when flowering weeds are present to manage the risk to bees.
- The assessment did not identify unacceptable risks with extending the period of sale.
- The estimated treated area will be 1,000 ha with an application period of May to July for control of chafer grubs and July to October for control of leatherjackets.

8.4 The Committee advised that:

- It was not necessary to grant a special dispensation for the selected, named international sporting venues. It was noted that this application was received before the Covid-19 pandemic and that this would, in all likelihood, result in cancellation of these events.
- It was not necessary to allow the period of sale for the authorised product to continue until November if control decisions are based on adult activity.

8.5 ECP also noted that:

- A specific volume of product would be marketed, but it was not clear how it would be apportioned between the different areas to be treated (with, for example, use of any method for determining priorities) should demand exceed supply.
- There had been media reports of isolated examples of golf course managers allowing sheep to graze potentially treated areas and that HSE on behalf of government should reflect on this when considering dietary exposures.

8.6 The Committee believed that a suitable case had been presented that would enable the government to consider granting an emergency authorisation with the exception to the amended period of sale and special dispensation for sporting venues.

## **Agenda item 9: Emergency Authorisations: ‘Funguran Progress’ on:**

### **9.1 Organic apple and pears [ECP 11 – 11-3 (35/2020)]**

9.1.1 The government had received an application for an emergency authorisation for the use of ‘Funguran Progress’ (contains copper hydroxide) for use as a fungicide for the control of scab (*Venturia inaequalis*).

9.1.2 The Committee was requested to provide advice on how the nature and degree of environmental risk could be viewed when set against an emergency situation.

9.1.3 The Committee noted HSE had:

- Identified the proposed treatment area of 580ha would be estimated to produce 9,700 tonnes of fruit.
- Concluded:
  - Non-dietary risks to human health could be mitigated by a requirement for operators to wear protective equipment.
  - The consumer risk assessment was acceptable (HSE had drawn on data identified by the EU Copper Task Force, as opposed to that submitted by the applicant).
  - That the risk from drainflow has not been shown to be acceptable, even when no background concentration of copper is included. Risks to soil macro-organisms had not been shown to be acceptable. And although data showed an acceptable risk to earthworms, no data are available to refine the risk assessment for soil macro-organisms.
  - An acceptable risk to bees, non-target arthropods, earthworms, soil micro-organisms and non-target plants without the need for the imposition of any mitigation. The risk to birds and mammals was considered acceptable apart from a reproductive risk to large herbivorous mammals. Risks to aquatic life from spray drift were considered acceptable provided a 50m buffer zone was imposed, however, this would not address chronic risks to fish.

9.1.4 The Committee advised that the nature and degree of risk (irreversible addition of a toxin to the environment) outweighed the potential impacts to growers (and by implication availability of this produce to consumers), such that a suitable case has not been presented to the government for the granting of an emergency authorisation

### **9.2 Hops [ECP 13 – 13-4 (35/2020)]**

9.2.1 The government had received an application for an emergency authorisation for the use of ‘Funguran Progress’ (contains copper hydroxide) for use as a fungicide for the

control of downy mildew (*Pseudoperonospora humuli*) (organic crops) and *Alternaria alternata* (conventional crops).

9.2.2 The Committee was requested to provide advice on:

- how the environmental persistence of copper (arising from all its sources) and the nature and degree of risk identified to small omnivorous birds and large herbivorous mammals, aquatic invertebrates from spray drift and soil macro-organisms could be viewed when set against an emergency situation in the small proposed treatment area to organic crops with no alternative methods of control.
- Whether copper products, or other alternative methods, are efficacious in controlling *Alternaria alternata*.

9.2.3 The Committee noted:

- Use was limited to 1,000ha of hops grown in the UK and restricted to two main production areas. Supply will be through one or two distributors providing an element of control.
- HSE had concluded that:
  - Non-dietary risks to human health could be mitigated by a requirement for operators to wear personal protective equipment with the proposed use through broadcast air-assisted sprayers.
  - The consumer risk assessment (conducted on the basis of analysis of two as opposed to the normal four trials) indicated that it was not anticipated that the relevant MRL would be exceeded. However, chronic exposures were assessed as exceeded the Acceptable Daily Intake for a number of consumer groups when considering all sources of copper in the diet. It was assessed that authorising this use would have minimal impact on the overall consumer exposure.
  - The risk of groundwater leaching for copper was considered negligible. An acceptable risk to bees, non-target arthropods, earthworms, soil micro-organisms and non-target plants was demonstrated. The risk to birds and mammals was acceptable, apart from the risk to small omnivorous birds and large herbivorous mammals. In addition, it was not possible to determine an acceptable risk to aquatic invertebrates from spray drift, even with a 50m buffer zone. Finally, the risk to soil macro-organisms has not been shown to be acceptable.

9.2.4 The Committee, advised that the nature and degree of risk (irreversible addition of a toxin to the environment) outweighed the potential impacts to growers (and by implication availability of this produce to consumers), such that a suitable case has not been presented to the government for the granting of an emergency authorisation.

9.2.4 The Committee was not aware of any evidence relating to the efficacy of copper, or other products in controlling *Alternaria alternata* on hops.

## **Agenda item 10: Epoxiconazole: Independent Scientific Advice Template [ECP 14 (35/2020)]**

10.1 The Secretariat introduced the working draft of the Independent Scientific Advice (ISA) for epoxiconazole. This is the first advice provided as part of the ongoing trial for providing ISA on new and renewal active substances. The Secretariat asked for the ECP to provide comments on the overall structure of the document, appropriate content and wording and the annexes that were included. Any comments should be sent to the Secretariat by 8 May 2020.

**Action: All**

## **Agenda item 11: Date of next meeting**

11.1 2 June 2020 – It is likely this meeting will need be held virtually.

## **Agenda item 12: Any other business**

### **12.1 Cyantraniliprole**

12.1.1 Members noted that a number of the emergency authorisations reviewed at the meeting contained the same active substance, cyantraniliprole. The total area that these products could be used upon was not insignificant and could be treated with multiple products which could cause environmental impacts that may need to be monitored.

### **12.2 Emergency Authorisation: Insyst on sugarbeet**

12.2.1 HSE informed the ECP of an impending emergency authorisation request for advice relating to 'Insyst' (contains acetamiprid) for use as an insecticide on sugar beet. This would be sent to Members for advice by correspondence. The Members noted this.

### **12.3 Chair's report**

12.3.1 The Chair informed the ECP he had met the new Defra Chief Scientific Adviser in March at the annual meeting of Expert Scientific Committee Chairs. The meeting was very useful with good interaction among the Chairs.

## **Agenda item 13: Discussion of above casework with government Assessors and Advisers**

13.1 The initial part of the meeting was held by teleconference and attended by ECP Members and HSE. In the afternoon, the Chair provided an update of the discussions and sought views from government assessors and advisers to help formulate final advice on the items discussed above. This note of the meeting records the final advice.

**Rachel Merrick  
ECP Secretariat  
June 2020**