The UK Expert Committee on Pesticides (ECP)

Full Minutes of the meeting of the UK Expert Committee on Pesticides (ECP) held on 2 June 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 and Prof D Spurgeon

Assessors:

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

Advisors:

Mr S Bailey (Natural England); 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); Dr C Snaith (HSE) and Ms M Wade (HSE)

Others:

Ms R Brian (HSE); Mr J Chambers (HSE); Mr M Clook (HSE); Ms H Gibbons (HSE); Mr B Neill (HSE); Mr S Swinton (HSE) and Ms N Turley (HSE)

Apologies:

Ms H Chambers and Dr M Whelan

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 conflicts of interest, but it was determined that they could remain and participate in discussion on the relevant agenda item.

Agenda Item 2: Full Minutes of the previous meeting [ECP 1 (36/2020)]

2.1 The draft Full Minutes of the April 2020 meeting were agreed subject to minor amendments.

Agenda Item 3: Matters arising and Forward Business Plan [ECP 2 (36/2020)]

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 July ECP Meeting will have to be held virtually.

Agenda item 4: Emergency Authorisation: 'Asulox' for control of bracken [ECP 3 – 3-12 (36/2020)]

4.1 The Government has received a further application for an emergency authorisation for the use of 'Asulox' (contains asulam) for use as a herbicide for the control of the bracken (*Pteridium aquilinum*). This is the eighth time an emergency authorisation has been sought for this use. This application: seeks authorisation for ground-based use (this was originally part of a request refused last year and requests that Government review the requirement for a 90m habitat protection (buffer) zone adjacent to watercourses for previously authorised aerial uses of this product.

4.2 Following a request to HSE for clarification of what was being asked of it for scientific advice in advance of the meeting, the Committee received clarification that advice was required on:

- Whether there was any basis for reducing the buffer zone to 50m.
- Whether amidosulfuron poses a greater risk to non-target plants than asulam. And if amidosulfuron is assessed as posing a higher risk whether this would outweigh identified risks to birds and mammals.

4.3 The Committee noted that bracken control was carried out on a relatively limited scale (5,000–10,000ha being treated in July-August with a significant proportion of UK use occurring in Scotland and Wales). It was also noted that HSE had concluded that:

- Products containing amidosulfuron were authorised for the proposed use. It was noted that the applicant believed that: there was a potentially greater risk to non-

target plants form the use of products containing amidosulfuron; and, on balance, the comparative risks of using 'Asulox' were less than those of using the alternative authorised chemicals.

- The requirement for a 90m buffer zone was based on mitigation necessary to protect aquatic organisms (see below). It was noted that the applicant had suggested that the end-points used to determine this were overly-conservative and that imposition of this requirement could result in significantly increased use of ground-based spraying with an elevated degree of risks to workers (due to the topography of the land being treated).

- There was a 'case for need' given:

  - The risks associated with unchecked bracken growth.

  - Some uncertainty on the robustness of data regarding the efficacy of products containing amidosulfuron. It was noted that trials could take 5-8 years to generate data/reports.

  - Awareness that at least one conservation agency had indicated they were not prepared to permit the use of amidosulfuron products on designated areas (such as Sites of Special Scientific Interest, Special Areas of Conservation and Special Protection Areas, etc) given the possible risks associated with the use

- Relevant human exposure issues had been considered under the application submitted in 2109 and demonstrated to be acceptable with appropriate mitigation.

- For 'Asulox':

  - The acute risk to birds and mammals, acute and long-term risks to bees, non-target arthropods, soil organisms and processes are assessed as acceptable from the proposed use.

  - There is an unacceptable and high reproductive/long-term assessed risk to birds and mammals. It is not possible to mitigate these risks.

  - A 5m buffer zone is required to protect aquatic life from ground-based applications and a 90m zone used in conjunction with low drift nozzles to protect aquatic life from aerial applications.

  - A high risk to non-target terrestrial plants is assessed that could be mitigated by the imposition of a buffer zone in excess of 250m. HSE does not currently use buffer zones to protect non-target terrestrial plants and would normally highlight this risk by way of warning phrase on the product label. HSE are of the view that the use of a warning phrase on the label would be unlikely, to be sufficiently protective, additional mitigation would be imposed - a 5m buffer zone and use of three star drift reducing technology (DRT)) for ground-based use, and a 90m buffer zone with DRT for aerial application.

  - Cases submitted by the applicant/data owner to challenge the agreed aquatic and reproductive/ long-term endpoints for birds from the EU review had been considered but were not accepted.

- Information had been submitted regarding the relative toxicity of amidosulfuron and asulam. However there was insufficient information regarding the methodology to enable conclusions to be drawn.

- The use of an unauthorised product as an alternative to an authorised product was not necessarily precluded under legislative provisions governing emergency authorisations. It was noted that regulatory decisions weighed up the risks associated with a use against the potential benefits and that a negative risk assessment did not necessarily prohibit the granting of an authorisation. In this case HSE considered that there were significant benefits associated with the proposed use of 'Asulox'.

4.4 Upon scrutiny of the casework presented to the Committee it was apparent that no materially new data/information had been presented in support of the applicant's case and that, consequently, the ECP considered that the applicant was effectively 'appealing' the previous regulatory decision on the use of this product. Given that the regulatory decision was consistent with data/information provided, the Committee did not see grounds for altering its view on issues relating to risks and the issue of whether particular uses be authorised.

4.5 The Committee further noted that the application omitted reference to how the proposed use would be controlled and that the views on amidosulfuron presented by the applicants would inhibit its development as an authorised alternative to Asulox.

4.6 In response to the specific questions on which independent scientific advice was sought the Committee took the view that:

- In relation to ecotoxicological risks from the use of 'Asulox' that: HSE had taken an appropriate approach to assessing risks to non-target plants; whilst risks to birds and mammals were potentially lower than those identified at the first tier assessment it was not possible to quantify or mitigate these; relevant risks had been identified to species of high conservation concern.

- There appeared to be some uncertainty regarding assessing drift from helicopter-based spraying in upland areas. This uncertainty made it difficult to justify reducing the size of the buffer zone associated with the use of 'Asulox'

- Whilst appreciating the difficulties faced by the applicant, the studies comparing 'Asulox' and products containing amidosulfuron were not reported in sufficient detail to enable the information to be evaluated and interpreted.

4.7 The Committee recognised that bracken control was important, particularly, for sectors such as forestry and there was a 'case for need'. However, ECP advises that:

- There is no scientific justification for reducing the buffer zone for aerial application from 90m to 50m without there being a risk of unacceptable environmental impacts.

- The applicant's argument for substituting the use of 'Asulox' for the authorised product containing amidosulfuron was not supported by convincing evidence and such substitution would increase the risk to bird and mammal species of high conservation concern.

Agenda item 5: Emergency Authorisation: 'Funguran Progress' on organic potatoes [ECP 9 – 9-2 (36/2020)]

5.1 The Government has 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 late blight (*Phytophthora infestans*) on organic potato crops.

5.2 The Committee was requested to provide advice and views on the HSE risk assessment and proposal to refuse the application.

5.3 The Committee noted:

- Use was limited to 800ha of potatoes grown in the UK. Use would be controlled in accordance with the requirements of organic certification schemes.

- HSE had concluded that:

  - That there was a case for need. Late blight in potatoes is a major disease, with the potential to quickly destroy crops if not controlled. Organic growers have no alternative controls - beyond cultural methods such as varietal choice and direction of planting (this aids ventilation). These tend to have a limited impact and a programme of sprays is usually required.

  - Non-dietary risks to human health could be mitigated by a requirement for operators to wear personal protective equipment.

  - The consumer risk assessment data submitted in support of the application was inadequate to demonstrate a safe use for consumers and exceedances of the relevant statutory maximum residue level could not be excluded. Stewardship arrangements would be required to prevent the export of any treated raw and processed produce.

  - An acceptable risk to bees, non-target arthropods, earthworms, soil micro-organisms and non-target plants was demonstrated. Risks to aquatic life were also assessed as acceptable provided appropriate mitigation was imposed (18m habitat protection (buffer) zone and use of three-star drift reducing technology).

  - Acute risks to birds and mammals; reproductive risks to omnivorous birds and large herbivorous mammals; and risks to soil macro-organisms were assessed as not acceptable. Risks from drainflow were assessed as not acceptable even if no background concentrations were included in modelling calculations.

5.4 The Committee advised that it agreed with HSE's assessment and that the nature and degree of risk (irreversible addition of a toxin to the environment) outweighed the potential impacts on 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.

Agenda item 6: Epoxiconazole: Independent Scientific Advice Note [ECP 4 (36/2020)]

6.1 The Secretariat introduced the working draft of the Independent Scientific Advice (ISA) for epoxiconazole. Final comments have been received, the Secretariat will incorporate these into the draft and circulate to Members for formal approval before the advice note is submitted to HSE.

ACTION: Secretariat

Agenda item 7: Tebuconazole: Provide Independent Scientific Advice [ECP 5 (36/2020)]

7.1 Tebuconazole was first considered by the Committee in November 2019, where issues requiring Independent Scientific Advice were identified by HSE. Committee Members requested clarification of a number of points. Responses to these had been received from HSE and the applicant, were presented at the March 2020 meeting. Following discussion of the information received and taking account of the views of Members, HSE confirmed that it was able to formulate the questions on which independent scientific advice would be sought and had formally submitted these to ECP for advice at this meeting.

7.2 Members considered the questions put to them for Independent Scientific Advice on the Renewal Assessment Report for tebuconazole and provided their advice to HSE. An advice note will be presented for agreement at the July 2020 meeting.

ACTION: Secretariat

7.3 HSE presented a paper which summarised monitoring data for tebuconazole in raw water samples that had recently been received from the Environment Agency which was gathered as part of routine monitoring in England. The paper compared the data with the outcome of the environmental modelling conducted by HSE as part of the renewal process for tebuconazole. As the information was received shortly before the meeting, there had not being sufficient time for the Committee to review the data, it was agreed the Secretariat would set up a sub-group to review the data with HSE following the meeting.

ACTION: Secretariat

Agenda item 8: Update on Active Substance Review

8.1 Isoflucypram

8.1.1 HSE informed the Committee that additional data had been received from the applicant, which was being evaluated by HSE specialists and will be presented to the ECP

at the September 2020 meeting. Following this, HSE will seek Independent Scientific Advice on Isoflucypram at the November 2020 meeting.

8.2 Timetable for future active substances

8.2.2 HSE updated the Members of the timetable for three new active substances that will be brought to the Committee for Independent Scientific Advice over a number of meetings beginning in September 2020.

Agenda item 9: Date of next meeting

9.1 14 July 2020 – It is likely this meeting will need to be held virtually.

Agenda item 10: Any other business

10.1 First UK authorisation of product containing active substance new to the UK – 'Valis M' [ECP 6 – 6-2 (36/2020)]

10.1.1 HSE introduced a paper for information relating to an application for the first authorisation in the UK for 'Valis M' (contains mancozeb and valifenalate) as a fungicide for use on potatoes. The Committee noted the authorisation.

10.2 Emergency Authorisations received 2019/20 [ECP 7 (36/2020)]

10.2.1 Members were provided with a list detailing all emergency authorisations received by HSE in 2019-20. HSE received 27 applications, the ECP have provided advice on 24 of those.

10.3 Correspondence from NFU for information [ECP 10 – 10-2 (36/2020)]

10.3.1 Members noted correspondence between NFU and Defra relating to the authorisation of 'Vydate 10G' which contains oxamyl.

10.4 Independent Scientific Advice on new and renewal active substances Lessons Learned [ECP 11 (36/2020)]

10.4.1 The Secretariat introduced a working document that outlines lessons learned during the project for an interim process for government to seek Independent Scientific Advice following EU Exit. The document covers the work carried out in the trial so far, what has been learnt and areas that have been identified as requiring further work. The document will continue to be updated as the trial continues.

10.5 Chair's Report

10.5.1 The Chair informed the ECP he had received correspondence from the new director of HSE CRD thanking the Committee for its work in the current difficult circumstances,

Agenda item 11: 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
July 2020