

The UK Expert Committee on Pesticides (ECP)

Full Minutes of the meeting of the UK Expert Committee on Pesticides (ECP) held 14 July 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); 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); and Ms M Wade (HSE)

Others:

Ms R Brian (HSE); Mr N Cartwright (Environment Agency, item 5 only); Mr J Chambers (HSE); Ms S Clark (HSE); Ms L Gibson (Environment Agency, item 5 only); Mr C Green (Defra, item 4 and 5 only) Ms V Gouliarmou (HSE); Prof A Johnson (HSAC, item 4 and 5 only); Ms F Nasser (Defra item 4 and 5 only); Ms K Parker (HSE); Dr M Reed (HSE); Ms S Rustage (Environment Agency, item 5 only); Prof R Shore (Centre for Ecology and Hydrology, item 5 only); Ms L Sturdy (Environment Agency, item 5 only); Mr S Swinton (HSE) and Dr B Woolacott (HSE)

Apologies:

Ms H Chambers and Dr C Snaith (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 conflicts of interest, but it was decided that they could remain and participate in discussion on the relevant agenda item.

Agenda Item 2: Full Minutes of the previous meeting [ECP 1 (37/2020)]

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

Agenda Item 3: Matters arising and Forward Business Plan [ECP 2 (37/2020)]

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 September ECP Meeting will have to be held virtually.

Agenda item 4: Update from Hazardous Substances Advisory Committee (HSAC)

4.1 The Secretary of the Hazardous Substances Advisory Committee gave an update to the ECP on the current remit of HSAC and how they are looking to develop this in the future. A Member of HSAC commented that the blend of commissioned and more strategic work that the committee considered was thought to provide valuable advice for Government.

4.2 ECP Members discussed a number of issues with HSAC representatives, in particular, ways in which the two Committees could work more closely together in the future. It was agreed looking at common interests such as copper in the environment could be a first step. The Secretariats will progress this interest.

ACTION: Secretariat

Agenda item 5: H4 Indicators for the 25 Year Environment Plan [ECP 6 – 6-3 (37/2020)]

5.1 A representative from The Environment Agency introduced the Indicators Report and accompanying papers. It was reported that this project has developed a framework for reporting indicators of 'Exposure and adverse effects of chemicals to wildlife in the environment'. The project team are seeking independent reviews of the proposed approach to support validation of the approach and inform future work.

5.2 Members discussed a number of issues including:

- The highlighting of multi-use compound cypermethrin as a national concern.
- Their strong support for the principle of presenting key information in the dashboard form. However, in general, data and trend analysis information relating to pesticides was not always as complete as it might ideally be (for example frequency of sampling tended to be low) and, as pesticide exposures tended to be episodic, 'peaks' might be missed. It was reported that the project team were considering using power analysis to improve strategy, but in some cases had to make use of the best sources of available data (whilst recognising that it could have its limitations). ECP noted that it was important to ensure that sampling programmes were targeted and structured in a way that enabled trends to be monitored, and that understanding the capacity of any data set to detect change over time was critical.
- ECP noted that it was important to ensure that sampling programmes were targeted and structured in a way that enabled trends to be monitored, that situations were representative of farming as a whole (it was noted that Catchment Sensitive Farming scenarios could be viewed as representing both best and worst case scenarios) and that understanding the capacity of any data set to detect change over time was critical.
- Support for the pragmatic approach to the use of 'toxic units', noting that this could be broadened.
- Whether chemical mobility should (as highlighted in recent OECD guidance) be included in the criteria to identify potential emerging issues and new pollutants.
- Whether the focus on Daphnia as an indicator species made the framework too 'invertebrate-centric' and the potential value of drawing on work undertaken by the RIVM on species sensitive mixture assessments.
- The merits of assessing effects against static and changing or developing lists of species. It was noted that establishing criteria for changing and/or developing the list could be challenging.
- Whether Pesticide Usage and Rothamsted Insect Survey data might provide useful supplementary information. It was noted that these related, respectively, to inputs and abundance, rather than environmental exposures.
- The importance of ensuring that mechanisms are in place to ensure findings from this work fed appropriately into policy development.

5.3 Members were requested to submit any further comments to the Secretariat by the end of the month in order that written advice could be provided to the Project team

ACTION: Members, then Secretariat

Agenda item 6: Tebuconazole: Independent Scientific Advice Note [ECP 3 (37/2020)]

6.1 The Secretariat introduced the working draft of the Independent Scientific Advice (ISA) for tebuconazole. 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: Emergency Authorisation: ‘Spotlight Plus’ on

7.1 Linseed and soybean [ECP 4 – 4-2 (37/2020)]

7.1.1 The Government has received an application for an emergency authorisation for the use of ‘Spotlight Plus’ (contains carfentrazone ethyl) for use on commercial grain and certified seed production crops of soya bean and linseed as a desiccant/harvest aid.

7.1.2 The Committee was requested to provide:

- Advice on the appropriateness of the risk management decision taken regarding the risk to soil macro-invertebrates.
- A view on HSE’s recommendation not to recommend authorisation on crops for human and animal consumption.
- A view on the area and percentage of crop to be treated representing a limited and controlled use.

7.1.3 The Committee noted that HSE had concluded that:

- The case for need is accepted for use on soya bean for both grain crop and seed production (potentially significant agronomic impacts arising from a failure to manage disease). However, use on the majority of the linseed crop was not supported due to the availability of alternatives.
- Non-dietary risks to human health could be mitigated by requirements for operators to wear suitable protective clothing and gloves when handling concentrate.
- Risks to consumers from dietary exposures were acceptable for linseed and soya crops for seed production. The proposed use on soya was not sufficiently supported by field residues trials data and no extrapolation was possible, therefore HSE were not prepared to consider authorising this use. The proposed use on linseed grain crop was not sufficiently supported by the

residues trials data, therefore HSE were not prepared to consider authorising this use. HSE were proposing that a restriction that the product must not be used on linseed or soya bean crops that are destined for human or animal consumption be included.

- The environmental fate and behaviour assessment had identified that in groundwater, the identified metabolites were predicted to occur above the accepted parametric drinking water limit of 0.1µg/L. It was noted that for the purposes of an emergency application this does not necessarily preclude the granting of an authorisation and the predicted concentrations have been included in the consumer intakes assessment.
- The ecotoxicology assessment identified an acceptable risk for birds, mammals, bees, earthworms and soil micro-organisms. The following risk mitigation was required to protect non-target arthropods, non-target plants and aquatic organisms from exposures resulting from drainflow and spray drift.
 - An 18m aquatic buffer zone for application made by conventional horizontal boom sprayer.
 - All sprayers to be fitted with three-star drift reduction technology for all uses.
 - Avoiding spraying within 5m of the field boundary to reduce effects on non-target insects or other arthropods.
 - Extreme care being taken to avoid spray drift onto non-crop plants outside of the target area.
 - Prohibiting use after 23 September in the year of treatment.
 - Product only to be applied by conventional horizontal boom sprayer.

7.1.4 It was not possible to assess the risk to soil macro-invertebrates from both the active substance and the ecotoxicologically-relevant metabolite (as existing authorisations for products containing the active substance and datasets were prepared on a regulatory regime that did not assess this protection goal). However, given the relatively small area being treated and the lack of alternatives, HSE considered that a risk management decision could be taken to permit the use.

- Use of 'Spotlight Plus' on soya (certified seed production only) and linseed (for certified seed production only) could be granted for a single application in the periods of 15 August to 23 September and 1 July to 31 August respectively.

7.1.5 In consideration of the specific questions asked by HSE:

- Advice on the appropriateness of the risk management decision taken regarding the risk to soil macro-invertebrates.
 - It is not possible to assess the risk to soil macro invertebrates and provide advice because there are no data. ECP is of the view that the presumed risk arising from the use of this chemical is likely to have a lower, and more transient, impact on populations than the known impacts of seed-bed preparation and post-harvest cultivation. This will be a more important driver of any risk to soil macro-invertebrates than the total cropped area. The

Committee noted that it had previously supported uses with an incomplete ecotoxicological data set and advised that, on balance in this case, this should not constitute a bar to the granting of an authorisation under Article 53.

- A view on HSE's recommendation not to recommend authorisation for main crops due to alternatives being available.
 - ECP noted that the recommendation for soya comes from a shortfall in residue data trials providing direct evidence of safety and that the use on linseed intended for animal or human consumption was precluded from consideration because of the existence of an authorised alternative product. The available evidence is that carfentrazone is non-systemic and residue levels in other crops (potatoes, cereal grains) are acceptable. Furthermore, the mammalian ADI and AOEL of carfentrazone are an order of magnitude greater than those of diquat, the active for which it is proposed as a replacement. ECP is of the view that application of main crop residues data requirements, because soya is considered a major crop within the EU when it is a minor crop in the UK, may create an additional barrier to the sustainable protection of the crop.
- A view on the area and percentage of crop to be treated representing a limited and controlled use.
 - Within the definition applied by ECP, use is limited by the area being treated but there is no mechanism to control use since that is dependent on the weather. There was considerable uncertainty associated with the estimated scale of use, from potentially none to all the cropped area.

7.1.8 The Committee questioned whether an authorisation condition to avoid spraying within a specified distance of a field boundary was the most appropriate terminology to cover all circumstances and would prefer the restriction to be within a specified distance of the crop boundary.

7.1.9 The Committee noted that the withdrawal of authorisations for alternative products containing diquat has been public knowledge for a significant period of time and that the submission of an application for an authorisation relatively close to the proposed period of use had placed HSE and ECP under unnecessary pressure to evaluate the case.

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

7.2 Pulses and legumes [ECP 5 – 5-2 (37/2020)]

7.2.1 The Government has received an application for an emergency authorisation for the use of 'Spotlight Plus' (contains carfentrazone ethyl) for use as a desiccant on outdoor seed crops of field bean, combining pea, vining pea, broad bean, lupin and lentil.

7.2.2 The Committee was requested to provide:

- Advice on the appropriateness of the risk management decision taken regarding the risk to soil macro-invertebrates.

- A view on HSE's recommendation not to recommend authorisation for main crops due to alternatives being available.
- A view on the recommendation for the use of 'Spotlight Plus' with horizontal boom sprayers only, due to the unacceptable ecotoxicological risk assessment for the requested broadcast air assisted method of application.

7.2.3 The Committee noted that HSE had concluded that:

- The product will be used UK wide with an application period of 15 August to 23 September.
- The case for need is accepted for use on pulses and legume crops which are grown for seed production only (potentially significant agronomic impacts arising from a failure to desiccate the crop). The application for proposed use on main crop of pulses and legumes was not accepted due to the availability of a chemical alternative.
- Non-dietary risks to human health could be mitigated by requirements for operators to wear suitable protective clothing and gloves when handling concentrate.
- Risks to consumers from dietary exposures were acceptable for pulses and legumes for seed production. HSE were proposing that a restriction that the product must not be used on pulse and legume crops that are destined for human or animal consumption be included.
- The environmental fate and behaviour assessment had identified that in groundwater, the identified metabolites were predicted to occur above the accepted parametric drinking water limit of 0.1µg/L. It was noted that for the purposes of an emergency application this does not necessarily preclude the granting of an authorisation and the predicted concentrations have been included in the consumer intakes assessment.
- The ecotoxicology assessment identified an acceptable risk for birds, mammals, bees, earthworms and soil micro-organisms. The following risk mitigation was required to protect non-target arthropods, non-target plants and aquatic organisms from exposures resulting from drainflow and spray drift.
 - An 18m aquatic buffer zone for application made by conventional horizontal boom sprayer.
 - All sprayers to be fitted with three-star drift reduction technology for all uses.
 - Avoiding spraying within 5m of the field boundary to reduce effects on non-target insects or other arthropods.
 - Extreme care being taken to avoid spray drift onto non-crop plants outside of the target area.
 - Prohibiting use after 23 September in the year of treatment.
 - Product only to be applied by conventional horizontal boom sprayer.

7.2.4 It was not possible to assess the risk to soil macro-invertebrates from both the active substance and the ecotoxicologically-relevant metabolite (as existing authorisations for products containing the active substance and datasets were prepared on a regulatory regime that did not assess this protection goal). However, given the relatively small area being treated and the lack of alternatives, HSE considered that a risk management decision could be taken to permit the use.

7.2.5 In consideration of the specific questions asked by HSE:

- Advice on the appropriateness of the risk management decision taken regarding the risk to soil macro-invertebrates.
 - It is not possible to assess the risk to soil macro invertebrates and provide advice because there are no data. ECP is of the view that the presumed risk arising from the use of this chemical is likely to have a lower, and more transient, impact on populations than the known impacts of seed-bed preparation and post-harvest cultivation. This will be a more important driver of any risk to soil macro-invertebrates than the total cropped area. The Committee noted that it had previously supported uses with an incomplete ecotoxicological data set and advised that, on balance in this case, this should not constitute a bar to the granting of an authorisation under Article 53.
- A view on HSE's recommendation not to recommend authorisation for main crops due to alternatives being available.
 - ECP noted that glyphosate was the alternative authorised as a desiccant and that its successful use would necessitate consideration of a greater range of agronomic criteria than for a product containing carfentrazone. The Committee further noted that some Article 53 applications had been supported even though there was an authorised alternative.
- A view on the recommendation for the use of 'Spotlight Plus' with horizontal boom sprayers only, due to the unacceptable ecotoxicological risk assessment for the requested broadcast air assisted method of application.
 - ECP accepted the recommendation based on the calculations undertaken by HSE in the risk assessment.

7.2.6 ECP took the view that there was significant uncertainty associated with estimated scale of use in the cropped area (from potentially none to all) given that this would be driven by weather conditions.

7.2.7 The Committee questioned whether an authorisation condition to avoid spraying within a specified distance of a field boundary was the most appropriate terminology to cover all circumstances and would prefer the restriction to be within a specified distance of the crop boundary.

7.2.8 The Committee noted that the withdrawal of authorisations for alternative products containing diquat has been public knowledge for a significant period of time and that the submission of an application for an authorisation relatively close to the proposed period of use had placed HSE and ECP under unnecessary pressure to evaluate the case.

7.2.9 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 8: Approaches to considering emerging research [ECP 7 (37/2020)]

8.1 HSE presented a paper introducing initial thoughts on the wider review of scientific literature and its relevance to the pesticide regulatory risk assessment process. The paper outlined previous and current arrangements and a number of potential future options.

8.2 Members welcomed the paper and noted that:

- Not all peer-reviewed literature necessarily feeds into the regulatory process, with most academic literature being excluded from industry-submitted peer-reviews.
- It is important that the regulatory authority can access all relevant literature.
- Applicants undertake literature reviews to support approvals, and the current approach could be altered to bring greater focus onto specific areas of regulatory concern.

8.3 Members were asked to have any further comments to the Secretariat by the end of July.

ACTION: Committee Members

Agenda item 9: ECP Open Event 2021

9.1 Members agreed that an open meeting should be held in 2021. A paper outlining the format of the Meeting will be presented at a future meeting.

Agenda item 10: Date of next meeting

10.1 22 September 2020 – It is likely this meeting will need to be held virtually.

Agenda item 11: Any other business

11.1 First UK authorisation of product containing active substance new to the UK – ‘Kenja’ [ECP 8 – 8-1 (37/2020)]

11.1.1 HSE introduced a paper for information relating to an application for the first authorisation in the UK for a product (‘Kenja’), containing isofetamid as a fungicide for use on lettuce, spinach, spinach beet and oilseed rape. The Committee noted the authorisation.

11.2 First UK authorisation of product containing active substance new to the UK – ‘Boni Protect’ [ECP 9 – 9-1 (37/2020)]

11.2.1 HSE introduced a paper for information relating to an application for the first authorisation in the UK for a product (‘Boni Protect’) containing *Aureobasidium pullulans* (strains DSM 14940 and DSM 14941)) as a fungicide for use on apple, medlar, pear and quince. The Committee noted the authorisation.

11.3 Guidance Documents [ECP 10 (37/2020)]

11.3.1 HSE introduced a paper which provided an update to the Committee on guidance documents produced to facilitate the operation of Regulation (EC) No 1107/2009. The paper highlighted forthcoming guidance which will remain in use for the purposes of authorisation in Northern Ireland at the end of the transition period.

11.4 ECP 2019 Annual Report – for information [ECP 11 (37/2020)]

11.4.1 Members noted that the ECP 2019 Annual Report had been published on 18 June. It was agreed that the Secretariat will find out if it is possible to see how many views the annual report has had since it was published.

ACTION: Secretariat

11.5 Chair’s Report

11.5.1 The Chair noted HSE specialists had provided further comments on the draft epoxiconazole advice note. ECP experts had reviewed these and agreed they made no material difference to the advice they had provided.

11.5.2 The Chair and some Members attended the July HSAC meeting. The meeting was very useful and Members look forward to working more closely with HSAC in the future.

11.5.3 The Committee received an update on the annual ECP exercise to quality assure HSE’s pesticide authorisation application casework which was underway, but yet to be completed.

11.5.4 The Committee is preparing a contingency plan to ensure it can continue to operate in the event it does not have access to key expertise/resources.

**Rachel Merrick
ECP Secretariat
September 2020**