

The UK Expert Committee on Pesticides (ECP)

Full Minutes of the meeting of the UK Expert Committee on Pesticides (ECP) held 22 September 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; Ms H Chambers; Mr R Davis; Mr M Dempsey; 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:

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 (Welsh Government)

Advisors:

Mr S Bailey (Natural England); Ms E Butcher (Public Health England); Mr A Dixon (HSE); Ms K Foxall (Public Health England); Mr B Maycock (FSA); Mr J Newman (Environment Agency); Dr C Snaith (HSE) and Ms M Wade (HSE)

Others:

Ms F Beacon (HSE); Mr J Chambers (HSE); Mr T Fisher (HSE); Ms S Mattock (HSE); Ms M Reed (HSE); and Dr B Woolacott (HSE)

Apologies:

Dr J Garratt

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 One Member 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 (38/2020)]

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

Agenda Item 3: Matters arising and Forward Business Plan [ECP 2 (38/2020)]

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 November ECP Meeting will have to be held virtually.

Agenda item 4: Emergency Authorisation: 'Funguran Progress' on organic pome fruit [ECP 3 – 3-2 (38/2020)]

4.1 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 canker (*Neonectria ditissima*).

4.2 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 in a proposed maximum treatment area of 700ha of organic apple and pear orchards.

4.3 The Committee noted HSE had concluded

- Non-dietary risks to human health could be mitigated by a requirement for operators to wear protective equipment.
- No residue trials conducted according to the proposed GAP are available, and three overdosed trials were presented which involved application of the product at a significantly later growth stage. These were considered to represent a worst

case than that expected in practice so were accepted to support the residues risk assessment.

- 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.

4.4 The Committee questioned:

- The validity of the drainflow model for copper and whether evidence is available that shows the model can reasonably predict environmental concentrations for metals.
- Whether the environmental fate model took into account multiple years exposure of this chemical in the environment rather than just the annual programme of treatment

4.5 The Committee noted they did not agree with HSE's conclusion that pome fruit are not grown in rotation. The crop rotation is different to conventional crop rotation as orchards are grown for 20+ years then another crop is planted. Due to the decline in organic pome fruit orchards it may be more likely that land with current orchards will be planted with another crop, therefore the effect of accumulated copper in the environment for these crops should be considered.

4.6 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

Agenda item 5: Emergency Authorisation: 'EGC Liquid' on oilseed rape [ECP 4 – 4-2 (38/2020)]

5.1 The Government has received an application for an emergency authorisation for the use of 'EGC Liquid' (contains garlic extract) for use on winter oilseed rape to repel cabbage stem flea beetle (*Psylliodes chrysocephala*, CSFB).

5.2 The Committee was requested to provide a view on:

- The balance between the predicted risk and potential benefit from use.
- Whether any further restrictions should be applied to meet the limited and controlled criteria.

5.3 The Committee noted HSE had concluded

- Classification for the active substance is 'Skin Sens. 1B H317: May cause an allergic skin reaction', as the formulation is garlic extract. 'EGC Liquid' must also be classified as a skin sensitizer.
- Reference values were not allocated as part of the DAR for garlic extract and no quantitative risk assessments for operator, worker, resident and bystander exposure is considered necessary. However, Operator and worker protective equipment is required.
- An acceptable risk, without risk mitigation, has been demonstrated for birds, mammals, aquatic organisms, bees, other non-target arthropods and non-target plants.
- Exposure of soil, groundwater, and surface water via drainflow from the proposed use is expected to be less than for the already authorised product for use on turf and no further consideration is required.

5.4 In consideration of the specific questions asked by HSE:

- A view on the balance between the predicted risk and potential benefit from use.
 - Although the risk to individual non-target species is adjudged acceptable by HSE, the regulatory requirements do not address the proposed activity mechanism of action of this extract. Repellents are not directly toxic but, if efficacious, will change the behaviour of individual insects and could result in effects manifesting at population level. Unevidenced statements in the application claimed that this product repelled most insect species that were exposed to it in laboratory studies. Given this information, ECP cannot conclude that there is an acceptable environmental risk for populations of non-target insects and associated food webs.
 - There are no data to substantiate any efficacy of this product and therefore it is not possible to determine potential benefit. It is the view of ECP that even if the product repelled (displaced) beetles, they would potentially move to untreated OSR so that whilst one grower benefitted another could suffer increased attacks.
 - In the absence of clear benefit to growers, the costs of applying this unproven product to an estimated 8,000 ha becomes a predictable risk for growers. ECP awareness of the cost of this product (approximately £50 per litre), indicates this risk to be in the order of £4m. This does not include the additional costs of applying the product to the crop.
- A view on whether any further restrictions should be applied to meet the limited and controlled criteria.
 - The application estimates around 8,000ha could be treated which is a reasonable limitation. However, a minimum control such as only applying product if cabbage stem flea beetle is detected in the field should also be included as a restriction.

- Member's also noted the applicant stated the product should be applied in calm conditions; therefore, if the authorisation was granted, this should be included as a restriction.

5.5 The Committee noted:

- That it was not possible to evaluate the fate and behaviour of this product because the chemistry is uncharacterised. Furthermore, any possible active component (the repellent) may not be the molecule of concern in aquatic systems.
- The lack of data prevented any meaningful consideration of the risks and potential benefits associated with this product that the Committee normally undertakes for Emergency Applications.
- That, whilst it was not necessary for efficacy to be proven under Article 53 of EU Regulation (EC) No 1107/2009, this application lacked any data suggesting the product would deliver the pest management the industry needs. Under these circumstances, submitting an application under Article 53 was not appropriate when Article 54 of EU Regulation (EC) No 1107/2009 (experimental permit) was available to the applicant and could provide the data to substantiate the claims.

5.6 The Committee advised that it was not possible to determine environmental risks to be acceptable, that there was no discernible benefit to be derived from the use of this product against the target pest and that it would burden industry with avoidable costs if used. The Committee concluded that a suitable case has not been presented to Governments for the granting of an emergency application

5.7 Members noted the quality of the application form that HSE had been presented with for the emergency authorisation was low.

Agenda item 6: Update on insecticide use on sugar beet in 2020 and plans for 2021 [ECP 5 (38/2020)]

6.1 HSE introduced a paper that informed the Committee of action taken by sugar beet industry and HSE relating to chemical control of aphids to protect UK sugar beet production and work being carried out to end reliance on emergency authorisations.

6.2 Members noted the exceptional circumstances in 2020 that resulted in three separate applications for products with the same mode of action to address this issue. The Committee welcomed that this scenario would not recur in 2021 and that any submitted application would be subject to full scrutiny at a scheduled meeting.

6.3 Members reviewed published papers which detailed the model used by British Beet Research Organisations (BBRO) for modelling the incidence of virus yellows in sugar beet in the UK in relation to number of migrating *Myzus persicae*. Members noted:

- the model was a generic model which has additional components built into it and provided a description of existing data with variables but the Committee had not yet seen evidence that it was predictive.

- The initial model was based on conventional pest management, the later model took in to account the availability of neonicotinoid seed treatments being available which is no longer the case. Members asked if BBRO could confirm if they were still using this version of the model.

ACTION: Secretariat

6.4 It was agreed that if Members have any further questions about the BBRO model and how it is used for the limited and controlled aspect of emergency authorisations they will submit these to the Secretariat to liaise with BBRO for a written response.

ACTION: Committee Members

6.5 Members noted that the industry's strategy to move away from their reliance on emergency authorisations was not clear. The weight of evidence previously reviewed by the Committee on the effect of neonicotinoids on the environment had moved on and the scientific evidence for harmful environmental effects had grown. A review of the environmental risk on the environment from academic literature should be commissioned to ensure that relevant new evidence can be taken into account in any future application.

ACTION: Secretariat.

6.6 The Environment Agency informed the Committee that they monitor residues in water in sugar beet hotspots on a fortnightly basis. They will determine whether the data gathered for acetamiprid, flonicamid and spirotetramat is useful and will supply this to the Committee at a meeting in early 2021.

ACTION: Environment Agency

Agenda item 7: Update from Other Government Departments

7.1 Scottish Government (SG)

7.1.1 Following the decision not to allow the use of 'Funguran Progress' (containing copper hydroxide) on organic potatoes in Scotland during the 2020 season, the Minister for Rural Affairs and the Natural environment, Mairi Gougeon, held a roundtable with Scottish Organic Potato growers on the 27th of August to discuss their concerns about blight control and future control options without copper.

7.1.2 The Scottish Government's Pesticide Survey Unit has launched a survey of Local Authority weed control, collating information on integrated and herbicide control measures used in 2019. The survey had been due to commence in March 2020 but was postponed due to the COVID-19 pandemic. All 32 of Scotland's Local Authorities were contacted in early September. The survey has been designed to address a current data gap and will be used to support Scottish Government policy.

7.1.3 The Pesticide Survey Unit are also in the early stages of a project looking to investigate differences in pesticide usage rates on arable holdings advised by independent agronomists versus market agronomists. This work is ongoing.

7.1.4 The Scottish Government continue to be engaged with Defra and the other Devolved Administrations on the review of the National Action Plan. SG also continue to prepare for the end of the Implementation Period (IP). The Scottish Parliament has been notified of a further UK-wide pesticides EU Exit Statutory Instrument (SI) that is required to ensure a properly functioning pesticides regulatory regime comes into force in Great Britain at the end of the IP, and that the existing EU pesticides regulatory regime will continue to operate as intended in Northern Ireland.

7.2 Food Standards Agency (FSA)

7.2.1 FSA provided an update on the joint working group of the Committees on Toxicity (COT) and Carcinogenicity of Chemicals in Food, Consumer Products and the Environment (COC), on Synthesising and Integrating Epidemiological and Toxicological Evidence (SETE). The output of this work is expected to be of value in regulatory assessments. SETE has held five meetings to date, and is expected to complete its work in 2021. The ECP will be kept updated.

7.3 Defra

7.3.1 Defra informed the Committee that the Minister had retaken the decision on the approval of metaldehyde. The outdoor use of metaldehyde will be banned with a phased withdrawal of products.

7.3.2 The review of the National Action Plan (NAP) is still ongoing, Defra will launch a 12 week public consultation by the end of the year.

7.4 Environment Agency (EA)

7.4.1 The Environment Agency informed the Committee that in the most recent chemicals classification report, cypermethrin was responsible for approximately 5% of water body failures. The Environment Agency is following up on source control monitoring to identify which uses require better engagement and restrictions to reduce exceedance of the EQS for cypermethrin. They will be in a better position to report monitoring data in support of consideration of renewal of cypermethrin in April 2023.

7.4.2 Following the presentation of the H4 Indicator at the July ECP meeting, EA are undertaking a pilot study on monitoring pesticide residues in river sediments to enable the SPEAR index to be optimised and take account of all pesticide exposure routes. They are also undertaking a pilot study on changes in RNA genome transcriptomic processes in mayflies and Caddis flies, similar to work undertaken on exposure to neonicotinoids with bumble bees. They hope to match population changes with individual sub-lethal effect indicators for a mixture of chemicals.

7.4.3 EA also informed the Committee that they support the proposed “one chemical – one assessment” approach proposed by the EU in regard to pesticides used across regulatory regimes, including PPPs, biocides and veterinary medicines.

7.5 Welsh Government (WG)

7.5.1 The Welsh Government continue to be engaged with Defra and the other Devolved Administrations on the review of the National Action Plan.

7.5.2 The Welsh Government continue to work in partnership with Welsh Water to spread message about their ongoing initiatives such as weed wiping, although this work has slowed due to COVID-19.

7.6 Northern Irish (NI) Assembly

7.6.1 The active substance diquat has been used by potato growers for some years for haulm desiccation before harvest. In May 2019, The European Commission (EC) announced the withdrawal of diquat approval with a use up period until February 2020. The principal reasons for diquat withdrawal was its toxicity to operators (even with PPE) and bystanders, toxicity to birds and persistence in groundwater. The two active substances now recommended for use, pyraflufen ethyl and carfentrazone ethyl, are less effective and may also require flailing of the crop. NI potato growers have reported that products containing these active substances are less effective under local conditions.

7.6.2 HSE’s Chemicals Regulation Division have refused an Emergency Application for diquat submitted by Ulster Farmers’ Union (UFU) on behalf of NI potato growers. UFU have subsequently lobbied the NI Agriculture and Environment Minister, who initially refused to issue an approval for an emergency use. However, the ROI Agriculture Minister has granted a 60-day emergency approval for diquat use in that jurisdiction. The NI Minister is now reconsidering his position on the emergency approval of diquat for potato haulm desiccation in NI. The outcome will be reported to ECP at future meetings.

7.6.3 A number of NI water catchments continue to record pesticide active substances exceeding the EU legal limit in drinking water of 0.1 micrograms/litre. These results and the mitigation measures currently employed will be reported at future meetings.

7.7 Natural England (NE)

7.7.1 Natural England are currently helping to design options for Defra’s new Environmental Land Management (ELM) agri-environment scheme. The proposal is for a scheme with three tiers, ranging from farm specific (Tier 1), to landscape-scale, (Tier 3). Tier 1 will be more prescriptive than Tiers 2 and 3.

7.7.2 As part of this project, Natural England are currently working on Integrated Pest Management (IPM) options for Tier 1. This is proving a challenge for some proposed options, such as trap cropping or leaving stubble long, because detailed designs or

prescriptions are not available. ECP Members suggested that the Pesticide Forum has a sub-group looking at IPM programmes, which might help with design details.

Agenda item 8: Date of next meeting

8.1 Afternoon of 23 November 2020 – for Members to meet with HSE specialists to discuss an upcoming active substance dossier – to be held virtually.

8.2 24 November 2020 – It is likely this meeting will need to be held virtually – full business meeting.

Agenda item 9: Any other business

9.1 Chair's Report

9.1.1 The Chair noted that following a review of the trial for providing Independent Scientific Advice to Government on new and renewal active substances, a revised two-stage process would be followed at the November 2020 meeting for the next active substance. An additional ECP meeting will be held in December 2020 to ensure the process is completed before the transition period ends on 31 December 2020.

**Rachel Merrick
ECP Secretariat
November 2020**