

The UK Expert Committee on Pesticides (ECP)

Full Minutes of the meeting of the UK Expert Committee on Pesticides (ECP) held 24 November 2020

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

Those present:

Chairman:

Prof W Cushley

Members:

Prof R Blackshaw; Ms H Chambers; Mr M Dempsey; Mr M Glynn; Dr M Hare; Dr C Harris; Prof T Hutchinson; Prof T Lock; Dr R Mann; Dr C Morris; Dr M Rose; 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); Dr S Brescia (HSE); Ms E Butcher (Public Health England); Mr A Dixon (HSE); Mr G Stark (HSE); Mr D Flynn (HSE); Dr J Hingston (HSE); Ms S Hugo (Defra); Mr B Maycock (FSA); Dr J Newman (Environment Agency); Dr C Snaith (HSE) and Ms M Wade (HSE)

Others:

Mr J Chambers (HSE); Mr J Dale (HSE); Mr T Fisher (HSE); Mr L Furnidge (HSE); Mr D Griffin (HSE); Ms I den Hoed (HSE); Ms G Khan (HSE); Ms S Mattock (HSE); Mr D O'Neill (Defra); Ms M Reed (HSE); and Dr B Woolacott (HSE)

Apologies:

Mr R Davis; 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, it was determined that they would need to leave the meeting while the discussion was held.

1.3 The Chair welcomed two new Members to the Committee, Dr C Harris and Dr M Rose have joined the Committee as experts in dietary exposure and chemistry respectively.

Agenda Item 2: Full Minutes of the previous meeting [ECP 1 (39/2020)]

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

Agenda Item 3: Matters arising and Forward Business Plan [ECP 2 (39/2020)]

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 Secretariat noted that due to the ongoing pandemic, Members whose terms were due to end in 2020 will have their appointments extended for a further year. This will allow for a full recruitment campaign for successors in 2021.

3.3 The Committee noted that due to the current circumstances, the December ECP Meeting will be held virtually.

Agenda item 4: Emergency Authorisation: '1,4-Sight' on potatoes [ECP 3 – 3-3 (39/2020)]

4.1 The Government has received an application for an emergency authorisation for the use of '1,4-Sight' (contains 1,4-dimethylnaphthalene) for use as a sprout inhibitor on stored potatoes.

4.2 Due to the risk of an exceedance of a maximum residue level (MRL) that had been established without taking the proposed use into account, stewardship was required to prevent waste from treated produce entering the human food chain.

4.3 The Committee was requested to provide advice on:

- the risk assessment. Particularly with respect to the proposal for risk mitigation by preventing any treated potatoes, waste and by-products from processing being fed to livestock to protect humans from exposure to the meat from those livestock; and
- how the use could be further limited and controlled, including comments on the proposed stewardship plan.

4.4 The Committee noted that the Defra Minister had agreed to support the granting of this emergency authorisation application, subject to ECP advice and HSE had concluded:

- The product will be used UK-wide with a five-month application period of March to July 2021
- To limit and control the use it is considered necessary to restrict the varieties of potato treated and only under special circumstances. For certain varieties destined for processing (such as crisping) and held at higher temperatures the currently available chemical sprout suppressants are unlikely to achieve the long-term storage required. There is an acceptable case for need only under these circumstances. In all other situations the current chemical and non-chemical approaches are sufficient.
- Non-dietary exposure was acceptable, provided: mixing, loading and handling operations were conducted in adequately ventilated environments; and a sufficient period of time elapsed between treatment and inspection and handling of treated produce. Bystanders and resident exposure assessments did not identify unacceptable risks from store venting processes.
- Consumer intakes could be 92–101% of the ADI. Processing potatoes (cooking or peeling) is shown to reduce the amount of residues of 1,4-DMN so there are no concerns regarding direct consumer exposure. Potatoes fed to livestock do not always undergo processing and potato peels have been shown to contain significantly higher residue levels than whole potato or potato pulp. The risk assessment is, however, acceptable provided that the proposed stewardship arrangements operate effectively.
- Consideration of the risk to aquatic organisms, fish-eating birds and mammals should take place when authorising discharge permits for washing plants. For these reasons a restriction and instruction on the product label phrase is required.

4.5 The Committee questioned whether a decision to authorise had already been made without consideration of the scientific evidence. HSE explained that their assessment had been taken to the Defra Minister for early consideration because of the perceived urgency of need but that the decision would be taken once advice had been received from the ECP. In consideration of the specific questions asked by HSE:

- The Committee advised that the risk assessments indicated that the product could be used without harm to human health and/or unacceptable environmental impacts provided appropriate mitigation was adopted.

- It was noted that there were some data gaps in relation to the consumer risk assessment. ECP advised that these were not significant and as the assessment was conducted on a conservative basis that the risk arising from a single year of use under an emergency authorisation could be considered acceptable.
- It was also noted that there was some uncertainty associated with assessing risks associated with the application of sludge to land (arising from uncertainty as to the extent to which the chemical survives water treatment processes). However, the Committee advised that this was not significant given the basis on which the assessment was conducted. The risk arising from a single year of use under an emergency authorisation could be considered acceptable. The Committee noted that any risks arising from this uncertainty would be greater if the product was used in subsequent years without resolving this issue.
- There are similar issues pertaining to assessing risks associated with the application of digestate to agricultural land as a means of residue disposal.
- It was noted that the data gaps/uncertainty would need to be addressed ahead of any standard authorisation being granted for this product/use.
- how the use could be further limited and controlled, including comments on the proposed stewardship plan.
 - The Committee advised that the potential scale of use (192,000 t of potatoes) was derived from an industry estimate of demand but there was no evidence to substantiate this. There is therefore uncertainty as to whether scale of the proposed use could be said to be limited. However, it was noted that disposal of waste would be carefully controlled, by legal requirements related to documenting this practice.
 - ECP noted that effective operation of stewardship as a mitigation measure depended upon the behaviour of third parties (waste contractors and environmental regulators) who may not be in possession of the product label. Consequently, Members were of the view that there must be an established route for residue disposal in place at the time of product use. HSE must satisfy itself of the robustness of the arrangements and clarity on routes of disposal to avoid potential MRL exceedances in addition to seeking a review of effectiveness before the granting of an authorisation.

4.6 In addition, the Committee took the view that for the varieties HSE concluded an acceptable case for need was met alternative chemical sprout suppressants were likely to work, however, the constraints from the number of authorised applications allowed could be a limiting factor.

Agenda item 5: Emergency Authorisation: ‘Cruised SB’ on sugar beet [ECP 4 – 4-7 (39/2020)]

5.1 The Government has received an application for an emergency authorisation for the use of ‘Cruiser SB’ (containing thiamethoxam) for use as a seed treatment on sugar beet.

5.2 The Committee was invited to advise:

- on the nature and relative degree of environmental risk, compared with accepted standards.
- how, if granted, the risks could be further mitigated, limited or controlled.

5.3 Further proposals to refine how highest risk areas are identified (based on experiences so far) were also sought, to assist growers in making the decision whether to use treated seed or not.

5.4 The Committee noted HSE had concluded:

- That there was a case for need given the impact of failure to control aphids transmitting Beet virus yellows can have on yields.
- The dietary exposure assessments indicated that the use would result in produce complying with maximum residue levels and acceptable risks to those consuming treated produce.
- The environmental risk assessment indicated:
 - An acceptable risk to aquatic life, soil-dwelling and non-target organisms, birds and mammals consuming treated seedlings and groundwater.
 - The risks to birds from consuming treated seeds had not been demonstrated to be acceptable. However, consumption of pelleted seeds is considered an unlikely route of exposure
 - Surface water concentrations may exceed PNEC values established under water quality legislation.
 - For bees, the risk from the sugar beet crop is acceptable based on ensuring that flowering weeds are not present through implementing the BBRO recommended herbicide programmes. The risk from following crops has not been shown to be acceptable. This applies to flowering crops (e.g. oilseed rape) and to crops where guttation occurs (e.g. maize). Residues in pollen and nectar in oilseed rape in a following crop study were comparable to levels found in oilseed rape following seed treatment with thiamethoxam at the lowest rates previously authorised in the EU (8 g a.s/ha). This assessment did not consider information about the impact of neonicotinoid use on pollinator and other populations which has been published in recent years.

5.5 In consideration of the specific questions asked by HSE, the Committee:

- Recognised that there was a case for need, but that it was difficult to limit use strictly and to model with a reasonable degree of certainty the 'at risk' areas, given the nature of the pest and practice of using seed treatments.
- Advised that HSEs assessments were based on a sowing rate that was less than that typically used in commercial situations and so underestimated any potential risks.

- Advised that published literature, which was not taken account of in assessing the risks to bees (but has informed the most recent ECP advice on this issue), indicates that many neonicotinoid chemicals, including thiamethoxam, are mobile in the environment and can pose potentially significant risks to a range of wildlife that includes, but is not restricted to, pollinators. These studies further showed that effects had been found outside treated areas and accumulated via food webs. It was not possible to identify how the key risk associated with the use of this product could be further mitigated
- Noted the proposal to manage within-crop risk to pollinators through herbicides specifically targeted at flowering plants. It was not clear if this was to be achieved by following existing practice or through revised advice. If the latter, the Committee advised that this would increase the risk to non-target invertebrates.
- Advised that the risks of using treated seed would differ from those associated with using alternative control programmes, but there was insufficient evidence and no methodology available to make a judgement on these in relative terms.
- Expressed the view that the applicant's inclusion of a political decision to grant a derogation for this use in another jurisdiction as a supporting argument was not relevant to the consideration of the scientific evidence.

Agenda item 6: Review of Active Substance: Cinmethylin [ECP 5 (39/2020)]

6.1 HSE introduced the item as the fourth active substance to the ongoing trial arrangements for the provision of independent scientific advice relating to the approval of active substances in the event of the UK leaving the EU without a deal. HSE had identified a number of potential areas that would require advice, but Committee Members could explore any aspects of the risk assessment and underlying guidance that they considered to be of interest.

6.2 The Committee had a preliminary discussion on a number of issues identified by HSE and began to formulate their advice. During the discussion Members identified some areas where the original data report would be required to allow them to confirm their final position. HSE agreed to provide these data following the meeting.

Action: HSE

Agenda item 7: Review of Active Substance: Isoflucypram [ECP 6 (39/2020)]

7.1 Isoflucypram was the first active substance to the ongoing trial arrangements for the provision of independent scientific advice relating to the approval of active substances in the event of the UK leaving the EU without a deal. Isoflucypram was first considered by the Committee at their meeting in July 2019. Members held preliminary discussion with HSE and identified a number of areas where further data were required. HSE have

provided ongoing updates to the Committee on the progress of isoflucypram whilst the data were sought and evaluated.

7.2 The Committee had further discussion with HSE and began to formulate their advice on the questions that have been put to them by HSE. In one area, Members could not conclude their advice and asked for HSE to provide the original data report to allow them to agree their final position. HSE agree to provide this data following the meeting.

Action: HSE

Agenda item 8: Stewardship update: Aminopyralid [ECP 7 – 7-3 (39/2020)]

8.1 HSE introduced a paper to update the Committee on the aminopyralid stewardship scheme. The paper outlined details of the number of reported cases of phytotoxicity in allotments and gardens with some of these identified as being linked to aminopyralid exposures, factors that may have led to those exposures and steps being taken to enhance stewardship activities.

8.2 The Committee identified exposure routes via the equine sector as a potential gap in the proposed stewardship.

Agenda item 9: Proposed labelling phrase for tillage practices to mitigate risk to non-target soil organisms [ECP 8 – 8-4 (39/2020)]

9.1 HSE introduced a paper which outlined a proposal for a new pesticide labelling restriction that will require growers to conduct conventional tillage (to a depth of 20cm) at or after harvest of the treated crop or pre-planting of a succeeding crop when this is required to mitigate risks from pesticide residues to soil non-target organisms. HSE have sought views from growers and stakeholders on the proposal and received a wide range of responses. The aim of the proposal is to support ongoing practices in line with label restrictions.

9.2 Members:

- Queried whether this requirement was compatible with other Government policies on climate change and associated objectives on tillage practice and retaining carbon in soils. HSE confirmed the proposal aims to target areas such as minor uses where tillage is already carried out.
- Challenged HSE not to incentivise conventional tillage over minimum or reduced tillage.
- Noted that it may not always be appropriate to till straight after harvest depending on when the following crop is being planted and soil conditions. ECP suggested that

the phrasing on the label should be made clear about when tillage would be required.

- Noted that conventional tillage is highly destructive of soil non-target organisms.

9.3 It was agreed that HSE will consider ECP's comments and bring an updated paper back to a future meeting along with an example product to show how the proposal would work in practice.

Action: HSE

Agenda item 10: Date of next meeting

10.1 15 December 2020 – It is likely this meeting will need to be held virtually.

Agenda item 11: Any other business

11.1 Disengagement with the EU

11.1.1 The Secretariat informed the Committee that once the UK has fully decoupled from the EU pesticide regime, there will be a need for HSE to find new ways to keep up to date with new and emerging issues and stay in touch with the wider scientific network. HSE reported that they are working with Defra on international engagement. HSE will present a paper at a future meeting on possible options for engagement to get a view from the Committee.

Action: HSE

11.2 Committee updates

11.2.1 Members noted the most recent annual reports for the Expert Committee on Pesticide Residues in Food (PRiF) and the Pesticide Forum.

11.3 Chair's Report

11.3.1 The Chair informed the Committee that some Members represented the ECP at a meeting of the Hazardous Substance Advisory Committee (HSAC) to discuss copper in the environment which is a common interest for both Committees.

**Rachel Merrick
ECP Secretariat
December 2020**