

The UK Expert Committee on Pesticides (ECP)

Full Minutes of the meeting of the UK Expert Committee on Pesticides (ECP) held 18 April 2023

The meeting was held as a hybrid meeting.

Those present:

Chairman:

Prof W Cushley

Members:

Mr J Clarke; Prof M Eddleston; Dr J Garratt; Mr M Glynn; Dr I Katsiadaki; Prof T Lock; Dr M Rose; Mr P Stephenson; Prof D Spurgeon and Prof M Whelan

Assessors:

Dr S Jess (DAERA), Mr B MacDonald (Welsh Government), Ms C McCartney-Collard (FSA); Ms G Reay (Scottish Government) and Mr D Williams (Defra)

Advisors:

Mr A Dixon (HSE); M I den Hoed (HSE); Mr D Flynn (HSE); Mr M Fryer (HSE); Ms S Hugo (Defra); Ms S Mattock (HSE); Dr J Newman (Environment Agency); Dr S Qassim (Natural England); Dr C Snaith (HSE); Mr G Stark (HSE); M Wade (HSE) and Ms C Wesley (HSE)

Others:

Mr T Fisher (HSE); Ms S Goodchild (HSE); Mr N Graham (HSE); Ms S Mason (HSE); Mr B Neill (HSE); Ms R Strong (HSE); Ms S Tessier (HSE) and Mr A Wilder (HSE)

Apologies:

Prof R Blackshaw, Dr C Harris, Dr R Mann; Prof M Wright and Mr B Maycock (FSA)

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 were 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 Four Members identified potential conflicts of interest. One Member declared a specific personal interest and chose to withdraw from discussion of this item. The other Members declared non-personal, non-specific conflicts and it was decided they could remain and participate in discussion on the relevant agenda items.

1.3 The Chair noted that the ECP is a scientific committee and therefore could only provide substantive advice when adequate data are supplied to enable Members to reach conclusions. The Chair further noted the Committee operated on a precautionary basis and would continue to do so on occasions where Members were unable to reach a conclusion due to lack of data.

Agenda Item 2: Full Minutes of the previous meeting [ECP 1 (58/2023)]

2.1 The draft Full Minutes of the March 2023 meeting were agreed, subject to minor amendments.

Agenda Item 3: Matters Arising and Forward Business Plan [ECP 2 (58/2023)]

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 the emergency authorisation of 'Cruiser SB' had been approved conditional upon a modelled incidence threshold of 62% of Virus Yellow; this threshold has since been met and product will be used.

Agenda Item 4: Active Substance: Fluoxapiprolin [ECP 3 (58/2023)]

4.1 HSE introduced the item, noting there were applications for approval under consideration in the EU, USA, Canada and Brazil with existing authorisations for products in Australia and New Zealand. HSE had identified several potential areas that would require advice, and Committee Members could explore any aspects of the risk assessment and underlying guidance they considered to be of interest.

4.2 The Committee noted the toxicology risk assessment was being reassessed by HSE following advice given at the March meeting on the use of the Kinetically-derived Maximum Dose approach. HSE confirmed they would bring the toxicology data to the Committee at a future meeting.

4.3 The Committee held preliminary discussions on the issues identified by HSE and began to formulate their advice.

Agenda Item 5: Pydiflumetofen – further information in respect of ED potential in non-target organisms [ECP 4 (58/2023)]

5.1 Pydiflumetofen was first considered by the Committee in October 2022. The ECP provided advice on a number of areas where HSE had identified and requested guidance on. The Committee noted that, following consideration of the ecotoxicology advice on potential endocrine disruption in non-target organisms, HSE had requested further data from the applicant.

5.2 The applicant has submitted a rebuttal case for this request, but provided no additional data. HSE invited the Committee to consider and advise if the further argumentation by the applicant would change their original advice.

5.3 Members discussed the argumentation provided by the applicant and advised without further data to consider their advice would remain unchanged. ECP noted that it unequivocally supports HSE's request to the applicant for additional data.

Agenda Item 6: Emergency Authorisation: 'Asulox' for control of bracken [ECP 5 (58/2023)]

6.1 The Government has received an application for emergency authorisation under Article 53 of Regulation 1107/2009 for the use of 'Asulox' (containing 400 g/l asulam) to control bracken.

6.2 HSE has not sought advice from the ECP on the 2023 application as no new scientific questions were identified for independent advice. Scottish and Welsh Ministers have indicated they would value the current view of the ECP and the Committee was asked to advise on:

- If taking into account the new considerations for the proposed use the ECP consider the list of potential adverse effects outweigh the potential benefits of controlling the danger posed by bracken
- If the ECP are aware of any further information which would change the view expressed by the ECP on the 2022 application

6.3 The Chair noted the ECP provides advice to all UK administrations and welcomed the invitation from the Scottish and Welsh governments. The Chair also noted that ECP would advise the Scottish and Welsh Governments on the science of the application and would not offer a view on the Competent Authority's decision.

6.4 Members discussed the application, and their advice can be found in Annex 1 of these minutes.

Agenda Item 7: Presentation of non-dietary human exposure guidance

7.1 HSE gave a presentation to the Committee on the 2022 Guidance on non-dietary human exposure published by the European Food Safety Authority. The guidance came into force on 1 January 2023 and applications for authorisations in NI should be conducted in line with this guidance. HSE is currently assessing whether to implement this guidance for GB authorisations.

7.2 Members noted

- If implemented it would bring the GB and NI guidance for non-dietary human exposure into alignment; GB assessments currently operate under the 2014 guidance.
- That the guidance would affect applications and renewals conducted after the implementation date but would not be retroactively applied to existing authorisations.
- They would support further outreach and monitoring to better understand how operators are implementing safety restrictions and best practice, particularly when considering untrained operators.
- That the modelling assumes operators using a trolley sprayer pull the equipment backwards rather than pushing it forwards through the crop, and the data on the push scenario is limited. HSE noted they consider in most situations trolley exposure would be lower than the use of handheld equipment.
- The data set for low ornamental treatment had changed from a default value of 10ha/day of treatment, based on a small area equipment data set, to a 50ha/day of treatment based on a standard boom sprayer data set. They agreed with HSE's assessment that 50ha/day was likely to be excessive for low ornamental crops in GB.

Agenda Item 8: Date of next meeting

8.1 18 July 2023 – To be held in a virtual manner.

Agenda Item 9: Any other business

9.1 Recruitment

9.1.1 The Secretariat noted they were in the final stages of clearance for the recruitment exercise and hoped to launch the recruitment shortly.

9.1.2 Members noted the value of personal connections and utilising relevant industry groups and networks to highlight the posts.

9.2 Emergency Authorisations 2022/23 [ECP 6 (58/2023)]

9.2.1 The Committee noted the list of applications for emergency authorisation received by HSE over 2022/23.

9.3 Chair's Report

9.3.1 The Chair noted the May meeting would not go ahead, but asked Members to hold the date as the Secretariat would seek to hold technical sessions between members and HSE staff relevant to future applications and issues that would be coming to the committee.

Ethan Clabby
ECP Secretariat
May 2023

ECP ADVICE TO GOVERNMENT: USE OF 'ASULOX' ON GRASSLAND AND FOREST TO CONTROL BRACKEN

Issue

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 bracken (*Pteridium aquilinum*).

Action required

2. HSE has not sought ECP advice on the 2023 application since no new scientific questions were identified for independent advice. As bracken control is a contentious issue in Scotland, Scottish Ministers would like a current view from the ECP.
3. Members were asked to advise on the following:
 - Taking into account the new considerations for the proposed use in 2023, do the ECP consider the list of potentially adverse effects outweigh the potential benefits of controlling the danger posed by bracken?
 - Are the ECP aware of any further information which would change the view expressed by ECP on the tenth application in 2022?

Discussion

4. The Committee *noted* that:
 - This was the eleventh consecutive emergency application for this product and use under Article 53 of Regulation 1107/2009.
 - The EFSA conclusion (2021) states that asulam-sodium is considered to meet the criteria for endocrine disruption (ED) for humans for the T-modality.
 - Changes highlighted from the previous application included:
 - The applicant has stopped research on an alternative approved herbicide
 - New information on potential adverse effects that has become available
 - There is likely to be a need for seven more years of emergency authorisation applications whilst standard approval for 'Asulox' is sought; there is no guarantee that an application for a full authorisation would be successful.
 - HSE set data requirements in 2020 onwards relating to residues and consumer risk. These data have not been provided for the latest application.
5. The Committee *advised* that:
 - The potentially adverse effects outweigh the potential benefits of controlling the danger posed by bracken.

- There were data that showed residues of asulam were being detected in water courses which implied that the current 90m buffer zone that is in place is not sufficient to prevent contamination of surface water from aerial spraying.
- The information provided indicated that aerial application tends to be followed up by ground treatment where conditions allow. This implies that the majority of areas are not inaccessible and could be treated from the ground with an alternative product.
- Information was available that there was a new production system for the active substance, asulam. The biologically-active contaminants are present at unknown levels and their toxicological profiles remain to be determined.
- There is an alternative herbicide active substance, amidosulfuron, which has products authorised for ground-based control of bracken. The applicant suggested this is not a viable alternative. ECP advised that amidosulfuron could be explored further to address how it compares to asulam and how it could be used to greater effect.
- With no new data or evidence available to address the known risks, their advice from 2022 remains unchanged.

Conclusion

6. On the basis of the evidence brought before the ECP, the Committee advised that it does not support an emergency authorisation under Article 53 of Regulation 1107/2009 for the aerial or land-based application of 'Asulox' to control bracken due to risks that cannot be mitigated.