SUBJECT: Emergency authorisation of ‘Cruiser OSR’, ‘Modesto’ and ‘Lumiposa’ as a seed treatment on oilseed rape

ADVICE TO MINISTERS

The UK Expert Committee on Pesticides (ECP) considered three applications from the National Farmers Union for emergency authorisation of seed treatment products for use on oilseed rape.

Regulation (EC) No. 1107/2009 on the placing of plant protection products on the market permits Member States a degree of discretion to deal with emergency pest or disease situations. In essence, this provision allows Member States to authorise products which would not otherwise be authorised under the Regulation if this is necessary ‘because of a danger which cannot be contained by any other reasonable means’ and for ‘limited and controlled use’.

‘Cruiser OSR’ and ‘Modesto’ are products containing neonicotinoid active substances. Uses of these products are currently prohibited by Regulation (EC) No. 485/2013. However Member States can grant authorisations under the emergency provisions of Regulation (EC) No. 1107/2009 (and several have). ‘Lumiposa’ contains an active substance (cyantraniliprole) which is not yet approved for use in a plant protection product in the EU.

The applications for the use of ‘Cruiser OSR’ and ‘Modesto’ were to seek control of both Cabbage Stem Flea Beetle and the aphid Myzus persicae the vector for Turnip Yellows virus (TuYV). The application for ‘Lumiposa’ was for control of cabbage stem flea beetle only and in this case, the applicant contended the absence of authorisations containing neonicotinoid products had given rise to an emergency situation as there were no alternative available authorised products to protect the crop.

Need for use of these products

The ECP considered the information provided (mainly in support of the applications for ‘Cruiser OSR’ and ‘Modesto’) on the need for a seed treatment to control these pests. The outcome of their discussions was:

- **Myzus persicae**: The Committee concluded that the applicants had not presented sufficient information to support an emergency authorisation for the control of *Myzus persicae* alone. There were some, albeit more limited in effectiveness, alternatives available for the control of this aphid in the form of post emergence foliar sprays.

- **Cabbage stem flea beetle**: The Committee concluded that there was evidence of a severe impact on crop establishment in localised areas of the country arising from a failure to control this pest. At present there is no clear information on the further potential impact higher populations of cabbage stem flea beetle larvae will have on this seasons rape seed yield in surviving crops, until harvest in late
summer. The ECP concluded that there is a need to control this pest and that there were no sustainable alternative plant protection products available, with no other insecticide seed treatments and only pyrethroid foliar sprays. There is developing resistance in CSFB to the pyrethroid insecticides, but with no alternative chemicals authorised it is likely pyrethroid usage will continue and heighten resistance pressures. Using cultural methods, for example sowing at times to avoid peak CSFB activity, can be a successful option. However, this is dependent on a complexity of agronomic, environmental, and practical factors during the season. Hence the requirement of the Regulation that there is a ‘danger which cannot be contained by any other reasonable means’ was considered to be fulfilled.

The ECP also agreed that areas facing a high risk of infestation by both cabbage stem flea beetle and *M Persicae* (the vector of Turnip Yellows Virus) fulfilled this requirement of the regulation.

However the information provided by the applicants did not allow these ‘high risk’ areas to be clearly identified.

**Limited and controlled use.**
The application for ‘Cruiser OSR’ and ‘Modesto’ sought authorisation for treatment of about 79% of the area sown with oilseed rape - about 500 000 ha. This was based on the total area stated by the applicants to be at “high risk” and “under threat” from both pests. The Committee concluded that such a large area under treatment would not be compatible with the legal requirement for “limited and controlled use” and could lead to unnecessary use.

The application for ‘Lumiposa’ was based on an on-going application for a full commercial use, and as such did not propose any limitation to the area to be treated. The Committee concluded that this also did not fulfil the requirement of the legislation for an emergency authorisation because the use would not be “limited”.

**ECP advice**
None of the applications fulfil the requirements of Regulation (EC) No 1107/2009 that an emergency authorisation is for limited and controlled use. The ECP advise that all these applications should be refused authorisation.

However, given the potential for significant localised crop damage that has been identified, the ECP would be willing to consider a revised application for use in the areas of highest need for control of cabbage stem flea beetle (including areas at high risk of both cabbage stem flea beetle and *Myzus persicae* (vector of Turnip Yellows virus). Specific information required to support a revised application is as follows:

- ‘Cruiser OSR’ and ‘Modesto’
  A stronger case with robust supporting evidence for all or a proportion of the areas identified in the original application as at highest risk. The
areas should be prioritised based on a refinement of the data to identify more precisely the location of farms with the highest percentage damage. In addition, more precise data should be given on the extent of crop damage, to enable the ECP to judge better the basis for prioritisation.

- ‘Lumiposa’. A limited evaluation has identified: 1) potentially substantial risks to operators, 2) unresolved risks to groundwater from two metabolites and 3) lack of evidence that risks to birds, mammals, aquatic invertebrates and bee populations would be acceptable. Based on the information available in the current application, it is not clear whether any of these risks can be discounted or mitigated to support use on a limited scale. Further information to address these matters would be required in addition to a stronger case with robust supporting evidence for all or a proportion of the areas identified in the original application as at highest risk. The areas should be prioritised based on a further refinement of the data to identify more precisely the location of farms with the highest percentage damage and more precise data should be given on the extent of crop damage, to enable the ECP to judge better the basis for prioritisation.

UK Expert Committee on Pesticides
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