SUBJECT: Emergency Authorisation of ‘Cruiser OSR’ & ‘Modesto’ as a seed treatment on oilseed rape

ADVICE TO MINISTERS

The Committee has considered two applications received by HSE for 120 day emergency authorisations for products containing neonicotinoid active substances for use as seed treatments on winter oilseed rape to control Cabbage Stem Flea Beetle (CSFB) (*Psylliodes chrysocephala*). The products are ‘Cruiser OSR’ (containing the neonicotinoid thiamethoxam) and ‘Modesto’ (containing the neonicotinoid clothianidin). The uses requested under these applications are currently prohibited in the EU as a result of Regulation (EU) 485/2013 which was adopted in order to protect pollinators from the alleged adverse effects of these chemicals. Under Regulation (EC) 1107/2009 Member States are permitted to issue emergency authorisations for a period of up to 120 days where necessary ‘because of a danger that cannot be contained by any other reasonable means’ and where the authorisation is for a ‘limited and controlled use’.

The National Farmers Union (NFU) made the applications for these emergency authorisations. The authorisation holders Bayer (Modesto) and Syngenta (Cruiser OSR) support the submissions.

The Committee considered applications from the NFU for this proposed use at the previous meeting (ECP 1). The outcome of these discussions were:

- **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 season's 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.

The previous applications for ‘Cruiser OSR’ and ‘Modesto’ sought authorisation for treatment of about 79% of the area sown with oilseed rape in England - 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 case for need was accepted but the Committee were unable to recommend granting the authorisations as the supporting evidence was not considered strong enough to justify the area requested and the use was not considered to be 'limited and controlled'.

Under the new applications the applicant proposed limiting the authorisations to use in Suffolk only. This represents roughly 5% of the total oilseed rape cropped area of the United Kingdom. The proposal also states that treated seed would be sold in bags clearly indicating that planting the seed outside the Suffolk border would constitute illegal use and that all retailers of treated seed would be required to record:

1. Location of grower and intended planted area.
2. Number of units sold (thereby determining the intended planted area).
3. Variety and seed treatment information.
4. The confirmation from a BASIS qualified agronomist that the treated seed is required as a result of a high risk of infestation by cabbage stem flea beetle in each field where the products may be used.

The proposal also requires that the purchaser of treated seed sign a stewardship agreement at the point of purchase that details all the relevant restrictions.

The Committee agrees that:

- There is evidence to demonstrate a need to control Cabbage Stem Flea Beetle in some geographic areas and there are limited realistic alternatives available for control of this pest.

- However, the current scientific evidence is not robust enough to identify precisely the areas at highest risk. Historic practice has been to treat the majority of oilseed rape sown and the industry has collected limited data by which to identify those areas at most risk of crop and yield loss.

- A decision needs to be taken urgently. If authorisation is given this needs to be issued in time for at least one of the authorisation holders to finalise seed labels by 24th July for seed to be available for sowing this season.

- The proposal to limit the use of the product to Suffolk will only partially target the most ‘at risk’ areas, as it will include fields in Suffolk that are not
‘at risk’ but omit high risk areas beyond this county’s boundaries. However, the size of area proposed and stewardship arrangements (with the additional data collection specified below) are considered to meet the criteria of being ‘limited and controlled’.

- Any authorisation should be limited instead by the total volume of seed that may be treated. The applicant and authorisation holders must then aim to ensure, within prevailing constraints, that such seed is distributed in such a way as to target areas of highest risk, while also maximising the quality and quantity of data that can be generated to better inform future assessments of benefits and risks.

- If authorisation is granted the applicant must use the opportunity to generate and report to the Committee robust detailed data on treated and untreated crops such as the impact on adult and larval numbers, crop establishment/damage and effect on crop yields, resistance occurrence and management. A system should be established to monitor trends in these factors over time that includes the co-ordinates of the treated fields. The Committee recommends that the applicant work with Government and non-Government stakeholders to agree the details of such data collection, which should be of a similar standard and detail to that collected in field trials.

The Committee, therefore, advises Ministers that it supports authorisation of the requested applications without the proposed county restriction. The authorisations should however be restricted so that only sufficient seed to plant 31,700 Ha (equivalent to 5% of OSR crop in England) (or by weight 127,000kg or 127 tonnes of seed based on the applicant’s stated sowing rate of 4kg/ha) may be treated, with the applicant ensuring this is distributed to the areas considered to be at highest risk. The authorisation should also be conditional upon appropriate stewardship and the generation of data by the applicant to augment the evidence base in this area.

UK Expert Committee on Pesticides
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