

## EMERGENCY AUTHORISATION OF A PLANT PROTECTION PRODUCT

### PLANT PROTECTION PRODUCTS REGULATION (EC) No. 1107/2009

Product name: 'Asulox'

Active ingredient: 400 g/L asulam (as a soluble concentrate formulation)

Product authorisation holder: UPL Europe Ltd, The Centre, 1<sup>st</sup> Floor, Birchwood Park, Warrington, Cheshire, WA3 6YN.  
(Registered company number: 2844616)

This Emergency Authorisation starts: 18 May 2020.

This Emergency Authorisation ends:

- (a) 14 September 2020 for sale, distribution and use of stocks
- (b) 31 October 2020 for storage and disposal of stocks

This Emergency Authorisation will be withdrawn or amended before its end date if a decision is taken to withdraw or amend this Emergency Authorisation under Regulation (EC) No 1107/2009 on any other grounds.

Extent of Emergency Authorisation: United Kingdom

HSE Digital Signature

This and the attached Appendices 1 and 2 are signed by the Health and Safety Executive ("HSE") for and on behalf of the Secretary of State, the Welsh Ministers, the Scottish Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

Date of issue: **xx** November 2019

### EXPLANATORY NOTES

1. This is Emergency Authorisation number **xxxx** of 2019.
2. This Emergency Authorisation will be published on the website of the Chemicals Regulation Division of HSE.
3. Application reference number: COP 2019/01678.

4. Persons using the product to which this Emergency Authorisation applies should acquaint themselves with and observe all requirements contained in the Regulation (EC) No 1107/2009, including the duty on the holder of any Emergency Authorisation to notify information on potentially dangerous effects, a contravention of which is a criminal offence under those Regulations.
5. Neither the efficacy nor the phytotoxicity of the product for which this Emergency Authorisation has been granted has been assessed and, as such, the user bears the risk in respect of failures concerning its efficacy and phytotoxicity.

## **ADVISORY INFORMATION**

This Emergency Authorisation relates to the use of 'Asulox' on rough grazing areas, moorland, amenity grassland and forestry for control of bracken only.

Application must be made aurally by helicopter only in a water volume of 1 part product to 4 parts water per hectare.

**IMPORTANT:** When applying this product under the terms of this Authorisation of Use Notice, comply with any resistance guidance or restrictions stated on the product label.

Total reliance on one pesticide will hasten the development of resistance. Pesticides of different chemical types or alternative control measures should be included in the planned programme. Alternating with different modes of action is a recognised anti resistance strategy.

Some forestry trees may be susceptible to damage at high rate of asulam. It is not possible to predict the tolerance of all forestry plants to asulam.

Bracken fronds should not be damaged by livestock, frost (bronzed and stunted fronds) or by cutting before treatment.

Do not apply during or immediately after drought periods or in conditions of high temperature and low humidity.

Do not cut bracken for at least 4 weeks after spraying to permit movement of Asulox to rhizome buds; preferably leave undisturbed until late autumn. No outward signs of the effects of ASULOX on bracken will be observed during the current season following application. The effects only become apparent the following spring when normal frond emergence in treated bracken fails to occur.

At least 6 weeks should elapse between applying ASULOX and sowing or planting any subsequent crop.

This 120-day Emergency Authorisation must only be used from 18 May 2020 and will expire:

- (a) 14 September 2020 for sale, distribution and use of stocks
- (b) 31 October 2020 for storage and disposal of stocks

For future Article 53 Emergency applications, the following information/data are required:

- (i) Data on the types and numbers of bird and mammal wildlife that nests and/or feeds in and adjacent to the areas to be treated during the treatment period from 1 July to 14 September.
- (ii) Records that land owners have been informed of and have adhered to the 1-month livestock exclusion restriction after the product has been sprayed, and that they have been advised that this is necessary to avoid potential MRL exceedances when placing produce into the supply chain.
- (iii) Details of the annual quantity/volume of sales of Asulox from UPL and their distributors, adjusted for any product that is returned unused.
- (iv) Information on an annual basis on the habitats and environments where Asulox is sprayed, and estimations of the quantity/volume of product applied to each habitat/environment.
- (v) Further research on the alternatives to Asulox. In particular, further data on aerial application and efficacy of such applications should be generated to support future applications for authorisation for aerial use of alternative plant protection products.

## APPENDIX 1: CONDITIONS OF EMERGENCY AUTHORISATION

The conditions below are obligatory. They must be complied with when the use occurs. Failure to comply with the following conditions will result in the withdrawal or amendment of the Emergency Authorisation under Regulation (EC) No 1107/2009 and may result in other enforcement action, including prosecution.

### Sale and supply:

Packaging: The authorisation holder must only place this product on the market in:

- i) 5 to 20 litre high density polyethylene container.
- ii) 1000 litre high density polyethylene container with a top-mounted discharge valve for use with a closed transfer system (the container must not be fitted with any other type of outlet).

Label: The authorisation holder must only sell and supply the product with the agreed label, which is the label agreed on 21 November 2019 (HSE ref.: W001926898).

### Use:

Field of use: **ONLY AS A HERBICIDE (AERIAL APPLICATION ONLY)**

User: Professional

Situations:	Maximum individual dose (litres product / ha):	Maximum number of treatments (per year):	Latest Time of Application:
Rough Grazing, Moorland, Amenity Grassland	11	1	14 September in the season of use.
Forest	10	1	14 September in the season of use.

Operator Protection:

- (1) Engineering control of operator exposure must be used where reasonably practicable in addition to the following personal protective equipment:

Operators must wear suitable protective clothing (coveralls) and suitable protective gloves when handling the concentrate.

- (2) However, engineering controls may replace personal protective equipment if a COSHH assessment shows that they provide an equal or higher standard of protection.

Environmental protection:

- (1) To protect aquatic organisms, respect an unsprayed horizontal buffer zone distance to surface water bodies of 90 m when spraying from helicopters using low drift nozzles such as RD1000 Pencil Jets or Delavan RD 'Raindrop' type nozzles.

- (2) Extreme care must be taken to avoid spray drift onto non-crop plants outside of the target area.

- (3) To protect ground nesting birds, use before 1 July in the season of use is not allowed.

- (4) There is a potentially significant risk to ground nesting birds towards the end of the breeding season.

- (5) Where there is a risk to rare or sensitive species, or where spraying is to take place near a Site of Specific Scientific Interest then advice must be sought from the appropriate conservation agency - Natural England, Scottish Natural Heritage, Natural Resources Wales or the Northern Ireland Environment Agency.

Other specific restrictions:

- (1) This product must only be applied in accordance with the terms of this Emergency Authorisation, the product label and/or associated leaflet.
- (2) This product must only be applied aurally by helicopter.
- (3) This product must only be applied using low drift nozzles.
- (4) No person may carry out aerial spraying or cause or permit another person to carry out aerial spraying unless such spraying is authorised by an aerial spraying permit issued by the Chemicals Regulation Division.
- (5) Livestock must be removed from areas to be treated and must not be allowed to return until at least 1 month after treatment.
- (6) Where ragwort is present users should consult the 'Code of Practice on How to Prevent the Spread of Ragwort.' Ragwort plants sprayed with this herbicide are more palatable and contain higher levels of toxins. Livestock must be excluded from treated areas until any ragwort has completely recovered or died and there is no visible sign of the dead weed. Do not include treated ragwort in hay or silage crops.
- (7) Containers must not be re-used.
- (8) This product must only be used for the control of bracken (*Pteridium aquilinum*).
- (9) When this product is used with adjuvants, it must only be with adjuvants that have a List Entry that permits aerial application in mixture with asulam and all conditions of the List Entry must be followed.
- (10) This product must only be applied to dense bracken in continuous stands covering a minimum of 80% of the area to be treated.

## **APPENDIX 2: GENERAL CONDITIONS FOR AN EMERGENCY AUTHORISATION**

Failure to comply with the following conditions will result in the withdrawal or amendment of the Emergency Authorisation under Regulation (EC) No 1107/2009 and may result in other enforcement action, including prosecution.

### **Adverse effects:**

The authorisation holder must immediately notify the Secretary of State, the Scottish Ministers and the Department of Agriculture, Environment and Rural Affairs (DAERA) (care of the Health and Safety Executive), if they have any new information on the potentially adverse effects of the authorised product, or of residues of an active substance in that product when used in accordance with the conditions of this Emergency Authorisation. For those products authorised under Regulation (EC) No 1107/2009 authorisation holders must also tell the other relevant competent authorities of the EC Member States (a list of which is available from the Health and Safety Executive) and the EC Commission. Failure to comply with this requirement is an offence.

### **Provision of information:**

The authorisation holder must comply with all requests for information required by, or on behalf of, the Secretary of State, the Scottish Ministers or the Department of Agriculture, Environment and Rural Affairs (DAERA) in accordance with Regulation (EC) No 1107/2009.