EMERGENCY AUTHORISATION OF A PLANT PROTECTION PRODUCT

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

Product name: ‘Asulox’ placed on the market in the United Kingdom by UPL Europe Ltd.

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

Product authorisation holder: UPL Europe Ltd, The Engine Rooms, 1st Floor, Birchwood Park, Warrington, Cheshire, WA3 6YN. (Registered company number: 2844616)

This Emergency Authorisation, for the specific use set out in this notice only, ends:

(a) for placing on the market and use of stocks: 14 September 2020

(b) for storage and disposal of stocks: 31 October 2020

This Emergency Authorisation will be withdrawn or amended before its end date if a decision is taken to withdraw or amend this Emergency Authorisation under Regulation (EC) No 1107/2009 on any other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: 9 July 2020

EXPLANATORY NOTES

1. This is Emergency Authorisation number 1570 of 2020.
2. This Emergency Authorisation will be published on the website of the Chemicals Regulation Division of HSE.


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.

6. This emergency authorisation is for use on conservation areas until 14 September 2020.

ADVISORY INFORMATION

This Emergency Authorisation relates to the use of ‘Asulox’ in conservation areas only, as defined in requirement (ii) below, found in rough grazing areas, moorland, amenity grassland and forestry (in the establishment phase) solely for control of bracken. The use in conservation areas must be under the direction of the relevant conservation body as listed below. It will be necessary for you record the agreement to apply ‘Asulox’ and make the record available in line with requirement (ii) below.

Applications are to be made by vehicle mounted horizontal boom sprayer in a water volume of 400 to 500 litres per hectare or by hand held applicators in a maximum concentration of 1 part ‘Asulox’ to 4 parts water.

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.

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 to show ground-based use has occurred only on areas with a statutory conservation designation (such as Sites of Special Scientific Interest or Areas of Special Scientific Interest) or Agri-Environment scheme agreement land, including:

- Countryside Stewardship
- Environmental Stewardship
- Environmental Farming Scheme (Northern Ireland)
- Agri-Environment Climate Scheme (Scotland)
- Section 16 of the Environment (Wales) Act 2016 and Welsh Agri-Environment and Rural Development Programme grant schemes

where specific agreement for bracken control including the use of ‘Asulox’ has been made with Natural England, Scottish Natural Heritage, Natural Resources Wales or the Northern Ireland Environment Agency.

(iii) 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.

(iv) Details of the annual quantity/volume of sales of Asulox from UPL and their distributors, adjusted for any product that is returned unused. This must be presented for use in SSSIs/Agri-environment areas and forest.

(v) 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, including details of the conservation area treated and the conservation body which agreed its use.

(vi) Further research on the alternatives to ‘Asulox’. In particular, further data on the efficacy of such applications should be generated to support future applications for authorisation for use of alternative plant protection products in conservation areas.

(vii) Further research on the tree species sensitive to amidosulfuron to support a permanent solution.
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 5 to 20 litre high density polyethylene containers.

Label: The authorisation holder must only sell and supply the product with the agreed label, which is the label agreed on 2 July 2020 (HSE ref.: W001959616).

Use:

Field of use: ONLY AS A HERBICIDE

User: Professional

<table>
<thead>
<tr>
<th>Situations: Rough Grazing, Moorland, Amenity Grassland (SEE Other Specific Restriction 12)</th>
<th>Maximum individual dose (litres product / ha):</th>
<th>Maximum number of treatments (per year):</th>
<th>Latest Time of Application:</th>
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<td></td>
<td>11</td>
<td>1</td>
<td>14 September in the season of use.</td>
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<tr>
<th>Situations: Forest (establishment phase only)</th>
<th>Maximum individual dose (litres product / ha):</th>
<th>Maximum number of treatments (per year):</th>
<th>Latest Time of Application:</th>
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<td>10</td>
<td>1</td>
<td>14 September in the season of use.</td>
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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 non-target plants respect an untreated buffer zone of 5 metres to non-crop areas. HORIZONTAL BOOM SPRAYERS MUST BE FITTED WITH THREE STAR DRIFT REDUCTION TECHNOLOGY. Low drift spraying equipment must be operated according to the specific conditions stated in the official three-star rating for that equipment as published on HSE Chemicals Regulation Directorate’s website.

(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) Operators must take into account ground nesting birds. 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.

(7) Since there is a risk to aquatic life from use, users not applying the statutory buffer zone must either themselves carry out or ensure that someone else has carried out a Local Environment Risk Assessment for Pesticides (LERAP) on their behalf before each spraying operation from a horizontal
boom sprayer. Users must not allow direct spray from such sprayers to fall within 5m of the top of the bank of any static or flowing waterbody or within 1m of a ditch which is dry at the time of application (these distances to be measured as set out in the booklet ‘Local Environment Risk Assessment for Pesticides - Horizontal Boom Sprayers’ and any amendments that are made to it) unless:

(a) The LERAP indicates that a narrower buffer zone will be sufficient; and

(b) Any measures indicated by the LERAP as justifying the narrower buffer zone are complied with in full and in accordance with any conditions applicable to them.

Spray must be aimed away from water.

Spray from hand-held sprayers must not be allowed to fall within 1 m of the top of the bank of a static or flowing waterbody. Spray must be aimed away from water.

(8) The results of the LERAP must be recorded in written form and must be available for a period of three years for inspection to any person entitled to exercise enforcement powers under or in connection with the Plant Protection Products Regulations 2011 or the Plant Protection Products (Sustainable Use) Regulations 2012. (An electronic record will satisfy the requirement for a written record, providing it is similarly available for inspection and can be copied).

(9) Detailed guidance on LERAPs and how to conduct a LERAP are contained in the booklet ‘Local Environment Risk Assessment for Pesticides - Horizontal Boom Sprayers’, available from HSE Chemicals Regulation Division’s website. All LERAPs must be carried out in accordance with this Guidance and any amendments that are made to it.

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 used for the control of bracken (*Pteridium aquilinum*).

(3) Livestock must be removed from areas to be treated and must not be allowed to return until at least 1 month after treatment.

(4) 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.

(5) Containers must not be re-used.

(6) A maximum concentration of 1 part product to 4 parts water must not be exceeded.

(7) Ground-based use is permitted only on areas with a statutory conservation designation (such as Sites of Special Scientific Interest or Areas of Special Scientific Interest) or Agri-Environment scheme agreement land, including:

- Countryside Stewardship
- Environmental Stewardship
- Environmental Farming Scheme (Northern Ireland)
- Agri-Environment Climate Scheme (Scotland)
- Section 16 of the Environment (Wales) Act 2016 and Welsh Agri-Environment and Rural Development Programme grant schemes

where specific agreement for bracken control including the use of ‘Asulox’ has been made with Natural England, Scottish Natural Heritage, Natural Resources Wales or the Northern Ireland Environment Agency.

Records of this agreement must be kept and made available on request.
APPENDIX 2: GENERAL CONDITIONS FOR AN EMERGENCY AUTHORIZATION

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.