

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 with authorisation number MAPP 13175.

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

Product authorisation holder: UPL Europe Ltd, The Centre, 1st Floor, Birchwood Park, Warrington, Cheshire, WA3 6YN.

This Emergency Authorisation starts: 20 May 2019.

This Emergency Authorisation ends:

- (a) 16 September 2019 for sale and distribution of stocks
- (b) 31 October 2019 for disposal, storage and use of stocks

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 and Rural Development in Northern Ireland.

Date of issue: April 2019

EXPLANATORY NOTES

1. This is Emergency Authorisation number of 2019.
2. This Emergency Authorisation will be published on the website of the Chemicals Regulation Directorate of the HSE.
3. Application reference number: COP 201801816.
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. If the authorisation of any of the foreign plant protection product to be imported under this Emergency Authorisation is withdrawn, this Emergency Authorisation will only be valid for stock of the affected foreign product sold or supplied in the Member State of origin before the date on which the foreign authorisation ended. If the authorisation of the foreign product is withdrawn for safety or efficacy reasons, this Emergency Authorisation may be withdrawn.

ADVISORY INFORMATION

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.

When applying asulam via aerial application for the control of bracken on Rough Grazing, Moorland, Amenity Grassland users must ensure that the Official List Entry of the adjuvant chosen specifically allows aerial use on grassland.

This 120 day Emergency Authorisation must only be used from 20 May 2019 and will expire:

- (a) 16 September 2019 for sale and distribution of stocks
- (b) 31 October 2019 for disposal, storage and use of stocks

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). Authorised for aerial use only.

Label: The authorisation holder must only sell and supply the product with the agreed label, which is the label agreed on 12 March 2015 (HSE ref.: W001700227).

Use:

Field of use: **ONLY AS A HERBICIDE**

User: Professional

Situations:	Maximum individual dose (litres product / ha):	Maximum total dose (litres product / ha):	Maximum number of treatments:
Rough Grazing, Moorland, Amenity Grassland	11	11	1 per season
Forest	10	10	1 per season

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) 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.

- (2) 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).
- (3) 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 Directorate's website. All LERAPs must be carried out in accordance with this Guidance and any amendments that are made to it.
- (4) To protect aquatic organisms, respect an unsprayed horizontal buffer zone distance to surface water bodies of 160 m when spraying from aircraft using standard nozzles.
- (5) To protect aquatic organisms, respect an unsprayed horizontal buffer zone distance to surface water bodies of 50 m when spraying from aircraft using low drift nozzles such as RD1000 Pencil Jets or Delavan RD 'Raindrop' type nozzles.
- (6) Extreme care must be taken to avoid spray drift onto non-crop plants outside of the target area.
- (7) Operators must take into account ground nesting birds before treatment.
- (8) To protect ground nesting birds use before 1st July in the season of use is not allowed.
- (9) 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 Environment & Heritage Service in Northern Ireland.

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) A maximum concentration of 1 part product to 100 parts water must not be exceeded when used as a hand held spray treatment.
- (3) Livestock must be removed from areas to be treated.
- (4) Livestock must be kept out of treated areas until poisonous weeds such as ragwort, have died and become unpalatable.
- (5) 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 Directorate.
- (6) This product qualifies for inclusion within the Local Environment Risk Assessment for Pesticides (LERAP) scheme. Before each spraying operation from a horizontal boom sprayer, either a LERAP must be carried out in accordance with the 'Local Environment Risk Assessment for Pesticides Horizontal Boom Sprayers' booklet available from the HSE Chemicals Regulation Directorate's website or the statutory buffer zone must be maintained. The results of the LERAP must be recorded and kept available for three years.
- (7) Containers must not be re-used for any other purpose.
- (8) Aerial application must only be made via helicopter.

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 and Rural Development in Northern Ireland (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 and Rural Development in Northern Ireland in accordance with Regulation (EC) No 1107/2009.