

EMERGENCY AUTHORISATION OF A PLANT PROTECTION PRODUCT

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

Product name: Benevia 100D

Active ingredient: 100 g / l cyantraniliprole

Product authorisation holder: FMC Agro Limited (Registered Company no. 01973941)

Marketing company: FMC Agro Limited


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

(a) 31 July 2020 for placing the product on the market and use;

(b) 31 August 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This Emergency authorisation will be withdrawn or amended before its end date if a decision is taken to withdraw or amend this Emergency authorisation under Regulation (EC) No 1107/2009 on any other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 authorisation: United Kingdom


Signed by: wayne.mcleod@hse.gov.uk
Signing time: Friday, July 3 2020, 9:35:16 GMT
Location: CRD York
Reason to sign: For the Health and Safety Executive

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: 3 July 2020

EXPLANATORY NOTES

1. This is Emergency authorisation number 1523 of 2020.
2. This Emergency authorisation will be published on the website of the Chemicals Regulation Division of the HSE.
3. Application reference number: COP 2020/01111
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

IMPORTANT: When applying this product under the terms of this Emergency authorisation, 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.

This Emergency Authorisation relates to the use of 'Benevia 10OD' as an insecticide for use on protected crops of strawberry grown on table tops to control Spotted Wing Drosophila (*Drosophila suzukii*). Application is to be made by table top sprayers only and the ground surface below and in between the table top structure must be established grass.

The Emergency Authorisation will expire on 31 July 2020 for use and will not be renewed unless the following information is submitted

- Realistic typical spray programmes, to include all the insecticides used on the crop, showing targets and timing of use and indicating where the requested emergency use fits within that programme. This programme should also include other emergency applications made for the same use. This needs to be set out for each strawberry growing system e.g. everbearers and mainseason.
- Information must be clearly presented to easily identify the areas of production using different systems in different situations.
- Some discussion on the relative risks of attack by SWD with information on the area of crop affected in previous seasons and locations. For example, how much of the protected crop and outdoor crop is grown in regions in

Scotland and the risk of infection so far North compared with the regions in the South East. Is the whole of the National crop at risk and why – backed up with suitable evidence. This information should be used to support the criteria to identify those areas of crop which make up the proposed restriction of 80% of crop area.

- A discussion based on the information from the SWD traps compared with the areas treated to demonstrate how the levels of pest correlate with the usage of the product.

APPENDIX 1: CONDITIONS OF EMERGENCY AUTHORISATION

The conditions below are obligatory. They must be complied with when the Emergency authorisation 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. For the purposes of this Emergency authorisation only, the conditions and/or requirements shown below supersede any corresponding conditions and/or requirements set out on the label or otherwise provided for under the product authorisation **which would otherwise apply**.

Sale and supply:

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

50 ml to 5000 ml high density polyethylene container.

Label: The authorisation holder must only sell and supply the product with the agreed label (HSE ref.: W001961056).

Use:

Field of use: **ONLY AS AN INSECTICIDE**

User: Professional

Crops/situations:	Maximum individual dose: (ml product / ha)	Maximum total dose:	Maximum number of treatments: (per crop)	Latest time of application:
Protected strawberry	750	-	2 (See Other Specific Restrictions 5 and 6)	31 July (1 day before harvest)

The following Aquatic Buffer Zones must be observed:

Crops/situations:	Aquatic buffer zone distance (metres):	Comment:
Strawberry	5	see Environmental Protection Phrase 1

Operator Protection:

- (1) Vehicle mounted or trailed horizontal boom sprayer must only be used where the operator's normal working position is within a closed cab with a suitable in-cab filtration system* or suitable respiratory protective equipment must be worn during applications in protected situations**
*Closed cabin meeting European standard EN 15695 category 3
** Disposable filtering facepiece respirator to at least EN149 FFP3 or equivalent).
- (2) Other 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.
- (3) 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) Crops/situations with 5m buffer zone:

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 horizontal boom 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 guidance documents available from HSE Chemical Regulation Division's website 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.

- (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 guidance documents 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.
- (4) To protect non-target insects / arthropods respect an untreated buffer zone of 10 metres to non-crop land.
- (5) Dangerous to bees. Do not use where bees are actively foraging. Do not apply when flowering weeds are present.
- (6) Horizontal boom sprayers must be fitted with a minimum of two star drift reduction technology for all uses.

Other specific restrictions:

- (1) This product must only be applied in accordance with the terms of this Emergency authorisation, the product label and/or leaflet and any additional guidance on extensions of authorisation.
- (2) This product must not be applied via hand-held equipment.
- (3) The maximum total dose of 'Benevia 10OD' per crop must not be exceeded in any calendar year. Any land treated with 'Benevia 10OD' at the maximum total dose must not be treated with any other cyantraniliprole containing products in the same calendar year, including either foliar applications in the growing crop or drench treatments to transplants applied pre-planting

- (4) Low drift spraying equipment must be operated according to the specific conditions stated in the official rating for that equipment as published on HSE Chemicals Regulation Division's website. These operating conditions must be maintained until 30m from the top of the bank of any surface water bodies or non-crop area.
- (5) This emergency use must comply with the following conditions:
 - (a) Strawberry crops must be produced on table tops.
 - (b) Application must be by table top sprayer only.
 - (c) The ground surface below and in between the table top structure must be established grass.
- (6) The maximum total dose stated on this notice must not be exceeded in a calendar year including any application made under the terms of any previous authorisations.

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