

## 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) for placing on the market: 27 October 2020
- (b) for use: 31 October 2020
- (c) for storage and disposal of stocks: 30 November 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This Emergency authorisation will be withdrawn or amended before its end date if a decision is taken to withdraw or amend this Emergency authorisation under Regulation (EC) No 1107/2009 on any other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 authorisation: England

  
Signed by: wayne.mcleod@hse.gov.uk  
Signing time: Tuesday, June 30 2020, 13:45:35 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.

Date of issue: 30 June 2020

## EXPLANATORY NOTES

1. This is Emergency authorisation number 1489 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 2019/02513
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 outdoor crops of kale, collard and Oriental cabbages until 27 October 2020.

## 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.

This Emergency Authorisation relates to the use of 'Benevia 10OD' as an insecticide for use on outdoor kale, collard and oriental cabbages to control diamond back moth (*Plutella xylostella*). Application is to be made by conventional hydraulic horizontal boom sprayers in 300 to 800 L water /ha. A seven day interval between applications should be observed.

This product must only be applied when the number of diamond back moths caught per monitoring trap per week exceeds 25 and all other alternative insecticides have been used.

The relevant Department (Natural England) should be consulted prior to any application adjacent to designated sites, such as Sites of Special Scientific Interest and National Nature Reserves

Kale, collard and oriental cabbage treated with this product, or any commodity produced using these treated crops, must not be exported to EU Member States unless an appropriate statutory MRL is set under Regulation (EC) 396/2005.

To support the export restriction, the following stewardship arrangements are required:

- Record-keeping of the plant protection product use by growers;

- Recorded communication of the above restriction to growers, kale, collard and oriental cabbage merchants, selling, processing or utilising the treated kale, collard and oriental cabbage;
- Documentation accompanying the movement or sale of treated kale, collard and oriental cabbage must include the above restriction;
- Traceability of treated kale, collard and oriental cabbage, products and any commodity produced using these treated crops, along the supply chain.

Stewardship records must be maintained and made available to the Chemicals Regulation Division of HSE on request and at the point of any subsequent application for this emergency use.

Monitoring records that include the moth trap count for the area treated at the time of application must be maintained, kept and made available the Chemicals Regulation Division of HSE on request and in support of any subsequent application for this emergency use.

The Emergency Authorisation will expire on 27 October 2020 for use and will not be renewed unless the above stewardship information is provided.

## 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:

5 to 20 litre high density polyethylene container.

Label: The authorisation holder must only sell and supply the product with the agreed label, which is the label agreed on 25 June 2020 (label at HSE ref.: W001909038).

### Use:

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

User: Professional

Crops/situations:	Maximum individual dose: (litres product / ha)	Maximum total dose:	Maximum number of treatments: (per crop)	Latest time of application:
Outdoor crops of collard, kale, oriental cabbage	0.75	-	2 (Any second application must be made after BBCH 40)	7 days before harvest

The following Aquatic Buffer Zones must be observed:

Crops/situations:	Aquatic buffer zone distance (metres):	Comment:
Collard, kale, oriental cabbage	5	see Environmental Protection Phrase 2

#### 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) Horizontal boom sprayers must be fitted with a minimum of two star drift reduction technology for all uses.

- (2) 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.

- (3) 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).

- (4) 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.
- (5) Dangerous to bees. To protect bees and pollinating insects do not apply to crop plants when in flower. Do not use where bees are actively foraging. Do not apply when flowering weeds are present.
- (6) A maximum of two applications per crop to be applied; during crop flowering a maximum of one application to be made and only after daily bee flight.
- (7) To protect non-target insects / arthropods respect an untreated buffer zone of 10 metres to non-crop land.
- (8) Low drift spraying equipment must be operated according to the specific conditions stated in the official star 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.

Other specific restrictions:

- (1) This product must only be applied for the control of Diamondback moth (*Plutella xylostella*) in accordance with the terms of this Emergency Authorisation and the product label and/or leaflet and any additional safety information provided by the authorisation holder.
- (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) Any second application of 'Benevia 10OD' made to Kale, collard and oriental cabbage must be after BBCH 40 (less than 10% of the leaf mass typical for the variety reached)
- (5) Kale treated with 'Benevia 10OD' must not be fed to livestock.
- (6) Kale, collard and oriental cabbage treated with this product, or any commodity produced using these treated crops, must not be exported to EU Member States unless an appropriate statutory MRL is set under Regulation (EC) 396/2005.

To support the export restriction, the following stewardship arrangements are required:

- Record-keeping of the plant protection product use by growers;
  - Recorded communication of the above restriction to growers, kale, collard and oriental cabbage merchants, selling, processing or utilising the treated kale, collard and oriental cabbage;
  - Documentation accompanying the movement or sale of treated kale, collard and oriental cabbage must include the above restriction;
  - Traceability of treated kale, collard and oriental cabbage, products and any commodity produced using these treated crops, along the supply chain.
- (7) This product must only be used in areas where the threshold of 25 Diamondback moths per trap per week has been breached. Monitoring must be recorded and include the moth trap count for the treated area at the time of application.
  - (8) This emergency authorisation is for use in England only and must not be used in any other countries of the UK.

## **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 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 in accordance with Regulation (EC) No 1107/2009.