

**EMERGENCY AUTHORISATION OF A PLANT PROTECTION
PRODUCT**

PLANT PROTECTION PRODUCTS REGULATION (EC) No 1107/2009

Extent of authorisation: England

Product name: Benevia 10OD

Active ingredient: 100 g / l cyantraniliprole (as an oil dispersion
formulation as in application form dated 12 January
2015 at HSE Ref.: W001652711)

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

Marketing company: FMC Agro Limited

This Emergency Authorisation starts: 21 June 2021

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

(a) For placing on the market: 19 October 2021

(b) For use: 31 October 2021

(c) For storage and disposal of stocks: 30
November 2021

This emergency authorisation will be withdrawn or amended before its end date if a decision is taken to withdraw or amend this Emergency authorisation under Regulation (EC) No 1107/2009 on any other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

HSE Digital Signature

This and the attached Appendices 1 and 2 are signed by the Health and Safety Executive for and on behalf of the Secretary of State.

Date of issue: 21 June 2021

EXPLANATORY NOTES

1. This is Emergency authorisation number 1275 of 2021.
2. This Emergency authorisation will be published on HSE's website.
3. Application reference number: COP 2020/01972
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. In this notice Regulation (EC) No 1107/2009 means:
In relation to Great Britain, Regulation (EC) No 1107/2009 as it has effect in Great Britain.

ADVISORY INFORMATION

This Emergency Authorisation relates to the use of 'Benevia 100D' as an insecticide for use on Oriental cabbages grown under protection and permanent protection with full enclosure to control flea beetle and cabbage stem flea beetle. Application is to be made by conventional hydraulic boom sprayers in 300 to 800 L water /ha. A 7 day interval between applications should be observed.

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 will end 31 October 2021 for use and will not be renewed.

For any subsequent application the following are required:

- A typical, realistic spray programme to include all insecticides used on the crop, showing targets and timing of use which indicates where the request emergency use fits within that programme.

- Monitoring must be conducted to include anonymised data such as x number of growers applied x number of sprays over the course of the season. Along with an estimate of ha sprayed and location.

To support any application made for use in 2022 or beyond 4 residues trials on protected Chinese cabbage conducted at the proposed GAP to support a use on Oriental cabbages (or 6 trials on protected kale to extrapolate to the whole leafy brassica subgroup) are required.

IMPORTANT: Those parties involved in the distribution and sale of goods should note that goods treated under the terms of this authorisation can only be legally marketed in Northern Ireland if they are in accordance with the statutory EU MRL set under Regulation (EC) No 396/2005. Growers are advised to draw this to the attention of distributors and retailers who are customers for their goods so that EU MRL breaches and potential enforcement against goods marketed in Northern Ireland is avoided.

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**.

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

1 to 5 litre high density polyethylene container co-extruded with ethylene vinyl alcohol copolymer.

Label: The authorisation holder must only sell and supply the product with the agreed label (HSE ref.: W002005826).

Use:

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

User: Professional

| Crops/situations: | Maximum individual dose: (litres product / ha) | Maximum total dose: (litres product / ha / year) | Maximum number of treatments: | Latest time of application: |
|--|--|--|-------------------------------|-----------------------------|
| Protected Oriental cabbages | 0.75 | 1.5 | - | 3 days prior to harvest |
| Permanent protection with full enclosure Oriental cabbages | 0.75 | 1.5 | - | 3 days prior to harvest |

The following Aquatic Buffer Zones must be observed:

| Crops/situations: | Aquatic buffer zone distance (metres): | Comment: |
|-----------------------------|--|---------------------------------------|
| Protected Oriental cabbages | 5 | see Environmental Protection Phrase 1 |

Operator Protection:

- (1) Vehicle mounted or trailed horizontal boom sprayers 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 application in protected situations.

*Closed cabin meeting at least EN 15695 category 3

**Disposable filtering facepiece respirator to at least EN149 FFP3 or equivalent.

- (2) 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 horizontal boom sprayers must be fitted with a minimum of two star drift reduction technology for all uses 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.

Other specific restrictions:

- (1) This product must only be applied for the control of flea beetle and cabbage stem flea beetle in accordance with the terms of this emergency authorisation and the 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) Low drift spraying equipment must be operated according to the specific conditions stated in the official two 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.

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 Welsh Ministers and the Scottish Ministers, 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 authorisation. For those products authorised under Regulation (EC) No 1107/2009 as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement, 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 Welsh Ministers or the Scottish Ministers in accordance with Regulation (EC) No 1107/2009.