



Applications Sift,
Chemicals Regulation Division,
Room 1A, Mallard House, Kings Pool,
3 Peasholme Green,
YORK,
YO1 7PX, UK

16th July 2018

Email: applications@hse.gov.uk

Dear Sirs,

***Application for an Emergency Authorisation in 2019
Asulam for Bracken Control***

Highlights

- The Bracken Control Group (BCG) seeks to coordinate bracken control activity throughout the UK and to promote the control of bracken by any means.
- The threats from bracken to: human health, habitat diversity, domestic and wild animal health, landscapes, and recreation & access remain.
- The registration process for asulam under Regulation (EC) 1107/2009 is continuing.
- The BCG is encouraging new approaches to bracken control and these include the use of alternative chemicals, the use of drones for mapping and possibly treating bracken; and the use of cut bracken for garden compost, as a source of bioethanol, and as fuel in the form of 'brackettes' for burning on a wood-burning stove.
- The trial to establish the relative effectiveness of alternative chemical control products is being monitored and an interim summary report is included within the Supplementary Information.
- The production of a report is being encouraged to summarise the information collected during the Bracken Proving Trial carried out on the North York Moors 2002-13. This trial confirmed that a twin-track approach is required to achieve control of bracken by chemical means: follow-up treatment is required after primary treatment, when surviving bracken stems have re-grown.

Introduction

This is an application for a 120-day Emergency Authorisation (EA) for the use of Asulam to control bracken in rough grazing, moorland, amenity grassland, forestry and the historic environment, in 2019. This application is submitted with a view to maintaining a continuous supply of asulam for bracken control, which is essential to allow completion of bracken control programmes that are in progress and to safeguard the public and private funds that

c/o The Heather Trust, PO Box 7749, Lochmaben, Lockerbie DG11 9AE

Coordinator: S P R Thorp BSc(Hons) CEnv MRICS

Email: info@brackencontrol.co.uk

Tel: 01387 723201

Web: www.brackencontrol.co.uk

have already been invested in these programmes. This application follows the applications that were approved to allow the use of asulam in 2013, 2014, 2015, 2016, 2017 and 2018. See Form CRD9 for details.

The application is being submitted on behalf of the Bracken Control Group (BCG), which is an unincorporated association of organisations that exists to represent the full range of interests in bracken control. Additional details about the BCG are contained in Annexes A & B to this letter and on the website: www.brackencontrol.co.uk. It is significant that the Group enjoys complete support within the UK for its wish to see the supply of Asulam maintained.

Asulam is applied to bracken in the period between full frond extension and the onset of senescence, and therefore the control season normally runs from 1st July until late August / early September. If the application is successful, to allow time for Asulam to be distributed to end users before the start of the season, it is requested that the 120-day EA period starts on Monday, 20th May 2019, and it would therefore end on Monday, 16th September 2019. To allow time for the disposal of surplus stocks, or their return to the supplier, and removal from the UK market, it is requested that a use-up period continues until 31st October 2019.

Background

Bracken is an invasive species that affects the whole of the UK. Unless controlled, it can rapidly expand its range to dominate sensitive habitats and land that would otherwise be productive.

It is difficult to assess the area of bracken, as it exists in hedgerows and under woodland and it is often interspersed with other species. However, in the UK, bracken is thought to cover at least 1.5 million hectares and there is a general view that the area is expanding. This view is supported in part by the Knowledge Scotland briefing published on 2 May 2012¹.

The reasons for the apparent expansion of bracken are thought to be the result of climate change, as warmer, wetter conditions appear to favour the plant, and the reduction of livestock numbers on unenclosed land, as a result of the revised support mechanisms under the Common Agricultural Policy.

A wide range of techniques can be employed to control bracken, from simply pulling individual plants by hand, to the use of helicopters to apply Asulam. This range of techniques covers many different forms of cutting and bruising the bracken plants using different sizes of machinery. Asulam can also be applied by ground-based machinery and direct application of chemical (e.g. glyphosate) by weedwiper can be a valid technique.

The BCG supports and promotes all these techniques. Bracken control is very much a case of 'horses for courses' and a major factor in the selection of a particular technique can be the aspirations of the landowner or manager. There is no such thing as a wrong technique; all are effective to a lesser or greater extent.

In summary, the BCG believes that the threat to important and sensitive habitats from bracken is increasing. A wide range of techniques can be used to control bracken, but treatment with Asulam is the only cost-effective way of tackling large-scale areas of bracken in difficult terrain. The granting of an Emergency Authorisation will allow land managers to

¹ Pakeman, R. 2012. Knowledge Scotland briefing. *Bracken and the Asulam Ban*. <http://www.knowledgescotland.org/briefings.php?id=275>

continue to control the extent of bracken on their land.

The Importance of Asulam

The Supporting Information provides more detail, but Asulam offers two properties that make it unique: its relative selectivity and authorisation for aerial application. Its bracken specific property allows Asulam to be applied as an overall spray with manageable risk to non-target species. The use of a helicopter, and potentially a drone, to apply Asulam opens up the opportunity to apply it efficiently to large areas of steep or difficult terrain in remote areas, which it is not possible to reach by other means. Many such areas are designated sites with sensitive habitats; without aerial application of Asulam, bracken in these areas can out-compete the more sensitive species, which frequently are the subject of the designation.

It is significant that currently there is no alternative product available for bracken control that offers comparable levels of efficiency and safety to Asulam. See the Interim Summary report on the trial of alternative products in the Supplementary Information.

A large investment of time and resources, including large amounts of public money, have already been made in bracken control, but as a result of the resilience of the plant, no control is completely effective and further treatment is often required. If Asulam were not to be available, the existing investment would be put at risk.

Bracken tends to occupy the edges of open land, where it is likely to be less exposed and have slightly better soil conditions. In pastures and meadows, it can often be controlled using livestock and physical techniques, but this form of control is usually not possible on unenclosed land. This is an important area for livestock production and sporting purposes. If these areas are lost to invading bracken, there will be a considerable impact on farming and sporting incomes that in turn could have a negative impact on the fragile economy of remote, rural areas.

Increasing numbers of walkers are crossing this same area of ground, at the edge of unenclosed land, to gain access to upland areas. However, bracken litter is an ideal habitat for sheep ticks, and in addition to the impact on livestock and birds, ticks can carry diseases that infect humans, and can even prove fatal. Bracken control is important to minimise the threat to walkers.

The ‘ban’ on Asulam has been a great concern to many land managers, and one of the roles of the BCG has been to inform them, and other end users, of the continued availability under the EA procedure. The success of this work is being monitored through the sales of Asulam. In the years covered by an EA, sales have been maintained at about 85% of the level achieved beforehand. In view of the uncertainty that has surrounded the availability of Asulam, this is seen as a very satisfactory result.

The record of the number of aerial permits issued since 2012 has been reported through the Pesticides Forum and the figures are summarised in the graph at Annex C. The dip in the number of permits from an initial high in 2012, when there was a ‘pre-ban’ boost to bracken control, and the low in 2014 can be explained by the restrictions on the availability of asulam, but it is encouraging that the number of permits has shown a slight increase over the last four seasons.

The maintenance of sales of Asulam at this level, in spite of the uncertainty about future availability, is an indication of the importance that end users attach to Asulam and this justifies the continued availability of the product under Emergency Authorisation.

Registration of Asulam under Regulation (EC) 1107/2009

UPL Europe Ltd. has submitted a dossier to apply for registration. It is anticipated that the EU Food Standards Agency will make a recommendation about the registration of the active ingredient to the relevant Standing Committee of EU members so that a decision is made before the end of 2018. If this is favourable, registration of the product could be achieved for the 2019 season.

Hand-held equipment for Chemical Control

There is a requirement to support small-scale bracken control that is, for example, carried out in support of forestry operations and by smaller farmers and owners of horse paddocks. Hand-held equipment is favoured for chemical application at this scale.

Also, it is important to apply secondary treatments to control the regrowth of bracken after primary treatment. Secondary treatments are dealing with a low density of fronds, and the industry developed a range of chemical control techniques using hand-held equipment to treat the emerging fronds directly. These techniques had been tried and tested over many years and had proved to be very effective.

If no follow-up treatment takes place, bracken can recover quickly and the benefits from the primary treatment will be lost. This was explained in detail in Enclosure 3 that was submitted in support of the EA application for 2014.

In spite of the importance of hand-held equipment for smaller-scale application, and for follow-up as part of a bracken clearance programme, appropriate data have not been provided to CRD to allow a formal risk assessment of the techniques to be completed to prove that the Operator Exposure was within the prescribed limits.

As a result of the lack of data, the previous EAs granted by CRD contained approval for application of asulam using hand-held at a low concentration of 1:100. At this concentration, to apply 11 litres/ha of active ingredient it is necessary to apply large volumes of water that will introduce a severe risk of run-off.

The BCG is concerned by this issue and continues to seek alternative ways to achieve effective secondary treatment.

It is possible that drones may provide support for follow-up chemical treatment as they can be placed accurately over a target area.

Conclusion

The risks associated with the use of Asulam are well known, and long-term use has allowed robust operating procedures to be developed to mitigate the risk of using this product to very low levels. Asulam applied by helicopter is often the only cost-effective control agent for bracken that is capable of being used in remote, rural areas with difficult access, on steep or difficult terrain.

The Bracken Control Group asks that this application be looked on favourably.

Yours faithfully,



S P R Thorp
Coordinator

Enclosures:

1. Completed form CRD9
2. Supporting Information
3. Letter of Access from UPL Europe Ltd, dated 18th May 2018

Acknowledgements:

Thanks are due to the members of the Bracken Control Group for their support with this application and in particular to those members who assisted with the drafting and updating, of the application:

Prof Roy Brown (R & D Applied Biology), Alastair Burn (Natural England), Dr Roderick Robinson (Landward Consultancy).

The Bracken Control Group

The non-approval of Asulam for registration under EC Regulation 1107/2009 in September 2011 acted as a final trigger for the formation of a Bracken Control Group. This had been under consideration for some time, but the loss of the main bracken control agent highlighted the need for better coordination between the different bracken control interests. The Group is supported by the full spectrum of interests in bracken control, including: the manufacturer of Asulam, distributors of asulam products, government agencies, non-government organisations, contractors and representatives of landowner, land manager, farming and forestry organisations.

Sector representatives have been identified for the main interest groups and these people are listed at Annex B below. Their names are also listed on the home page of the Group's website: www.brackencontrol.co.uk.

Newsletters have been used to communicate with a growing audience of more than 270 people from all parts of the UK. In addition, the key messages contained in the Newsletters have been circulated through the communications with members & staff of supporting organisations. Newsletters can be viewed on the News page of the website.

In 2012, a briefing was sent to Ministers in all UK administrations. Direct Ministerial support was received from Defra and the Scottish Government. Some of the correspondence can be viewed on the documents page of the website.

Bracken Control Group – Sector Representatives

The following people have volunteered to represent the interests of their sector:

Sector	Representatives
Landowners and representative organisations	George Winn-Darley, Moorland Association (North Yorkshire) Christopher Price, Country Land & Business Association (London) Tim Baynes, Scottish Land & Estates (Edinburgh)
National Parks	TBA (Lake District) Toby Small (Brecon Beacons)
Farmers and representative organisations	Andrew Midgley, NFUS (Edinburgh) Dafydd Jarrett, NFU Cymru (Gwynedd) Phil Stocker, National Sheep Association (Worcestershire)
Commoners & graziers	John Thorley, Pastoral Alliance (Worcestershire) Arnold Lancaster, Commoner (Lake District)
Crofters	Alan Andrews, Crofter (Sutherland)
Distributors of Asulam	Graham Cranna, Agrii (Perth)
Bracken contractor (ground based)	Gerald Babcock (Cornwall)
Aerial Applicators (helicopter contractor)	Ian Innes, PDG Helicopters (Inverness)
Forestry	Ian Willoughby, Forestry Commission (Surrey) Colin Palmer, Confor (Herefordshire)
Government Agencies	Alastair Burn, Natural England (Peterborough)
Regulation & re-registration	Alastair Leake, Game & Wildlife Conservation Trust (Leicestershire) Andy Evans, SRUC (Perthshire)
Historic Environment	Sandy Gerrard (Devon)
Other users	Duncan Glen, Landmarc (Wiltshire & UK)
Health information	Prof Roy Brown, R&D Applied Biology (North Yorks)
Technical adviser	Roderick Robinson, Landward Consultancy (North Yorks)

Aerial spraying permits

