



Asulam for Bracken Control

Update

July 2023

1 Emergency Authorisation for 2023

- 1.1 The approval in England is welcomed.
- 1.2 The refusal in Scotland and Wales is disappointing. There are concerns that the refusal has been based on a limited interpretation of the available evidence, and that the threats associated with the bracken plant have not been included fully in the assessment.
- 1.3 A decision for Northern Ireland has not yet been announced.

2 Advice from the Expert Committee on Pesticides

- 2.1 From the statements issued by Scottish and Welsh governments to explain the refusal decision, it appears that the justification for the decision is based largely on the advice given by the ECP. There appears to have been little or no consideration of the threats associated with not controlling bracken and the other factors highlighted in the BCG's advisory letters sent to ministers in February 2023 (see below).
- 2.2 It is likely that Defra's approval to use asulam in England has been based on an assessment of the balance of risks between controlling and not controlling bracken.
- 2.3 The BCG has concerns about the content and the timing of minutes from the ECP meeting held on 18th April.
 - 2.3.1 The Minutes were placed on the HSE website on 19th June, the same day that notification of the approval in England was issued.
 - 2.3.2 This timing allowed no time to comment on any areas of concern in the ECP advice to Government in Annex 1.
 - 2.3.3 Comments on the advice will be made separately.

3 Advisory Letters to Ministers

- 3.1 On 20th February 2023, the BCG sent a letter to all four Ministers, with responsibility for pesticides in Defra and the Devolved Administrations, suggesting that eight issues should be considered when considering a decision about the use of asulam in 2023.

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- 3.2 The aim of the letters was to highlight the role of the ministers and their officials in reaching a balanced decision. The advice from HSE and ECP is focused on the impact of applying asulam. To ensure that a balanced decision is made, the letter urged ministers to consider also the impact of not using asulam to control bracken.
- 3.3 The eight issues were:
- 3.3.1 The threats associated with bracken are significant, and should be taken into account as well as the risks associated with the use of asulam.
 - 3.3.2 The current arrangements for authorising the use of asulam are not achieving the aims of government, its agencies or anyone with an interest in bracken control.
 - 3.3.3 Although there is no accurate assessment of the total area of the UK covered in bracken, it is seen as an increasing threat. The encroachment of bracken into other more sensitive habitats is being monitored¹.
 - 3.3.4 The approval of asulam for aerial application allows bracken control to take place in areas that are out of reach to other control techniques.
 - 3.3.5 Ongoing trials work includes an investigation into the use of asulam as part of a mix that could reduce the amount of active ingredient required to achieve the same level of control.
 - 3.3.6 The possibility that asulam could be an endocrine disruptor has been recognised, and the manufacturers, UPL Europe Ltd, in liaison with CRD, are carrying out research to provide evidence of its status.
 - 3.3.7 A review of bracken and its control has been proposed. This would include discussion about development of a bracken control framework / strategy, and adoption of a decision tree approach to guide the selection of the best technique for different situations.
 - 3.3.8 It is recognised that there are concerns within the EU about asulam, but it should be noted that these are based on a representative use of asulam as a herbicide that includes spinach within the “representative use”; thus there is a direct link to human consumption that does not exist for the use to control bracken.
- 3.4 In addition, the letters referred to:
- 3.4.1 The development of a monitoring protocol for water sampling and the importance of agri-environment funding to provide support for large-scale bracken control.
 - 3.4.2 The publication of an international review of the toxic properties of bracken (publication has been delayed from March 2023 but is expected soon).
 - 3.4.1 An update on the progress of the research being carried out by UPL into the “potential [for asulam] to have an endocrine disrupting effect on the thyroid and its relevance for humans”.
 - 3.4.2 A statement by a network of vets “expressing increasing concerns about the spread of tick-borne diseases associated with bracken beds and bracken poisoning of livestock.”

¹ Bracken Encroachment - Briefing No.19 <https://www.brackencontrol.co.uk/briefings>

4 Continuing Control of Bracken

- 4.1 Work reported by the BCG indicates that currently, aerially applied asulam is believed to provide the safest and most effective way to control bracken on a large-scale and in areas with difficult access.
- 4.2 Prior to full regulatory approval (in 2030 at the earliest), the only way to obtain approval to use asulam for bracken control is through an application for an emergency authorisation.
- 4.3 If large-scale control of bracken is to continue to mitigate the threats associated with the plant, during this period while the research into the ED status of asulam is carried out and then the applications for regulatory approval are processed, an interim arrangement is required to allow the continuing use of asulam. If it is not acceptable to grant further emergency authorisations, an alternative mechanism is required.

5 Options for the Future

- 5.1 Initially, to avoid the choke points of the current EA approval process, a mechanism to grant a longer-term agreement for the use of asulam should be considered to allow more certainty and better planning.
- 5.2 The concept of a longer-term approval was included in the emergency authorisation application for 2023², and it was suggested that such an approval could be subject to an annual review, in the form of an emergency authorisation application, to allow a check to be made that no significant changes have occurred since the longer-term approval was granted.
- 5.3 The benefits of a longer-term agreement include:
 - 5.3.1 Encourage research into alternative treatments – using herbicide and/or physical control options.
 - 5.3.2 Allow full preparations to be made for each spraying season.
 - 5.3.3 Allow delivery of existing agri-environment scheme contracts.
 - 5.3.4 Provide justification for landowners to start new bracken control programmes.
- 5.4 As the regulations do not cover any alternative arrangements, a decision at Ministerial level would be required to introduce any changes to the Emergency Authorisation (EA) process.
- 5.5 With no alternative, the BCG expects to submit another EA application for the 2024 season, at the end of October 2023. It is likely that this will follow the same route as previous applications: it will be processed by CRD, it may or may not be referred to the ECP, and it will then land on the desk of ministers for decision in May / June 2024.

² EA Application for 2023, Annex D, paras 6 & 7 <https://www.brackencontrol.co.uk/asulam/eaapp2023>

- 5.6 The EA process places an enormous amount of pressure on ministers to make a decision about the use of asulam against a tight deadline. As seen in Scotland this year, this can lead to a frenzy of speculation that serves no-one.
- 5.7 This process is not satisfying the aims of government, its agencies or anyone with an interest in bracken control. A longer-term arrangement is seen as a way to provide a more satisfactory approach.
- 5.8 The BCG is planning to offer an early discussion with ministers and/or their officials in advance of preparing the EA application for 2024. While the memories of the decision-making process for the 2023 application are still fresh, it is hoped that some progress can be made.

6 Area of Bracken Controlled

- 6.1 There has been some comment about the small area of bracken controlled each year. During 2022, it was estimated that the total area sprayed by helicopter and ground-based equipment in the UK was 7,600ha. This is a very small proportion of the estimated total area of bracken: 1.5m ha.
- 6.2 Landowners cannot commit a control programme over a period of several years that uses asulam, if there is uncertainty about the future availability of the herbicide and the future of agri-environment funding.
- 6.3 It can be argued that the benefits from controlling bracken are in large part a public good and therefore support through agri-environment schemes can be justified. It is a commercial reality that without agri-environment support, little bracken control will take place.
- 6.4 Therefore, if governments wish to see bracken controlled on a large-scale, a longer-term approach must be adopted to remove uncertainty. This will justify the required investment in time and resources by the suppliers of herbicide, the aerial and ground-based bracken control contractors and the landowners and managers, as the end-users.

7 Review of ‘Bracken and its Control’

- 7.1 To place all the issues in context, the BCG has proposed that a full review of ‘Bracken and its Control’ should take place.
- 7.2 The BCG produced a framework for this³, and in addition, the JHI Rapid Evidence Review⁴ produced for the Scottish Government could provide a good starting point for the review.
- 7.3 The bracken control industry could take the lead in establishing a review, but to justify the effort and costs, initial support at ministerial level would be required.

³ Bracken Briefing No.17 - <https://www.brackencontrol.co.uk/briefings>

⁴ Pakeman, R.J. (2023). A Rapid Evidence Review of the Implications of Not Controlling Bracken with Asulam in Scotland. A report for the Scottish Government. James Hutton Institute. pp22.
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8 Conclusions

- 8.1 The extent of the coverage and the threats associated with bracken appear to be increasing.
- 8.2 This is worthy of consideration by all UK governments.
- 8.3 Initially, a longer-term arrangement is required to remove the pressure on the emergency authorisation process, which is inappropriate for asulam in its current situation.
- 8.4 In the longer-term, it has been recommended that a review of 'Bracken and its Control' should take place to establish the balance of the threats from the plant against the risks associated with its control.
- 8.5 Until the results of this review, or possibly other forms of assessment, are available, it is essential that the ability to control bracken on a large scale is retained. The best way to achieve this is to retain the use of what has been assessed currently as the safest and most effective form of bracken control: the herbicide asulam, marketed as Asulox.

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