

**EMERGENCY AUTHORISATION OF A PLANT PROTECTION
PRODUCT**

PLANT PROTECTION PRODUCTS REGULATION (EC) No 1107/2009

Extent of authorisation: England and Scotland

Product name: Tracer

Active ingredient: 480 g / l Spinosad

Product authorisation holder: Corteva Agriscience UK (Registered Company no. 2381612)

Marketing company: Landseer Limited

Emergency authorisation holder: The Agriculture and Horticulture Development Board, Stoneleigh Park, Kenilworth, Warwickshire, CV8 2TL

This emergency authorisation starts: 17 May 2023

This emergency authorisation ends:

- (a) for placing on the market: 14 September 2023
- (b) for use: 30 September 2023
- (c) for storage and disposal of stocks: 30 October 2023

This emergency authorisation can be withdrawn or amended before its end date if the requirements of authorisation under Regulation 1107/2009 are no longer met. The requirements may no longer be met as a result of, for example, new information brought to the attention of the competent authority on the danger necessitating the use of the PPP, the effects of the PPP, or whether use of the PPP is limited and controlled. These examples are not exhaustive.

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 and the Scottish Ministers.

Date of issue: 17 May 2023

EXPLANATORY NOTES

1. This is emergency authorisation number 1071 of 2023.
2. This emergency authorisation will be published on the website of the Chemicals Regulation Division of the HSE.
3. Application reference number: COP 2022/02430
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.
5. Neither the efficacy nor the phytotoxicity of the product for which this emergency 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 'Tracer' on outdoor cherry (including under temporary rain covers) for control of spotted wing drosophila (*Drosophila suzukii*).

Applications should be made by broadcast air-assisted sprayers in a water volume of 500-1200 litres of water per hectare. The timing of application is from BBCH 81 (beginning of fruit colouring) to BBCH 87 (fruit ripe for picking).

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.

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

Spinosad has a different mode of action from other insecticides and is most effective when applied in planned programmes with other insecticides with different modes of action.

Avoid use of the same active substance or mode of action on consecutive generations of insects. However, multiple applications to reduce a single generation are acceptable. If uncertain of the generation cycle, no more than three consecutive applications should be used nor should there be continuous use for more than 30 days. Do not use 'Tracer' or any product containing spinosad on consecutive generations for insects which show a high risk of resistance such as thrips species.

OUTDOOR CROPS

Applications should be targeted against early insect developmental stages whenever possible.

If possible, include multiple tactics (e.g. cultural or biological controls) when using Integrated Pest Management Programmes.

Use 'Tracer' in programmes with other effective insecticides of a different mode of action to reduce the possibilities of resistance occurring.

APPENDIX 1: CONDITIONS OF EMERGENCY AUTHORISATION

The conditions below are obligatory. They must be complied with when the product is placed on the market and used pursuant to this emergency authorisation. Failure to comply with the following conditions is likely to 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**.

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 (inc. under temporary rain covers) cherry	0.25	-	2	7 days before harvest

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 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) 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 **broadcast air-assisted sprayer**. Users must not allow direct spray from such sprayers to fall within **50m** of the top of the bank of any static or flowing waterbody or within 5m of a ditch which is dry at the time of application (these distances to be measured as set out in the booklet 'Local Environment Risk Assessment for Pesticides - Broadcast Air-assisted Sprayers' - 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 booklet 'Local Environment Risk Assessment for Pesticides - Broadcast Air-assisted Sprayers' (Ref: PB6533), 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) 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.

Other specific restrictions:

- (1) This product must only be applied in accordance with the terms of this emergency authorisation and the product label and/or leaflet provided by the authorisation holder.
- (2) This product must only be applied for the control of Spotted Wing Drosophila (*Drosophila suzukii*) in England and Scotland.
- (3) This product qualifies for inclusion within the Local Environment Risk Assessment for Pesticides (LERAP) scheme for broadcast air-assisted sprayers. Before each spraying operation from a broadcast air-assisted sprayer, either a LERAP must be carried out in accordance with the 'Local Environment Risk Assessment for Pesticides Broadcast Air-Assisted Sprayers' booklet available from the HSE Chemicals Regulation Division's website or the statutory buffer zone must be maintained. The results of the LERAP must be recorded and kept available for three years.
- (4) A minimum interval of 10 days must be observed between applications.
- (5) Application must not be made before growth stage BBCH 40.
- (6) This product must not be applied via hand-held equipment.

APPENDIX 2: GENERAL CONDITIONS FOR AN EMERGENCY AUTHORISATION

Failure to comply with the following conditions is likely to 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 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 emergency authorisation. 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 or the Scottish Ministers in accordance with Regulation (EC) No 1107/2009.

APPENDIX 3: STEWARDSHIP

This stewardship is prepared in accordance with the specific conditions of this emergency authorisation. It must be followed as a condition of the authorisation.

Stewardship records will 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.

The following table provides a summary of controlled use, with further details of stewardship and requirements for any subsequent application are stated below:

Component of a strategy for controlled use:	Responsibilities:
Overall stewardship approach	HCP Ltd
Communication to industry on authorisation conditions	HCP Ltd together with Love Fresh Cherries, agronomists, growers and other relevant stakeholders.
Managing product supply and amendments to product label if required	Corteva
Advice on best practice for product use	Corteva
Monitoring pest pressure and recording product use.	NIAB monitoring of SWD population and fecundity to provide risk alerts. Fruit flotation test for larvae by growers / agronomists to trigger sprays. Growers record product use.
Disposal of unused product at end of 120-day authorisation period	Corteva
Collation of data as required by HSE CRD	HCP Ltd together with data gathered and provided by Love Fresh Cherries, agronomists, growers and other relevant stakeholders

- Data on volume of product supplied will be collated by the manufacturer.
- Areas treated with the product will be collated by HCP Ltd. in collaboration with agronomists, crop associations and other relevant industry stakeholders.
- Data on the location of use of the product (split by outdoor and protected crops) to confirm that the use is only in the stated regions. This must also include a summary of the number of sprays used under all relevant Article 53s and on how many sprays were used in the season.
- The date Spotted Wing Drosophila presence was observed in the crop is to be recorded as this is the trigger to spray.

- An update on the progress of research on Spotted Wing Drosophila should be presented annually. HSE delegate attendance at the SWD Working Group meeting should continue as the means to address this requirement. A brief summary of progress should be included in any subsequent application for this use.

The following data are required at the point of submission of any subsequent application for this use:

- Updated robust residue monitoring data from 2021-2023. HSE makes reference to the previous discussions about the requirements for such monitoring data and the format of the monitoring data provided under HSE ref. COP 202100060.
- Data from 8 residues trials conducted at the proposed GAP on cherry. If use under crop covers is required then 8 residue trials for protected crops must also be submitted. See below for further information:

Residues trials

8 outdoor residues trials conducted at the proposed outdoor GAP and 8 protected trials conducted at the proposed protected GAP on cherries are required for any future authorisations. If trials from one of these situations of use can be proven to be the worst-case scenario then a reduced data set would be accepted for the other use. These trials must be conducted in accordance with the EU guidance document SANCO 7525/VI/95 - rev.10.3 (13 June 2017) and the relevant OECD guidelines and guidance documents as listed in Commission Communication 2013/C 95/01. All relevant crop samples must be analysed and residues determined using the correct residue definitions (for risk assessment and monitoring) using a validated method of analysis. The validation data should be generated in accordance with SANTE/2020/12830 rev. 1 and the OECD guidance document on “Pesticide Residue Analytical Methods” (OECD, 2007).

For NI, residue trials must take into account the EU guidance document SAN-TE/2019/12752.

Evidence of extraction efficiency, in accordance with SANTE 2017/10632, may need to be provided.

Additional data requirements may also be triggered depending on the outcome of the residue levels and the studies supporting them (e.g. freezer storage stability data, magnitude of residues in livestock and processed commodities).

HSE has outlined the guidance/guidelines that apply at this time. However, applicants must comply with any new guidance/guidelines that are applicable at the actual date of submission of any new application to HSE, noting different guidance/guidelines may be applicable in GB and NI.

MRLs

Further information is available on the HSE website for when a new GB MRL is required [[MRLs and import tolerances](#)]. An MRL application form must be submitted and when relevant an ER/RO must be completed. If a new MRL is required for NI, then an application will need to be submitted to an EU MS. Information on the EU process for MRL setting is available here: [Maximum Residue Levels | Food Safety \(europa.eu\)](#).

Further information

It should be noted that depending on the data requirements applied for the approval/renewal of the active, then it may be possible to support a GAP with residues data generated in compliance with Regulation (EU) No 544/2011 and the associated guidance. Information is outlined in the guidance document on the transitional measures available at the link below:

[SANTE/11509 /2013– rev. 5.2](#)

However, HSE encourages applicants to generate residues data in accordance with the requirements outlined above to help ensure the data will be accepted in any future active/product and MRL reviews.