

POLICY STATEMENT

A NEW APPROACH TO THE USE OF CERTAIN NEONICOTINOIDS ON CROPS GROWN IN ENGLAND

Summary

1. Pesticides have an important role in agriculture and other sectors, protecting crops and other valuable plants from pests, diseases and weeds. However, pesticides may pose risks to people or to the environment. For this reason, the use of pesticides is subject to strict regulation.
2. The use of some neonicotinoid insecticides in crop production has the potential to harm bees and other pollinating insects. Because of this impact on a crucial natural resource, the general use of products containing these substances is not permitted.
3. Pesticides legislation allows emergency authorisation of products that are not otherwise authorised. Emergency authorisation was granted for use of a neonicotinoid pesticide on sugar beet crops grown in England in each of the last four years under the previous government.
4. This Government is committed to ending the use in England of those neonicotinoid pesticides that are known to carry substantial risks to pollinator populations, including through the use of emergency authorisations. The neonicotinoids in question are clothianidin, imidacloprid and thiamethoxam.
5. We are today setting out plans to deliver that commitment. We will first review and update the approach to decisions on applications for emergency authorisations in England. The revised approach will be reflected in published guidance and will set out how all future decisions on emergency authorisation take full account of the importance of pollinators. We will also identify and assess potential changes to legislation that would stop the use of emergency authorisations for products containing clothianidin, imidacloprid or thiamethoxam.
6. These commitments are made by the UK Government in respect of the position in England only, because pesticide policy and regulation is devolved. A common approach to delivering on this issue is, however, highly desirable. The UK Government will therefore look to work with the devolved governments in Northern Ireland (recognising the provisions of the Windsor Framework), Scotland and Wales to seek a consistent way forward across the UK.
7. In preparing this statement, Defra Ministers have had due regard to the published environmental principles policy statement. As we deliver the approach set out here, we will continue to consider the five environmental principles to inform the detailed design of the policy.

Why the issue is important

The importance and status of pollinators

8. Pollinators add substantial economic value to crop production through improving crop quality and quantity. The economic benefits of pollination to crop production in the UK is approximately £500 million every year, based on yield. This estimate only considers direct benefits to current producer profit and does not include additional economic benefits such as reduced prices for consumers, costs avoided, and natural capital benefits/losses.

9. Wild and managed pollinators face a number of environmental pressures, which include agricultural land use change, urbanisation, pests and pathogens, invasive non-native species and climate change. Pesticides used across agricultural, rural, suburban, and urban landscapes have a range of unintended direct and indirect effects on both wild and managed pollinators.

10. The England National Pollinator Strategy, published in 2014, noted that we had limited understanding of the relative importance of these pressures and how impacts vary between different pollinator groups. However, bees and insect pollinators in general had experienced an overall decline in diversity in recent decades. Many species of butterflies and moths, the only major pollinator group for which there was evidence, had declined in abundance over the last 35 to 40 years.

11. Defra partly funds the UK Pollinator Monitoring Scheme, which is the first scheme in the world to have begun (in 2017) generating systematic data on the abundance of bees, hoverflies and other flower-visiting insects at a national scale. Data collected will help provide the means to measure trends in pollinator populations and target conservation efforts.

The use of neonicotinoids

12. Neonicotinoid pesticides are effective in controlling pests and have helped farmers to grow a range of crops with confidence. They pose less risk to people and to many animals than older classes of insecticides. However, there is evidence that many species of pollinators are in decline, both in abundance and distribution. Although there is a long list of potential causes of this decline, there is concern that certain neonicotinoid insecticides (clothianidin, imidacloprid and thiamethoxam) are, in part, responsible.

13. These neonicotinoids are highly toxic in small quantities to many invertebrates, including beneficial insects such as bees. Neonicotinoids can be present in pollen and nectar of plants grown from treated seeds making them toxic to pollinators that feed on them.

14. The half-life of the three neonicotinoids in soils varies widely, but in some situations they may remain in the soil a long time before being broken down (half-lives of over a year have been reported). Some breakdown products of neonicotinoids are themselves toxic to pollinators. Where they persist in soil,

neonicotinoids applied to crops that do not flower can be picked up by subsequent flowering crops, in-field weeds or flowers in the field margins.

15. Bees exposed to sub-lethal levels of neonicotinoids can experience problems with flight and navigation, reduced taste sensitivity and slower learning of new tasks, all of which impact foraging ability and hive productivity. This can lead to reductions in food consumption, reproduction, worker foraging activity, worker survival rates and, ultimately, colony survival.

16. The effects of neonicotinoids are likely to interact, in ways that are not well understood, with the impacts of other stressors including loss of food sources and nesting sites and the presence of parasites.

The current rules that regulate the use of neonicotinoids in plant protection

Approval and authorisation

17. Pesticides are strictly regulated under assimilated Regulation (EC) No. 1107/2009 in Great Britain and directly under Regulation (EC) No. 1107/2009 in Northern Ireland. Their general use is permitted if the active substances are approved and products containing approved active substances are authorised. Decisions are based on scientific assessment and approval and authorisation is only granted if the assessment demonstrates that using the pesticide will not harm people or animals or pose unacceptable risks to the environment. Approvals and authorisations are time-limited and are re-assessed before they can be renewed.

18. Five neonicotinoid active substances were originally approved in the UK. Of these, three (clothianidin, imidacloprid and thiamethoxam) saw their approvals restricted, and ultimately lapse, in the light of mounting evidence of risks to pollinators. Uses on a range of mostly flowering crops were withdrawn from late 2013. All other outdoor uses ended from late 2018 and approvals lapsed entirely by late 2020.

19. Of the two other neonicotinoid active substances, acetamiprid remains approved as it met all the requirements, including those relating to risks to pollinators, when it was last assessed. Thiacloprid was withdrawn in 2021 following its classification for potential risks to human health.

20. Under existing rules, clothianidin, imidacloprid and thiamethoxam would only be approved (and products containing them authorised) if new scientific evidence demonstrated acceptably low risks to the environment including risks to pollinators.

Emergency authorisation

21. The only available route to use products containing any non-approved substances in plant protection is through the emergency authorisation process. Emergency authorisations can allow, when strict regulatory tests are met, the use of plant protection products not authorised in the normal way. Emergency authorisations have been granted in recent years for use of the product Cruiser SB,

which contains the neonicotinoid thiamethoxam, on sugar beet crops grown in Eastern England. (Sugar beet is not grown commercially elsewhere in the UK).

22. Emergency authorisations are sometimes used for pesticides such as neonicotinoids that are no longer authorised and are also used where new plant protection issues arise. In either situation, the law provides that each of the following tests must be met before an emergency authorisation may be granted for the placing on the market of a plant protection product for a period not exceeding 120 days:

- (i) there must be a ***danger***;
- (ii) There must be ***special circumstances*** which make it appropriate to derogate from the standard approach to authorisations;
- (iii) the danger must not be capable of being contained by ***any other reasonable means***;
- (iv) an emergency authorisation must appear ***necessary*** because of that danger;
- (v) an emergency authorisation may allow only ***limited and controlled*** use of the plant protection product.

23. Guidance for those applying for emergency authorisation is published by the Health and Safety Executive and can be found at [Guidance on article 53 emergency authorisation applications \(hse.gov.uk\)](https://www.hse.gov.uk/guidance/emergency-authorisation-applications.htm). It details the information to be provided by applicants and the manner in which applications will be considered.

Geographical scope

24. Pesticides policy and regulation are devolved. In Great Britain, the Secretary of State (England), the Welsh Ministers, and the Scottish Ministers are responsible for deciding whether an emergency authorisation should be granted in their respective territories. In Northern Ireland, the Department of Agriculture, Environment and Rural Affairs is responsible for deciding whether an emergency authorisation should be granted. The UK and devolved governments recognise that a shared approach is helpful to ensure regulatory coherence and the Common Framework for chemicals and pesticides sets out how the four governments will work together.

25. In practice, HSE considers applications for emergency authorisations on behalf of all four countries of the UK under the terms of Agency Agreements. HSE may take the final decision on an application, or Ministers may opt on a case-by-case basis to take the decision themselves (for example, previous Defra Ministers took the decisions on the approval of Cruiser SB).

What the UK Government will do

26. As outlined above, there are already a number of measures to protect pollinators from risks posed by pesticides. We will take two further steps to prevent the use of neonicotinoid pesticides containing clothianidin, imidacloprid or thiamethoxam.

27. We will first review the current guidance on emergency authorisations to ensure that the existing legislation can be consistently applied in a manner that takes full account of the importance of pollinators and the risks they may face if emergency authorisation is granted.

28. We will also identify and assess potential changes to legislation that would stop the use of emergency authorisations for neonicotinoid products containing clothianidin, imidacloprid or thiamethoxam. We will do so in full consultation with the Devolved Governments.

(i) Application of emergency authorisation rules

29. The existing legislation provides five tests (listed at paragraph 22) that must be met before an emergency authorisation can be granted. Taken together, they should ensure that emergency authorisations are only given in certain narrow circumstances. Emergency authorisations should not undermine the overarching aim of the legislation to ensure a high level of protection of both human and animal health and the environment.

30. We will ensure that the guidance provided to applicants spells out clearly how the decision maker will apply these tests in relation to potential risks to pollinators. The requirement that emergency authorisation is “necessary” to address the identified danger is particularly relevant in this respect. The test means that the benefits of using the pesticide must outweigh the potential adverse impacts (including adverse effects on pollinators) of its use. We will expect applicants to provide clear evidence on benefits and risks to pollinators that will allow this judgement to be made. The guidance will make clear that the decision maker will ensure that this evidence is given full weight.

31. Experience suggests that there are likely to be significant uncertainties in terms of both the benefits and risks. The guidance will set out how we will consider and attach appropriate weight to these uncertainties. This will include setting out the role of the precautionary principle, which can be applied where there are uncertainties, including uncertainties in the scientific evidence on risks to pollinating insects.

(ii) Consider potential legislative options to protect pollinators

32. The approach to applying the rules for emergency authorisations and the approach to assessing risks to bees will set a very high bar for allowing any use of neonicotinoid pesticides that threaten bee populations.

33. We will identify and assess potential legislative options that would stop the use of emergency authorisations for products containing clothianidin, imidacloprid or thiamethoxam.

Seeking agreement with other administrations within the UK

34. Recognising the devolved nature of pesticides regulations, the UK Government will seek to agree revisions to the guidance on emergency

authorisations with the devolved governments - so that there continues to be common guidance across the UK. We will also work with the devolved governments to identify and assess potential options for legislation, mindful of the importance of supporting regulatory coherence and enabling the functioning of the UK Internal Market.

What does this mean for pesticide users?

35. We recognise that pesticides are currently considered a necessity for many. The approval and authorisation rules are there to assess the risks from pesticide use and to permit the use of those that are sufficiently safe.

36. Emergency authorisations have a place in filling crucial gaps in the availability of pesticides. Because they are a derogation from the normal authorisation requirements, their use should be kept to the absolute minimum and should not undermine the protection of health and the environment. The changes we will make may mean that emergency authorisations are occasionally refused that might have been granted under the current arrangements.

37. In the sugar beet sector, there has been recent progress in work to develop alternatives to Cruiser SB. This includes: development of new grower practices; improved seed germination; new resistant crop varieties; and new non-neonicotinoid pesticide sprays. The UK Government has provided research funding through the Farming Futures Fund to look at the potential for precision breeding in producing virus-resistant varieties. We are committed to working with stakeholders to support the growers to succeed without neonicotinoids.

38. The Government is also committed to developing and supporting the adoption of measures, such as Integrated Pest Management, that can help farmers and others move away from reliance on pesticides in general and specific products. Work in this area is being developed and will be announced in due course.