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3rd November 2011

From Richard Benyon MP
Minister for Natural Environment and Fisheries

Dear Mr Thorp

Asulam and bracken control

Following Lord Henley's move to the Home Office, I have taken on responsibility for pesticide issues within Defra. I wanted to make contact with you about the issue of the use of asulam in bracken control, in which I know you have been actively involved.

Bracken control is vital to the protection of heather moorland and other valuable and sensitive habitat, including many areas with protected status. In turn, asulam is sometimes the only means of bracken control that is practical and can be used without significant harm to other species. The unique position of asulam is well demonstrated by the fact that bodies such as Natural England and Butterfly Conservation have joined landowners, farmers and forestry interests in supporting its continuing availability.

As you know, the UK carried out the initial assessment of asulam for the EU review. Our experts were of the view that the safety data supplied by the company was sufficient to allow asulam to be approved with appropriate restrictions and requirements for confirmatory data. Despite considerable efforts we were, however, unable to persuade Europe to take this view.

This is highly regrettable but need not be the end for the use of asulam in the UK, provided that the manufacturer and users remain committed to finding a solution. The manufacturer's commitment is particularly important and so I am pleased that United Phosphorus Ltd (UPL) have stated their intention to submit a fresh application for EU approval. This will, of course, need to address the concerns raised by the European Food Safety Authority which formed the basis for the refusal of the previous application. Officials in the Chemicals Regulation Directorate (CRD) of HSE can provide advice to UPL on the preparation of this application if that would be helpful.

Whilst it will take several years to process an application in the EU system, in the interim it will be possible for emergency authorisations to be issued by the UK on the basis of an application stating the case for safety and for need. CRD officials are awaiting new EU guidance for emergency authorisations, which is scheduled for adoption in November. Once this is in place, CRD will draw up and issue specific guidance for asulam, explaining what is needed and how stakeholders can best co-ordinate their activities so that only a small number of applications are required.

Clearly, this is a more complicated situation than we would have faced if asulam had been approved. However, it does offer a way to continue to combat bracken in an effective manner.

I know that Lord Henley valued the efforts that the Heather Trust and other key stakeholders made to retain the use of asulam. I welcome the development of the Bracken Control Group – under your co-ordination - as a continuation of this united approach, looking both at the particular issue of asulam and at the wider issue of effective bracken control.

I look forward to continuing our co-operation in the future.

Yours sincerely

Richard Benyon

RICHARD BENYON MP