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From: [REDACTED]  
SASA Plant Health  
22 June 2021

Minister for Environment, Biodiversity and Land Reform

**POTATO CYST NEMATODE (PCN) – FUNDING FOR WORKING GROUP RECOMMENDATIONS**

**Purpose**

1. To request that you consider the funding options to support the PCN working group's recommendations that were agreed in principle by Mr Macpherson, as Minister RANE, during the last parliamentary period.

**Priority**

2. **Routine** – Although a decision by return will allow the work to commence this growing season.

**Background**

3. As Minister RANE, Ms Gougeon, asked the Plant Health Centre (PHC) in June 2020 to work with industry, science and policy stakeholders to agree the short-, medium- and long-term actions required to safeguard Scotland's bulb and potato sectors from the devastating long-term impacts of PCN. The final report is attached and summarised in Annex B.

4. PCN produces persistent cysts which can survive in the soil for decades and farming practices mean that they are easily transferred to non-infested soil, yet they are very difficult to control. Scottish seed potato and bulb sectors are annually worth £112m and £7m, respectively, to the rural economy. **It is predicted that if co-ordinated action is not taken now, Scotland's bulb and potato industries may no longer be viable in the next 30 years due to the loss of contaminated land.**

5. This government-directed initiative, led by the PHC, is the first time that co-ordinated action across industry, science and policy has agreed a strategy to bring around the changes required to mitigate against the spread of PCN and preserve the long-term sustainability of our bulb and potato industries.

6. As Minister RANE, Mr Macpherson agreed in principle that the Scottish Government should support the report's recommendations.

**Funding commitment**

7. The 5-year collaborative strategy is budgeted at £2.065m (Annex C), comprising £1.065m for MRP-led activities and £0.7m for industry-led activities. Whilst leverage will be sought wherever possible, Scottish Government funding is essential to see the recommendations through to fruition. SASA will also collaborate

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on the project, but these activities will be provided through existing SG budgets and in-kind leverage.

8. MRP activities: SG's RESAS Division has confirmed that the MRP funding could, in principle, be funded through the Strategic Research Programme (SRP) budget. However, any such re-prioritisation of SRP resources would involve other plant disease research being delivered through MRP institutes being cut correspondingly across the 5-year programme. MRP stakeholders have already raised concerns about this option as they do not consider it is adding any new funds to tackle the significant PCN challenge via the PCN recommendations package.

9. Industry activities: The PHC is making enquiries to find external funding partners and there will be in kind leverage from industry where possible, but these options are unlikely to fully support the package of actions necessary to adequately safeguard these industries. No SG budgets can currently meet this cost, without Ministerial intervention to re-allocate funds. As the RESAS SRP budget funds SG's MRP organisations, this budget cannot be used to fund the industry research recommended in the report.

10. If this work is to be funded, two options exist:

- A. With Ministerial approval, officials can discuss funding possibilities with finance officials to cover **both the MRP and industry funding** needs, whether that be from new or re-allocated existing budgets, thereby reducing the impact on the MRP institutes and the research they deliver.
- B. With Ministerial approval, officials can discuss funding possibilities with finance officials to cover **only the industry funding** needs, whether that be from new or re-allocated existing budgets, with the MRP-funding being met through RESAS' SRP budget, noting the resulting impact on plant disease research.

### Proposed position

Due to the importance of the potato and bulb industries to Scotland's rural economy, we are suggesting that you agree in principle to SG funding the 5-year PCN improvement work, subject to subsequent spending reviews.

To maintain adequate resource for plant disease research over the next 5 years, option A would be the preferred funding route, with option B as a back-up if alternative funding is not sufficient to cover both industry and MRP funding requirements.

### Recommendations

- That you decide that the SG should fund this PCN project over 5-years, in principle, subject to subsequent spending reviews.
- That you advise officials on your preferred option (A or B) to fund this work starting in 2021 and authorise them to seek suitable funds to cover this work package.

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Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constituent Interest	General Awareness
Cabinet Secretary for the Rural Affairs and Islands			x		
Cabinet Secretary for Net Zero, Energy and Transport					x
Director ARE Director ENFOR CSA ENRA Simon Fuller [REDACTED] [REDACTED] Gerry Saddler [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]					

### **Background information on the Ministerial PCN working group**

Industry stakeholders, including Archie Gibson (CEO of Agrico and SG's Agriculture Champion) voiced significant concern over the long-term impact on PCN on Scottish potato and bulb production during one of Ms Gougeon's routine roundtable meetings.

The key concern was that PCN levels are increasing year on year and the cysts produced can remain viable in soil for decades so, in approximately 30 years' time, it may be no longer viable to produce potato and bulb crops in Scotland.

Ms Gougeon asked for a PCN roundtable meeting to be held to discuss the issue with all relevant stakeholders. This meeting was held on 11<sup>th</sup> June 2020.

During the meeting, Ms Gougeon asked for recommended short, medium and long-term actions to improve the sustainability of these sectors. The SG funded Plant Health Centre (PHC) was asked to lead on this work and they did so by forming various working groups with stakeholders from industry, policy and science to explore the issues and agree a way forward.

Along with a main working group, four subgroups were formed covering policy and economics, Integrated Pest Management (IPM) and diagnostics, Resistance and Breeding, and Knowledge Exchange and Communication.

The PHC issued a final report which was shared with Ms Gougeon and stakeholders in December 2020. Since then the withdrawal of the PCN control agent, Vydate, has been confirmed, further impacting these industries.

## Summary of the PCN report

From the PHC's report, four key actions have been suggested by stakeholders:

### **A. Increase the potato sector's capability and motivation to implement change**

Provide a clear plan and ongoing education to ensure that change occurs, including i) a national (evidence based) strategy and ii) a dedicated KE and communication support package.

### **B. Preserve the land base for future generations**

Instigate clear key actions to ensure that the spread of PCN into new areas of land is halted, including i) special status for land found free from PCN, ii) new incentives or the conditional use of existing incentives for keeping soil free from PCN, iii) land retesting to free up land for (PCN resistant) seed production and iv) the extended use of diagnostics for PCN management.

### **C. Control the epidemic**

Where PCN has been identified, make available a range of tools and actions for land managers for the long-term sustainable control and management of PCN in soils, aligned with the government's IPM ambitions, including i) improved acceptance of currently available resistant / tolerant varieties, and the development and commercialisation of new varieties, ii) improved use of decision support systems (DSS) to maximise the use of these varieties, iii) expanded use of commercial diagnostics to better manage infested land, and iv) development and testing of integrated pest management (IPM) tools.

### **D. Recognise the investment needed to tackle the PCN problem**

Invest in the tools to tackle PCN in Scotland and protect against the downstream income losses, with priorities for financing being i) an extensive programme of knowledge exchange; ii) the purchase of GPS equipment for potato inspectors (with an upfront cost of ca £60K plus £10K per year); and iii) accelerate the ongoing resistance marker development work (cost of ca £600K over 5 years).

Short-term actions (within the next year) include a detailed economic assessment comparing a 'do nothing' approach against interventions outlined in the report, together with a better understanding of future PCN spread. This will help to develop a national strategy for PCN, with changes in legislation, financial incentives and an extensive programme of knowledge exchange helping to protect PCN-free land and increase grower and land-owner awareness of the issues.

Medium term actions (within 2-3 years) will see improved management of groundkeepers (rogue potatoes that grow in a field following a potato crop) while fighting to retain essential herbicides (including glyphosate) to enable this to take place. To allow this management to happen, and enable more accurate PCN soil sampling, both statutory and commercial diagnostics will be ramped up and inspectors given the GPS tools to more precisely map the coordinates of land where Potato Cyst Nematode (PCN) and the future of potato production in Scotland

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further actions are required. Existing resistance markers will be improved for use in breeding programmes, better methods will be developed to assess tolerance, and decision support systems and existing IPM strategies will be tested.

Longer term actions (beyond 3 years) will see a coordinated breeding programme introduced as well as new resistance markers and IPM tools developed.

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## Funding breakdown

Action	Total Cost			MRP research portion of cost			Industry research portion of cost		
	Total cost 2021-22	Total cost 2022-23	Over 5 years	2021-22	2022-23	Over 5 years	2021-22	2022-23	Over 5 years
KE	65	130	455	65	130	455	-	-	-
Improved groundkeeper control	90	90	350	-	5	20	90	85	330
Impact of glyphosate	10	-	10	10	-	10	-	-	-
Location precision (GPS)*	-	-	-	-	-	-	-	-	-
Resistance markers	120	120	600	120	120	600	-	-	-
Decision Support System (DSS)	95	95	475	15	35	155	80	60	320
Tolerance testing	30	15	75	30	15	75	-	-	-
Soil amendments (chitin)	10	10	50	-	-	-	10	10	50
National Strategy*	-	-	-	-	-	-	-	-	-
Economic analysis	50	-	50	50	-	50	-	-	-
<b>TOTAL</b>	<b>470</b>	<b>460</b>	<b>2065</b>	<b>290</b>	<b>305</b>	<b>1365</b>	<b>180</b>	<b>155</b>	<b>700</b>

Approximate costs of actions from the Potato Cyst Nematode working group report together with the estimated split between academic and industry. 2021-22 totals marked in red.

\* = work to be funded by SASA alone; no additional funding requested.

**PCN roundtable members:**

SG

Minister for Rural Affairs and the Natural Environment  
Gerry Saddler, SG, Head of SASA and Chief Plant Health Officer (Chair)  
[REDACTED], SG, Head of Virology and Zoology  
[REDACTED], SG, Potato Nematologist - Virology and Zoology  
[REDACTED], SG, Head of Potato  
[REDACTED], SG, Seed Potato Classification Scheme and Export Manager  
[REDACTED], SG, Policy  
[REDACTED], SG, Policy  
[REDACTED], SG, Policy  
[REDACTED], SG, Horticultural Marketing Unit  
[REDACTED], SG, Plant Health Sciences

Industry

[REDACTED], Grampian Growers  
[REDACTED], NFUS  
[REDACTED], BPTA representative  
[REDACTED], Agrico and Agriculture Champion  
[REDACTED], Scottish Agronomy  
[REDACTED], Potato Consultant  
[REDACTED], Branston  
[REDACTED], McCain  
[REDACTED], Soil Essentials  
[REDACTED], Albert Bartlett  
[REDACTED], Albert Bartlett  
[REDACTED], AHDB  
[REDACTED], Grewar Farm  
[REDACTED], Lourfarms  
[REDACTED], R and N Cessford  
[REDACTED] - STET  
[REDACTED], DC Pate  
[REDACTED], Mertoun Farm  
[REDACTED], NFUS

Research:

[REDACTED], PHC  
[REDACTED], PHC  
[REDACTED], SRUC  
[REDACTED], JHI  
[REDACTED], AHDB

**From:** [REDACTED]

**Sent:** 08 December 2021 12:12

**To:** Minister for Green Skills, Circular Economy and Biodiversity

**Cc:** Cabinet Secretary for Rural Affairs and Islands; Cabinet Secretary for Net Zero, Energy and Transport; Minister for Environment and Land Reform; DG Net Zero; Director of Agriculture and Rural Economy; Saddler G (SASA); Huyton H (Harry); Higgins K (Kate); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

**Subject:** OFFICIAL SENSITIVE: Pre-release national statistics - DO NOT FORWARD - SASA pesticide usage reports 2020

**Subject:** OFFICIAL SENSITIVE: Pre-release national statistics - DO NOT FORWARD - SASA pesticide usage reports 2020

Minister for Green Skills, Circular Economy and Biodiversity

Copy: As above

Results of two Pesticide Usage Reports from SASA will be published at **9:30am on Wednesday 15th December 2021**:

Please see the following attachments;

1. A Ministerial submission
2. National Statistics publications
  - 2.1. Arable Crops and Potato Stores 2020
  - 2.2. Soft Fruit Crops 2020

Following advice from the Office of the Chief Statistician last year we are not producing a statistical news release.

Please note lines are being prepared separately by the communications team and SpAds are still to comment.

Priority marking is **routine**.

*National statistics - please treat as restricted, for the named individuals or identified post holders only. Not for sharing with anyone else, not to be used in other documents, not to be saved in a shared file before publication on **Wednesday 15th December 2021**.*

*You are being given access to these documents for the sole purpose of ensuring that Ministers can comment on an informed basis at the time of release.*

*If you think you need to discuss and share with anyone not on the circulation list contact me. Any accidental or wrongful release should be reported to me immediately and may lead to an investigation. Wrongful release includes indications of the content or the trend of the figures, including descriptions such as 'favourable' or 'unfavourable'.*

*You are given access to these statistics under the Pre-release Access to Official Statistics (Scotland) Order 2008. The above is a summary of the statutory conditions which you as a recipient of pre-release access official statistics must follow.*

Regards

[REDACTED]

[REDACTED]

**Pesticide Usage Survey Manager – Pesticide Survey Unit**

**SASA**

Roddinglaw Road, Edinburgh, EH12 9FJ, UK

**T:** [REDACTED] | **M:** [REDACTED]

**E:** [REDACTED] | **W:** [www.sasa.gov.uk](http://www.sasa.gov.uk)



Ministerial  
Submission 2020 Pes

From: [REDACTED]  
SASA, ARE  
8 December 2021

Minister for Green Skills, Circular Economy and Biodiversity

**PUBLICATION OF TWO REPORTS ON PESTICIDE USAGE IN SCOTLAND:**

- **ARABLE CROPS AND POTATO STORES 2020**
- **SOFT FRUIT CROPS 2020**

**Purpose**

1. To inform the Minister for Green Skills, Circular Economy and Biodiversity of the publication of two reports on pesticide usage in Scotland. The two reports are for arable crops and potato stores, and soft fruit crops and to provide pre-release access to these statistics.

**Priority**

2. **Routine.** Publication of these results has been pre-announced.

**Please treat the attached statistics and any indication of the results as restricted until their public release at 09:30am on Wednesday 15th December 2021.**

**Background**

3. The Scottish Government is required by legislation to carry out surveillance of pesticide use. This is conducted by the Pesticide Survey Unit at SASA, a division of the Scottish Government's Agriculture and Rural Economy Directorate. As part of this programme a survey of pesticide usage in arable crops and potato stores, and on soft fruit crops harvested in 2020 were conducted. The sampled data have been used to estimate total pesticide use on these crops.

**Detail**

4. The main findings are:

**Arable Crops and Potato Stores 2020**

- Overall pesticide application in 2020 remained broadly similar to that reported in the previous survey in 2018.
- Pesticides were applied to 99% of the arable crop area. The estimated total area of arable crops treated with a pesticide formulation (area grown multiplied by no. of treatments) was 4,792,843 ha with a combined weight of 1,372 tonnes.
- Data collected from growers about their Integrated Pest Management (IPM) activities showed that growers were using a variety of IPM methods in relation to risk management, pest monitoring and pest control. This dataset is the second in this series of surveys of IPM measures on arable crops, allowing the adoption of IPM techniques to be monitored. There was a significant increase in the use of IPM plans in 2020, with 72% of growers having an IPM plan compared to 24% in 2016. It is likely

that the increased uptake of IPM plans by growers reported in 2020 has been influenced by the introduction of a requirement to produce a plan by the most widely used UK farm assurance schemes.

- In relation to pesticide use on stored potatoes, the proportion of seed potatoes treated with a pesticide in 2020 was 39 per cent, this is within the range of estimated use in previous surveys (28 per cent treated in 2018 and 47 per cent treated in 2016 and 2014). However, the proportion of stored ware potatoes treated with a pesticide was six per cent, approximately half that of the 13 per cent in 2018 and 11 per cent in 2016.

### **Soft Fruit Crops 2020**

- Overall pesticide application to soft fruit crops was slightly higher in 2020 than reported in 2018 in terms of area treated but slightly lower in terms of weight applied. The different trends between these two metrics may have been influenced by the large increases in use of biological control agents which play an important part in growers Integrated Pest Management programmes. Invertebrate biological control agents are applied by number or organisms rather than weight, therefore only the area treated is recorded, not the weight applied.
- The estimated total area of soft fruit crops treated with a pesticide formulation (area grown multiplied by no. of treatments) was ca 35,950 ha with a combined weight of ca. 17.2 tonnes. Pesticides were applied to 90% of the soft fruit crop area.
- Data collected from growers about their Integrated Pest Management (IPM) activities showed that growers were using a variety of IPM methods in relation to risk management, pest monitoring and pest control. This dataset is the second in this series of surveys of IPM measures on soft fruit crops, allowing the adoption of IPM techniques to be monitored. There was an increase in the use of IPM plans in 2020, with 48% of growers having an IPM plan compared to 18% in 2016. It is likely that the increased uptake of IPM plans by growers reported in 2020 has been influenced by the introduction of a requirement to produce a plan by some key farm assurance schemes.

### **Presentation**

5. There have previously been no notable handling issues associated with the release of these publications.
6. Discussions will take place with policy and communications colleagues on lines to take and any required policy interpretation of these statistics.

### **Recommendation**

7. To note the content of the Statistical Publication

[REDACTED]

Pesticide Usage Survey Manager, SASA  
Agriculture and Rural Economy Directorate  
Tel: [REDACTED]

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Environment and Land reform Cabinet Secretary for Rural Affairs and Islands Cabinet Secretary for Net Zero, Energy and Transport			X		

DG NZET  
 Director ARE  
 Gerry Saddler  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 Harry Huyton  
 Kate Higgins  
 [REDACTED]

**From:** [REDACTED] **On Behalf Of** Minister for Environment, Biodiversity & Land reform

**Sent:** 23 June 2021 11:20

**To:** [REDACTED]; Minister for Environment, Biodiversity & Land reform; Cabinet Secretary for Rural Affairs and Islands

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport; Director of Environment & Forestry; Director of Agriculture and Rural Economy; Chief SA Environment Natural Resources and Agriculture; Fuller S (Simon); [REDACTED]; [REDACTED]; Saddler G (SASA); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];

**Subject:** RE: Submission - Potato Cyst Nematode - working group recommendations

Hi [REDACTED]

Ms McAllan is content to proceed – via Option A.



For decision -  
Submission on PCN w

Thanks

[REDACTED] | **Private Secretary to Màiri McAllan MSP, Minister for Environment, Biodiversity and Land Reform** The Scottish Government | Web: [www.gov.scot](http://www.gov.scot)

Tel: [REDACTED] | Mobile: [REDACTED] | Email: [REDACTED]

**From:** [REDACTED]

**Sent:** 22 June 2021 10:13

**To:** Minister for Environment, Biodiversity & Land reform; Cabinet Secretary for Rural Affairs and Islands

**Cc:** Cabinet Secretary for Net Zero, Energy and Transport; Director of Environment & Forestry; Director of Agriculture and Rural Economy; Chief SA Environment Natural Resources and Agriculture; Fuller S (Simon); Saddler G (SASA)

**Subject:** Submission - Potato Cyst Nematode - working group recommendations

Minister EBLR,

**Potato Cyst Nematode (PCN) - working group recommendations – request for funding decision**

Please find attached a submission on funding options to protect the long-term sustainability of Scotland's potato and bulb sectors from Potato Cyst Nematode. All relevant information is summarised in the submission, but the Plant Health Centre's final report and Mr Macpherson's letter are attached for further background.

Many thanks,

[REDACTED]

[REDACTED]

Head of Plant Health Sciences Branch  
Scottish Government - SASA

Roddinglaw Road | Edinburgh | EH12 9FJ  
Mobile: [REDACTED]



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From: [REDACTED]  
ARE: SASA  
30 June 2021

Minister for Environment, Biodiversity and Land Reform  
Cabinet Secretary for Rural Affairs  
Cabinet Secretary for the Constitution, External Affairs and Culture

## **GLYPHOSATE MRL FOR CORN GROMWELL**

### **Purpose**

1. To invite you to consider the recommendations of the Health and Safety Executive (HSE) and agree that a new GB maximum residue level (MRL) for glyphosate can be implemented and the Extension of Authorisation for Minor Uses (EAMU) for corn gromwell granted.

### **Priority**

2. Routine.

### **Background**

#### Plant Protection Products

3. Plant Protection Products (PPPs) are pesticides that are used to protect crops or desirable plants, regulate plant growth or prevent growth of unwanted plants. They are primarily used in the agricultural sector but also in forestry, horticulture, amenity areas and in home gardens. For example, they play a fundamental role in UK farming and the provision of food, keeping the transport infrastructure clear of weeds, maintaining public spaces and controlling invasive species. However they can have the potential to have negative impacts on human health and the environment, therefore it is necessary to ensure that a robust regulatory regime is in place.

#### Governance structure

4. PPP policy is an area devolved to the Scottish Government, however competent authority functions are delegated to HSE, via agency agreements, to carry out on our behalf. Scottish Ministers remain the competent authority in this area and ultimately retain the power to take decisions on pesticides for Scotland independently to other parts of the UK, should that be so desired. There is however broad agreement that continuation of a common approach between the four UK administrations is desirable, where possible and appropriate in each individual case.

## Maximum Residue Levels

5. A Maximum Residue Level (MRL) is the highest level of pesticide that is allowed in a particular foodstuff. When a pesticide is authorised for use, MRLs are set for each crop on which it is permitted to be used and for animal products derived from animals that may be fed treated crops. MRLs reflect the highest residue level that is expected to result from the correct use of the pesticide. They are calculated according to a standard methodology. MRLs are not safety limits and are always set below, often far below, levels that would present a risk to consumers.

## Pesticides regulatory regime following EU Exit

6. Following EU Exit, GB is operating a pesticides regime independently from the EU. Under the GB regime, the national authorities in GB are responsible for setting MRLs based on our own assessments. In converting the EU provisions into national requirements, it has been necessary to ensure it is practicable and realistic for the UK acting alone to deliver a domestic regime, while maintaining effective consumer and operator protection and environmental standards.
7. Applicants need to make separate applications under the GB and EU regimes in order to obtain access to both markets. It is these applications which largely determine what decisions must be made and at which time. There is no guarantee that applicants will always apply under both the EU and GB regimes and therefore the decisions which are being made cannot always be coordinated.
8. Furthermore, decisions must be made on the information and evidence available to the relevant regulators at that time which may result in different final conclusions or recommendations. A decision cannot be implemented in GB simply because it has been implemented in the EU. As set out in retained EU legislation, decisions must be based on information and evidence presented to the regulator. Any decision made solely to reflect action in the EU may be challengeable in court on the basis that the principles of administrative law had not been properly adhered to.
9. Additional information is included at Annex A.

## Scottish Government position on the use of pesticides

10. To date the Scottish Government position has been that we follow an evidence-led approach to pesticide regulation and that products should be authorised on a case by case basis where the available scientific evidence shows they do not pose unacceptable risks to human health, animals and the environment.

## Glyphosate

11. Glyphosate is an active substance approved for use in plant protection products. It is used in Scottish agriculture and in amenity settings for weed control and as a pre-harvest desiccant for cereal, oilseed and leguminous crops – its use for desiccation ensures even ripening, particularly beneficial in our wetter climate, and reduces costs and energy use associated with grain drying.
12. Information on the EU position on glyphosate is included at Annex B.
13. Information on the importance of glyphosate use in Scotland is included at Annex C.

### **New EAMU for glyphosate on corn gromwell**

14. Until recently corn gromwell was considered an invasive weed, however in Scotland, and other parts of the UK, where it is native, it is now being grown as a crop. Research has shown that its seeds are extremely high in omega-3 and omega-6 fatty acids which are necessary to support the human nervous, cardiovascular and immune systems.
15. The oil in corn gromwell is extracted and used as a dietary supplement marketed as Ahiflower Oil. It has been reported as being a possible new 'wonderfood' especially for vegetarians, vegans and those concerned about the sustainability of marine oils, with a more viable and 'turbo-charged' source of essential fatty acid. Corn gromwell is considered to work well in rotation with barley and wheat bringing plant health and biodiversity benefits.
16. In 2015 the Health and Safety Executive (HSE) received an application for a new extension of authorisation for minor use (EAMU) for glyphosate on corn gromwell. This use was fully supported and recommended for authorisation by all specialist areas, however the maximum residue level (MRL) in force (0.1 mg/kg) did not accommodate the new use on corn gromwell. HSE therefore prepared an evaluation report to raise the MRL and submitted this to EFSA, as was standard practice while the UK was an EU Member State.
17. The EFSA reasoned opinion on the new MRL was published in April 2016 and endorsed the HSE recommendation to raise the MRL for borage (corn gromwell is a very minor crop and is covered by the MRL for borage seeds) to 10 mg/kg. The European Commission has not implemented the new MRL as it is waiting on the outcome of a wider MRL review. A decision on the MRL review is still pending and therefore requests to amend specific MRLs have not been taken forward.

18. Based on the outcome of the risk assessment, all the preconditions for raising the MRL have been met. HSE therefore recommends the adoption of the new GB MRL for glyphosate on borage and granting the authorisation for corn gromwell in GB.
19. If the MRL is not increased then the EAMU cannot be granted and products containing glyphosate cannot be used on corn gromwell. Failing to increase the MRL and grant the EAMU would be a shift in the Scottish Government position of following the evidence-led regulatory process. This deviation could set an expectation of precedent for future pesticide decisions, of which there will be many, including in relation to other decisions on glyphosate in the future.

## **EU Alignment**

20. The most recent manifesto has a commitment to '*continue to adhere to EU standards and rules on pesticides*'. Agreeing to HSE's recommendation is in line with the manifesto commitment because all relevant EU pesticides legislation has been retained in GB law and the same regulatory requirements currently in place under the EU regime are being used to determine decisions by, and recommendations from, HSE.
21. MRLs were aligned with the EU at the end of the Transition Period however some degree of divergence should be expected going forward as we will be taking independent decisions, often at different times to the EU. As set out in retained EU legislation, decisions must be based on information and evidence presented to the regulator.
22. In agreeing to the MRL proposed by HSE, Scotland would demonstrate continuing policy alignment with the EU as we have followed the EU process for determining MRLs and have reached a conclusion which has been endorsed by EFSA – albeit not yet implemented by the Commission.

## **Recommendation**

23. It is recommended that you:
- note the contents of this submission;
  - agree to a raised glyphosate MRL for borage to allow an EAMU for glyphosate on corn gromwell to be granted; and
  - note that such an approach aligns with EU policy on determining how decisions on MRLs should be reached.

[REDACTED]  
ARE: SASA

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constituent Interest	General Awareness
Cabinet Secretary for Net Zero, Energy and Transport			X		
Deputy First Minister					X

DG Economy  
 Director of Agriculture and Rural Economy  
 Director of Environment and Forestry  
 Gerry Saddler  
 [REDACTED]  
 [REDACTED]  
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 Alison Coull  
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 Communications Net Zero and Rural Affairs  
 [REDACTED]  
 Ewan Crawford  
 Leanne Dobson

## Pesticides regulatory regime following EU Exit

1. While the UK was a member of the EU, the marketing and use of PPPs was subject to EU regulations. The EU regime is designed to work in the context of EU membership with a reliance on EU decision making processes; the sharing of workloads among member states; performance of functions by EU institutions, and EU regulatory powers that give effect to decisions.
2. Using the European Union (Withdrawal) Act 2018 powers UK statutory instruments (SIs) corrected retained EU law to ensure a working domestic regulatory regime after exit from the EU. A stand-alone domestic regime has been created which enables GB to take decisions on the approval and renewal of active substances and authorisation of plant protection products that are considered justified on the basis of scientific assessment and evidence using the same criteria that are currently applied throughout the EU. Thus ensuring that GB is able to properly safeguard human health and the environment, whilst permitting appropriate use of PPPs.
3. A key part of the process by which PPPs are authorised is an assessment of the risks to consumers. There are robust controls which govern the level of residues that are permitted in food. MRLs reflect the highest amount of residues expected in food when PPPs are applied correctly and in accordance with authorised conditions of use. It is important to note that MRLs are not safety limits and are always set below, often far below, levels that would present a risk to consumers.
4. MRLs apply to all foods placed on the EU and UK markets, irrespective of where they have been produced. They facilitate trade in treated produce by providing assurance to the regulator that PPPs have been used properly. As there is a high level of public interest in food safety, annual control and monitoring programmes provide additional reassurance to consumers to enable them to buy food stuffs with confidence. Official monitoring is important to enable the regulator to check that food meets the required standards, that unauthorised pesticides have not been used and that consumer safety is assured.
5. As with the assessment of active substances used in the formulation of PPPs, while the UK was a member state, decisions on setting MRLs were taken at EU level following Member State assessments. Again, UK SIs amended retained EU law relating to MRLs to repatriate functions back to the UK and ensure legislation is operable in a domestic context. Repatriated functions include: measures applying to the evaluation and setting of MRLs; rules governing the marketing of goods to ensure compliance of MRLs; measures governing the review of MRLs; and measures governing national programmes for monitoring residues in foods placed on the market.
6. Under the EU regime, decisions on active substances and MRLs are given effect through EU tertiary legislation. There is an ongoing flow of regulatory decisions which need to be put into effect, with the EU producing upwards of 50 Regulations per year. EU mechanisms to give effect to decisions are no longer operable in GB and EU arrangements have been replaced by establishing an administrative mechanism to give effect to GB decisions on active substances and MRLs in an efficient and timely way, by means of statutory registers which are published online.
7. Under the terms of the Withdrawal Agreement and Northern Ireland Protocol, EU legislation, including decisions on MRLs, continues to apply in Northern Ireland.

## EU position on glyphosate

### Active Substance Renewal

1. Glyphosate is currently approved in the EU until 15 December 2022.
2. The current decision on approval of glyphosate followed very thorough assessments by both European independent scientific regulatory bodies; the European Food Safety Authority (EFSA) and the European Chemicals Agency (ECHA). Both concluded that all requirements for approval were met, confirming this view following a review of the work of the International Agency for Research into Cancer (which had previously concluded that glyphosate should be classified as probably carcinogenic to humans).
3. ECHA concluded that glyphosate should not be classified as a carcinogen and concluded that no aspect of the hazard associated with glyphosate use would prevent approval. EFSA also concluded that glyphosate is unlikely to pose a carcinogenic hazard to humans. UK experts participated in this work and agreed with the conclusions. The UK, including Scotland, therefore supported approval.
4. Given the timeline for the expiry date of glyphosate of 15 December 2022, the process for further renewal has already commenced. Four Member States (France, Hungary, the Netherlands and Sweden) were appointed by the European Commission, to act jointly as rapporteurs for the assessment of the application and comprehensive dossier for renewal of glyphosate. The competent authorities of the four Member States make up the Assessment Group on Glyphosate (AGG). The AGG's [draft Renewal Assessment Report](#) was published on 15 June 2022. It has concluded that glyphosate meets the approval criteria for human health,
5. There is still a way to go until the EU deliver a decision on the periodic review of the approval for glyphosate, this includes EFSA undertaking a public consultation, their own peer review of the task force's assessment and a vote by Member States at Standing Committee. However conclusions from the AGG do not raise any concerns for the current approval in GB and supports the HSE recommendation that there are no risks for UK consumers from raising the MRL for corn gromwell.

### MRLs

6. At EU level, decisions on MRLs are subject to scrutiny by the European Parliament, which is able to block changes. The previous European Parliament had a conservative view on the risk of pesticide use in general, and on glyphosate in particular. As such the Commission decided that no MRLs for glyphosate could be implemented prior to conclusions being delivered on a wider MRL review which was being undertaken, in anticipation that they could be rejected by the Parliament. This was a political, rather than a safety or evidence-led stance. The current Parliament has not taken a more favourable view than its predecessor and an EU decision on the MRL review is unlikely to be brought forward for parliament's approval any time soon.
7. Under the independent GB pesticides regime, GB is responsible for setting MRLs based on our own assessments (all existing EU MRLs remain valid until they are amended).