

York Biotech Campus

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Dear Sir/Madam,

## Proposed policy change to allow the release of approved non-native augmentative arthropod biological control agents outside of glasshouses

I am writing to invite your views on whether Defra should licence the release of non-native augmentative arthropod biological control agents in protected structures such as polytunnels in England.

In England and Wales, under section 14 of the Wildlife and Countryside Act 1981, non-native animals are not allowed to be released into the environment. An option exists, under the same Act, to issue licences for the release of otherwise prohibited biological control agents to control plant pests and weeds. These licences can be issued for either classical biological control agents or augmentative biological control agents. Classical agents are expected to establish in the environment to control a pest in the long term, while augmentative agents are not expected to establish in the environment and have to be periodically introduced into the crop to control a pest(s).

For augmentative arthropod biological control agents, Defra currently licence their release in glasshouses, but Defra do not licence their release in other protected structures or outdoors. The one exception to this is the mite *Amblyseius swirskii*, which has recently been given approval to be released in polytunnels. The other augmentative arthropod biological control agents that Defra currently licence are *Amblydromalus limonicus*, *Amblyseius degenerans*, *Amblyseius* (*Transeius*) *montdorensis*, *Delphastus catalinae*, *Eretmocerus eremicus* and *Neoseiulus californicus*.

In the attached report, we outline our justification and recommendation for changing the above policy. The report has been put together by Defra in collaboration with Natural England, Natural Resource Wales and Scotland. The report has also been reviewed by the Advisory Committee on Releases to the Environment (ACRE), and this review is provided in Annex I along with the changes made to the report.

We now welcome your views and comments on whether approved non-native augmentative arthropod biological control agents should be allowed to be released outside of glasshouses in England. We are contacting the organisations in Annex II directly, but this list is not exhaustive, so if there are any organisations that are not included on the list that you think would like to contribute then please make them aware of this letter and the associated report.

Contact details:

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Responses should be received by **19th August 2022**

Information provided in response to this consultation, including personal information, may be made available to the public on request, in accordance with the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs).

If you do not wish your response, including your name, contact details and any other personal information, to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note that if your computer automatically includes a confidentiality disclaimer, this will not count as a confidentiality request. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. However, we cannot promise that we will always be able to keep those details confidential.

Yours faithfully,



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# Annex I

## Advisory Committee on Releases to the Environment (ACRE) review

### Summary

ACRE was asked to consider the Defra policy teams’ recommendation that the restriction to release arthropod augmentative biological control agents to glasshouses was removed, and that they should be able to be released under all protected conditions. ACRE’s view was that they were broadly content with the recommendation but were concerned as to whether or not the current restrictions were disproportionate because there was a lack of assessment of the opportunity presented by removal of these restrictions.

ACRE appreciated that the lack of discussion of potential benefits/opportunities was because of the way these products were regulated. However, ACRE wanted to point out that trying to judge whether a “very little extra risk” is acceptable without understanding the opportunity was not sensible. ACRE hoped that raising this concern may help to spur policy teams to review (and possibly improve) decision-making outside the EU’s regulations.

### Introduction

The policy of not releasing augmentative arthropod non-native biological control agents outside of glasshouses in England has recently been reviewed by the Defra Risk and Horizon Scanning team, non-native species policy team, Natural England, Wales and Scotland. They put together a paper that set out the justification for recommending that these biological control agents can be released outside of glasshouses. But, because this would represent a significant change in policy, the policy teams involved were keen to seek the view of ACRE.

The paper lists those augmentative arthropod biological control agents currently licenced by Defra, allowing their release in glasshouses, along with the pests they target and the crops they are used on. There is also included on the list one, the mite *Amblyseius swirskii*, that has recently been given approval for release in polytunnels.

The paper begins its consideration by briefly discussing how internationally widespread this restriction of biological control agents to glasshouse use is. Then it sets out the justification for removing this restriction in England only, in order to include their use in polytunnels. The main areas of the justification can be summarised as follows:

### The containment afforded by restricting BCAs to glasshouse use only

Glasshouses do not offer sufficiently complete physical protection such that arthropod biological control agents are entirely unable to escape. To further illustrate this, the paper considers open glasshouses (included figures illustrate examples of retractable roofs and removable panes of glass) which, when operated in this manner are in effect as open, if not more than some polytunnels. Therefore, that the current restriction includes such glasshouses but not polytunnels is inconsistent.

### Effect of UK climatic conditions on the establishment potential of biological control agents

ACRE noted that the non-native policy teams’ paper presented an assessment that the biological control agents under discussion were unlikely to establish outdoors, and to this end included a detailed discussion of this cold tolerance data for each of the species currently under licence. This discussion also noted that one of these species, *Neoseiulus californicus*, has a high risk of establishment in the UK, and that its licencing even for glasshouse release would be unlikely under current Defra regulatory processes. Furthermore, another species on the list, *A. degenerans*, has very limited data on its cold tolerance. However, the data that is available, led the Defra policy team to conclude that it is unlikely to be able to overwinter in the UK.

The paper outlined that all the biological control agents under licence in England were also on the European and Mediterranean plant protection organisation (EPPO) list of those biological control agents that are widely used. That means they are considered either to be widespread in the EPPO region, or at least there are records of their use over 5 or more years in at least 5 EPPO countries, and also that there are no reports of unacceptable adverse effects. The paper presented tabulated data showing detailed distribution lists for each of these biological control agents including their respective dates of first use, all have been used for at least eleven years; some for far longer than that.

There was also in the paper data presented from the trial release of *A. swirskii* carried out in polytunnels growing strawberries at 3 sites in 2019 and 2020. Mites were only found outside of the polytunnels at two sites in 2019, and then only a few and these were at a distance of no more than 3 m out. Subsequently, licences for the release of this mite in polytunnels were issued based on the minimal risk evident from these trials.

ACRE were broadly content that the above data supported the paper’s conclusion that there was very little extra risk of extending release of these BCAs to include their use in polytunnels.

### Benefits of allowing BCA use outside of glasshouses

In the paper’s summary of potential risk, it is noted that in the majority of cases polytunnels will be more open than glasshouses and so the risk of biological control agents spreading from them and impacting on native fauna during a growing season is greater. It is also pointed out that for some crops, polytunnel use is popular and indeed may be greater than glasshouse production, for example in the case of strawberries. This appears to suggest that removing this restriction, and allowing their use in polytunnels, could lead to a significant increase in the use of these biological control agents.

ACRE, as noted previously, acknowledged that the first part of the conclusion made by The Defra non-native policy teams’: “that there is very little extra risk of extending the release of these augmentative biological control agents to their use in polytunnels”, seemed reasonable. However, ACRE felt that the statement that followed it, “such that it is disproportionate to restrict the use of biological control agents to glasshouse use”, had to be taken on trust.

ACRE concluded that there was no real way of assessing whether the restriction was disproportionate as there was no assessment of the opportunity presented by removing the restriction. Potential benefits were implied by the table in the background section and by a single statement in the conclusion - “Restricting biological control agents to glasshouses is also very prohibitive to horticultural production” – but there was no analysis of their likelihood or value.

### Regulatory approval of pesticides and potential for greater use of BCAs

The paper detailed the sustained shift in regulatory practice, begun in 2009, away from approving pesticides and towards integrated crop management and measures that are environmentally safer, including biological control agents. It was noted that, because there were currently fewer biological control agents available for use outside of glasshouses, this had reportedly affected production of some fruit crops, such as cherries and strawberries.

ACRE were concerned that a particular statement found in the conclusions could be read as meaning that, by definition, chemicals are dangerous and biological control organisms are safe: “There has therefore been a move away from using chemicals and instead to using environmentally safe alternatives, which includes the use of biological control agents.” ACRE suggested that this statement ought to be replaced with something along the lines of “These regulatory changes favour the use of biological control agents over the use of products based on synthetic chemicals.”

### Conclusion

ACRE were supportive of the paper’s recommendation that the restriction to release arthropod augmentative biological control agents to glasshouses is removed, and that they should be able to be released under all protected conditions. ACRE were also content with the policy teams’ intention to keep *N. californicus* as an exception to the above relaxation given its potential to establish in the UK. Furthermore, ACRE also supported the recommendation concerning *A. degenerans.* Although there is less cold tolerance data than for the other species, ACRE agreed that, based on the assessment of risk, this species should also be permitted to be released under all protected conditions, and not restricted solely to that of glasshouses.

ACRE appreciated that the lack of discussion of potential benefits was because of the way these products were regulated. However, ACRE wanted to point out that trying to judge whether a “very little extra risk” is acceptable without understanding the opportunity was not sensible. ACRE felt compelled to bring this concern up in case policy team’s now have more freedom to improve decision-making outside the EU’s regulations.

## Defra changes

In response to ACRE’s comments, the proposal has been amended, removing the line “such that it is disproportionate to restrict the use of biological control agents to glasshouse use” in the conclusion section. The conclusion has also been amended to emphasise that the benefits of allowing the use of non-native augmentative arthropod biological control agents outside of glasshouses are potential benefits. Finally, the line “There has therefore been a move away from using chemicals and instead to using environmentally safe alternatives, which includes the use of biological control agents” has been replaced by ACRE’s suggested line “These regulatory changes favour the use of biological control agents over the use of products based on synthetic chemicals”.

# Annex II

## List of interested parties

* ADAS
* Agriculture and Horticulture Development Board
* Agrobio
* Association for the Protection of Rural Scotland
* Association of Local Government Ecologists
* BASF
* Berry Garden Growers
* Biobest
* Bioline Agrosciences
* British Association of Nature Conservationists
* British Ecological Society
* British Growers Association
* British Retail Consortium
* British Society of Plant Breeders
* Buglife
* Butterfly Conservation
* CABI
* Campaign for National Parks
* Campaign to Protect Rural England
* Campaign to Protect Rural Wales
* Country Land and Business Association
* Cyclamen Society
* Department of the Environment (Northern Ireland)
* Dingley Dell Nurseries
* E-nema
* Environment Agency
* Environment, Food and Agriculture (Isle of Man)
* Fargro
* Farming and Wildlife Advisory Group
* Fera Science Ltd
* Fresh Produce Consortium
* Horticultural Trade Association
* International Plant Sentinel Network
* Joint Nature Conservation Committee
* Kernock Nurseries
* Koppert
* National Association for Areas of Outstanding Natural Beauty
* National Farmers Union
* National Parks
* National Trust
* Natural England
* Nemos Horticultural Ltd
* Nicholson Nurseries
* Non-Native Species Secretariat
* Nuclear Stocks Association
* Royal Botanic Gardens Edinburgh
* Royal Botanic Gardens Kew
* Royal Entomological Society
* Royal Horticultural Society
* Royal Parks
* Royal Society for the Protection of Birds
* Royal Society of Biology
* Royal Society of Wildlife Trusts
* Science and Advice for Scottish Agriculture
* Small Woods Association
* Stewarts Nurseries
* Tamar Nurseries
* Tomato Growers Association
* The Lakeland Horticultural Society
* Waitrose
* Wales Biodiversity Partnership
* Welsh Government
* Wildlife and Countryside Link
* Woodland Trust