

Chemicals Regulation
Directorate

Mallard House
Kings Pool
3 Peasholme Green
York
YO1 7PX

<http://www.hse.gov.uk/>

Date: 19th August 2015

Our Reference: 2015051

Dear [REDACTED]

**ENVIRONMENTAL INFORMATION REGULATIONS 2004 (EIR) -
EMERGENCY AUTHORISATIONS OF NEONICOTINOID SEED TREATMENTS**

I am writing in response to your request of 24th June 2015, for various items of information relating to the applications for emergency authorisation of neonicotinoid seed treatments, as referred to under item 7 of the Expert Committee of Pesticides meeting on 20th May.

The information that you specifically requested was as follows:

- a) The application for Emergency Authorisation of Cruiser/Modesto – neonicotinoid seed treatment on oilseed rape submitted to the HSE by the NFU referred to under item 7 of the meeting of the Expert Committee on Pesticides on 20th May 2015.
- b) The paper referred to as **ECP 14 – 14-7 (1/2015)** under item 7 of the meeting of the Expert Committee on Pesticides on 20th May 2015
- c) Minutes and Detailed Record of Discussion of the meeting of the Expert Committee on Pesticides held on 20th May 2015.
- d) Any correspondence (including via email) on and subsequent to 24 March 2015 and the present day between the HSE (or any section of it) and the National Farmers Union or other individual, company or body concerning applications by the NFU for emergency authorisation for the use of neonicotinoid treatments on oilseed rape or any other crop.
- e) A list of all such items of correspondence and notes.

I can confirm that your request has been dealt with under the Environmental Information Regulations 2004 (EIR) and having considered the matter carefully, following consultation with the relevant parties we have reached the conclusion that the information you requested falls to be disclosed.

Due to the volume of correspondence involved with this request, I will be sending the various items via additional e-mails.

The disclosure of this information has been undertaken in accordance with the requirements of the Regulations. As well as permitting the disclosure of information, EIR also allows for specific categories of information to be withheld. In this respect, some information has been redacted from the disclosed document(s):

Exception	EIR regulation	Type of information redacted
'A public authority may refuse to disclose information to the extent that its disclosure would adversely affect public safety'	12 (5) (1)	Postcodes of farms involved in trials, authors of relevant studies used in support of applications.
Personal information	13 (1)	Names, or information that lead could lead to the identification, of individuals

In considering the above EIR exceptions, I have also had to balance the public interest in withholding the information against the public interest in disclosing it. In doing this I have identified the factors in favour of disclosing/withholding the information as follows:

Factors in favour of disclosing the withheld information are:

- Government commitment to openness and transparency.

Factors in favour of withholding the information are:

- The need to avoid the potential risks to the safety of individuals from activists and/or pressure groups, which could arise from disclosure of the information.

From this I have concluded that in the circumstances, the public interest in maintaining the exception from disclosure provided for by the above EIR regulation outweighs the public interest in disclosure of the above information.

General guidance on how the Health & Safety Executive deals with requests under the Freedom of Information Act and Environmental Information Regulations can be found on the HSE website at <http://www.hse.gov.uk/foi/index.htm>

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the decisions made by HSE, you may ask for an internal review by writing to me within two calendar months of the date of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545700
Fax: 01625 524510

Email: mail@ico.gsi.gov.uk
Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely,


HSE Chemicals Regulation Directorate

Annexes – (to be sent via e-mail)

Annex 1 – The papers referred to as ECP 14 – 14-7 (1/2015) under item 7 of the meeting of the Expert Committee on Pesticides on 20th May 2015 – these include applications for Emergency Authorisation of Cruiser/Modesto

Annex 2 – Minutes and Detailed Record of Discussion of the meeting of the Expert Committee on Pesticides held on 20th May 2015.

Annex 3 – Any correspondence (including via email) on and subsequent to 24 March 2015 and the present day between the HSE (or any section of it) and the National Farmers Union or other individual, company or body concerning applications by the NFU for emergency authorisation for the use of neonicotinoid treatments on oilseed rape or any other crop.

Annex 4 – A list of the above