



Don Staniford  
salmonfarmingkills@gmail.com

Our Reference: 202200312114

Your Reference: Imidacloprid spill in Norway - 110,000 litres of contaminated water spilled into sea in Nordland

15 August 2022

Dear Don Staniford,

## **REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)**

Thank you for your request dated 21 July 2022 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

### Your request

You asked:

“Are Scottish Ministers aware of the incident on 1 June 2022 when 110,000 litres of contaminated well boat water containing the banned neonicotinoid Imidacloprid spilled into the sea in Nordland, Norway?”

Will Scottish Ministers support a ban on the use of Imidacloprid in salmon farming in Scotland?

Finally, please provide any information on spillage, leakage and/or discharge of Imidacloprid - including the June 2022 incident in Norway - in salmon farming.

For example, has Benchmark, Mowi, Scottish Sea Farms (Norskott Havbruk), Grieg Seafood, The Scottish Salmon Company/Bakkafrost Scotland, Salmon Scotland or any other parties submitted documents as part of any ecological and environmental risk assessments referring to spillage, leakage and/or discharge of Imidacloprid?

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



Has the Scottish Environment Protection Agency (copied into this email) conducted any environmental risk assessments of spillage, leakage and/or discharge of Imidacloprid in salmon farming?

Please consider this a formal request for information under the relevant FOI and Environmental Information regulations.”

### Response to your request

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

While our aim is to provide information whenever possible, in this instance the Scottish Government does not have any of the information you have requested. Therefore we are refusing your request under the exception at regulation 10(4)(a) of the EIRs. The reasons why that exception applies are explained in the Annex to this letter.

### Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to Annabel Turpie, The Director of Marine Scotland, Area 1B South, Victoria Quay, The Shore, Edinburgh, EH6 6QQ or by emailing [Directormarinescotland@gov.scot](mailto:Directormarinescotland@gov.scot).

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:  
<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

## ANNEX

### Reasons for not providing information

The Scottish Government does not have the information. Under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you have

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

requested because we do not hold any information on any of the points 1 to 5 of your request.

This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. While we recognise that there may be some public interest in information we hold relating to the points listed above, clearly we cannot provide information which we do not hold.

Yours sincerely

Vickie Curtis

**DMARINE : Aquaculture and Recreational Fisheries**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



INVESTORS  
IN PEOPLE

Accredited  
Until 2020

