

## **CleanTreat: FOI Disclosures by the Scottish Government to Scottish Salmon Watch**

Documents [disclosed to Scottish Salmon Watch by the Scottish Government via FOI on 19 December 2019 \(FOI-19-02443\)](#) shed some light on Benchmark's 'CleanTreat' and the Scottish Government's support for trials in Scotland.

Benchmark [wrote to the Cabinet Secretary for Rural Economy \(Fergus Ewing\) in a letter dated June 2019](#) thanking him for "your continued support for our work with the CleanTreat innovation to remove medicines from treatment water before it is discharged back into the environment".

A [Cabinet Briefing in September 2019](#) for a meeting in the Scottish Parliament between Fergus Ewing (as Cabinet Secretary for Rural Economy) and Benchmark stressed that Benchmark was invited "to ensure that such sustainable technologies, like CleanTreat, are not only developed in Scotland, but that Scotland is also an attractive place to trial such technologies".

In terms of 'next steps' the [Cabinet Briefing in September 2019](#) stated that: "Marine Scotland is facilitating a number of meetings with BAML [Benchmark], regulators and advisers to ensure BAML is clear on the next steps and regulators and advisers will continue to work with BAML, to enable them to submit the required evidence and provide the required assurances to determine an application for a trial".

"Benchmark were content with the meeting on 20th September and the information requirements made clear," continued the [Cabinet Briefing in September 2019](#). "Benchmark agreed to provide the required information by December which will allow a full application to be submitted to Marine Scotland."

In late September 2019, Benchmark invited the Scottish Government, SEPA and the Veterinary Medicines Directorate to an 'urgent' visit of the CleanTreat wellboat (understood to be docked in Leith). "This is the last opportunity ahead of any trials in the UK, as we have now completed our planned trials in Norway," [wrote Benchmark in an email dated 24 September 2019](#).

Other documents were redacted or refused with the Scottish Government citing the "confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest" and because some information was deemed "internal legal advice and disclosure would breach legal professional privilege". "Disclosure of this particular information would, or would likely to, prejudice substantially the confidentiality of commercial information provided by Benchmark Holdings plc and thus cause substantial harm to their commercial interests," stated the Scottish Government's letter dated 19 December 2019 [3].

Scottish Salmon Watch will be filing a review request with the Scottish Government with a view to filing an appeal to the Scottish Information Commissioner (along with an appeal re. SEPA's refusal to provide similar information).

[FOI-19-02443](#) disclosed 11 PDF files including:

[#1: Letter from the SSPO to SEPA copied to Scottish Ministers](#)

SEPA was lobbied by the Scottish Salmon Producers Organisation (SSPO) to conduct field trials of CleanTreat in Scotland after being "trialled successfully in Norway":

"You undertook to look again at the potential for trials of novel lice treatment methods and the barriers in the way of Scottish trials for the CleanTreat innovation which the developers believe has no environmental impact at sea," wrote the Chief Executive of the Scottish Salmon Producers Organisation to the Terry A'Hearn, Chief Executive of SEPA in May 2019. "The novel approach has been trialled in Norway successfully and now requires field trials in Scotland....We understand that there have been discussions with the company involved though no progress has been made to take forward trials in Scotland."



30 May 2019

Mr T A'Hearn  
SEPA  
Strathallan House  
Castle Business Park  
Stirling  
FK9 4TZ

By Email

Dear Terry,

[Redacted]



In this context, you undertook to look again at the potential for trials of novel lice treatment methods and the barriers in the way of Scottish trials for the CleanTreat innovation which the developers believe has no environmental impact at sea. The novel approach has been trialled in Norway successfully and now requires field trials in Scotland. It has the potential to reduce other medicinal treatment methods for lice significantly and reduce environmental impact from farms. We understand that there have been discussions with the company involved though no progress has been made to take forward trials in Scotland. If you required further information on the detail of the issue, we can provide it, though your team have worked with [Redacted] at Marine Scotland and the company involved directly already.

[Redacted]

I am copying this letter to Roseanna Cunningham, Cabinet Secretary for Cabinet Secretary for Environment, Climate Change and Land Reform and Fergus Ewing, Cabinet Secretary for the Rural Economy.

I look forward to your early response.

Yours sincerely,

[Redacted]

Julie Hesketh-Laird  
**Chief Executive**

c.c. [Roseanna.Cunningham.msp@parliament.scot](mailto:Roseanna.Cunningham.msp@parliament.scot)  
[Fergus.Ewing.msp@parliament.scot](mailto:Fergus.Ewing.msp@parliament.scot)

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Scottish Salmon Producers Organisation  
83 Princes Street, Edinburgh, EH2 2ER  
[enquiries@scottishsalmon.co.uk](mailto:enquiries@scottishsalmon.co.uk)  
[www.scottishsalmon.co.uk](http://www.scottishsalmon.co.uk) @SSPOsays  
Reg. No. SC152347

[#2: Redacted letter dated 3 October 2019 from the SSPO to SEPA copied to Scottish Ministers](#)

From: [Redacted] @gov.scot> On Behalf Of Cabinet Secretary for the Rural Economy  
Sent: 03 October 2019 13:00  
To: [Redacted] @gov.scot>  
Cc: Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>; Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECLR@gov.scot>; Minister for Rural Affairs and the Natural Environment <MinisterRANE@gov.scot>; [Redacted] @gov.scot>; DG Economy <DGEconomy@gov.scot>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted] gov.scot>; [Redacted] [Redacted] @gov.scot>; [Redacted] @gov.scot>  
Subject: Letter from the CEO of the SSPO

[Redacted]

To be aware of the attached correspondence that Mr Ewing and Ms Cunningham have been copied.

Kind regards

[Redacted]

Cabinet Secretary for the Rural Economy  
[Redacted]

**From:** [Redacted] <[Redacted]@scottishsalmon.co.uk>

**Sent:** 03 October 2019 12:12

**To:** [ComplaintsAdministrator@sepa.org.uk](mailto:ComplaintsAdministrator@sepa.org.uk)

**Cc:** [ComplaintsAdministrator@sepa.org.uk](mailto:ComplaintsAdministrator@sepa.org.uk); Cabinet Secretary for the Environment, Climate Change and Land Reform <[CabSecECCLR@gov.scot](mailto:CabSecECCLR@gov.scot)>; Cabinet Secretary for the Rural Economy <[CabSecRE@gov.scot](mailto:CabSecRE@gov.scot)>; [Redacted] <[Redacted]@sepa.org.uk>; [Redacted] <[Redacted]@sepa.org.uk>; [Redacted] <[Redacted]@scottishsalmon.co.uk>; [Redacted] <[Redacted]@sepa.org.uk>; [Redacted] <[Redacted]@sepa.org.uk>

**Subject:** Letter from the CEO of the SSPO

Dear Sirs,

[Redacted]

Julie

Julie Hesketh-Laird  
Chief Executive  
Scottish Salmon Producers' Organisation

83 Princes Street, Edinburgh, EH2 2ER  
07843 170483  
0131 202 6211  
[jhesketh-laird@scottishsalmon.co.uk](mailto:jhesketh-laird@scottishsalmon.co.uk)  
[www.scottishsalmon.co.uk](http://www.scottishsalmon.co.uk)

Twitter: @JulieHL

\*\*\*\*\*



[#3: Redacted emails referring to a briefing for a meeting on 25 September 2019 between the Cabinet Secretary for Rural Economy \(Fergus Ewing\) and Benchmark \(developers of CleanTreat\)](#)



[Redacted]

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**From:** [Redacted]  
**Sent:** 23 October 2019 11:05  
**To:** Cabinet Secretary for the Rural Economy; [Redacted] (MARLAB)  
**Cc:** Cabinet Secretary for the Environment, Climate Change and Land Reform; Minister for Rural Affairs and the Natural Environment; Director of Marine Scotland Mailbox; Director of Environment & Forestry; McDonnell T (Tim); [Redacted]  
[Redacted] Palmer MR (Mike); [Redacted]  
[Redacted] (MARLAB); [Redacted]  
[Redacted]  
**Subject:** RE: Briefing - Meeting with Benchmark on 25 September

█ thanks. Marine Scotland and ENFOR are discussing next steps tomorrow and we'll seek to update shortly thereafter.

Regards, █

[#4: Email in August 2019 referring to a forthcoming visit by the Cabinet Secretary for Rural Economy \(Fergus Ewing\) to Benchmark's offices and his "kind words" and "positive engagement"](#)

**From:** [Redacted] @bmkanimalhealth.com>  
**Sent:** 26 August 2019 16:04  
**To:** Cabinet Secretary for the Rural Economy  
**Cc:** [Redacted]  
**Subject:** Re: Correspondence from the Cabinet Secretary for the Rural Economy - Animal Health

Hi [Redacted]

Many thanks for the email and please thank the Cabinet Secretary for his kind words about our recent award and positive engagement. We would be delighted for him to visit our offices and to discuss the subject at his convenience and look forward to your thoughts around most suitable dates considering his busy calendar.

Best regards

[Redacted]

[Redacted]



**Benchmark Animal Health**

Mobile : [Redacted]

Email: [Redacted] [@bmkanimalhealth.com](mailto:[Redacted]@bmkanimalhealth.com)

Web: [www.bmkanimalhealth.com](http://www.bmkanimalhealth.com), [www.benchmarkplc.com](http://www.benchmarkplc.com)

**From:** [Redacted] @gov.scot> on behalf of "CabSecRE@gov.scot" <CabSecRE@gov.scot>  
**Date:** Monday, 26 August 2019 at 12:12  
**To:** [Redacted] @bmkanimalhealth.com>  
**Cc:** "CabSecRE@gov.scot" <CabSecRE@gov.scot>  
**Subject:** Correspondence from the Cabinet Secretary for the Rural Economy - Animal Health

Dear [Redacted]

Please see attached correspondence from Fergus Ewing, The Cabinet Secretary for the Rural Economy.

Thanks,  
[Redacted]

[Redacted]

Cabinet Secretary for Rural Economy  
[CabsecRE@gov.scot](mailto:CabsecRE@gov.scot)  
[Redacted]

[#5: Letter from the Cabinet Secretary for Rural Economy \(Fergus Ewing\) to the Head of CleanTreat \(Neil Robertson\) dated August 2019 stating that "Scotland is open for business" and that he is "keen to see early trials in Scotland"](#)

Cabinet Secretary for the Rural Economy  
Fergus Ewing MSP



F/T: [Redacted]  
E: scottish.ministers@gov.scot

Neil Robertson  
Head of Cleantreat  
G1 Bush House Edinburgh Technopole  
Penicuik  
EH26 0BB

By email; [Redacted] [@bmkanimalhealth.com](mailto:[Redacted]@bmkanimalhealth.com)

26 August 2019

Dear Mr Robertson,

I would like to once again congratulate you and the team at Benchmark Animal Health for winning the 2019 Innovation Award at AquaNor's 40<sup>th</sup> anniversary for the development of CleanTreat technology. Scotland is proud of its innovative sector which has won two consecutive innovation awards at the world's largest aquaculture technology exhibition and is leading the way in sustainable aquaculture. The success and opportunity of Scotland's aquaculture industry was clear to see at the Scottish Aquaculture Supply Chain Seminar. Put simply, Scotland is open for business.

During the seminar I noted the request from Scottish producers that CleanTreat trials begin in Scotland as soon as possible. As you will be aware, the environmental impacts of salmon farming in Scotland were thoroughly discussed during the recent Scottish Parliament Inquiries. I am therefore keen to see early trials in Scotland and I would like to meet you at your offices in Edinburgh at the earliest opportunity to discuss progress since my meeting with [Redacted] in November of last year. I would be grateful if you could get in touch with my private office to arrange a suitable date at your earliest convenience [[CabSecRE@gov.scot](mailto:CabSecRE@gov.scot)].

I look forward to our meeting

Yours sincerely,



**FERGUS EWING**

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)



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[#6: Email in August 2019 from the office of the Cabinet Secretary for the Rural Economy suggesting a "letter of congratulation" from Mr Ewing to Benchmark and "the letter can offer an early visit and meeting"](#)

**From:** [Redacted] <[Redacted]@gov.scot> **On Behalf Of** Cabinet Secretary for the Rural Economy  
**Sent:** 22 August 2019 15:34  
**To:** [Redacted] <[Redacted]@gov.scot>  
**Cc:** Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>; [Redacted] <[Redacted]@gov.scot>;  
Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; Palmer MR (Mike)  
<Mike.Palmer@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>  
**Subject:** Meeting with Benchmark  
**Importance:** High

█ see below.

Suggest a letter of congratulations is prepared from Mr Ewing to Benchmark and the letter can offer an early visit and meeting.

Grateful if this could be with us tomorrow so we can issue.

Kind regards  
[Redacted]

Cabinet Secretary for the Rural Economy  
█  
St Andrews House  
[Redacted]  
[Redacted]

[#7: Redacted briefing for the Cabinet Secretary for Rural Economy \(Fergus Ewing\) for a meeting with Benchmark on 25 September 2019 in the Scottish Parliament "to discuss the potential trial of the technology in Scotland"](#)

**BRIEFING FOR FERGUS EWING, CABINET SECRETARY FOR RURAL ECONOMY AND CONNECTIVITY**

**MEETING WITH NEIL ROBERTSON AND JOHN MARSHALL: BMK HOLDINGS AQUACULTURE: WEDNESDAY 25 SEPTEMBER NOVEMBER, 11:30-12:30, T305, SCOTTISH PARLIAMENT**

<b>Date and time of engagement</b>	<ul style="list-style-type: none"><li>• <b>Wednesday 25 September 2019</b></li><li>• <b>11:30 – 12:30pm</b></li></ul>
<b>Where</b>	<ul style="list-style-type: none"><li>• T305, The Scottish Parliament</li></ul>
<b>Key messages</b>	<ul style="list-style-type: none"><li>• SG supports the sustainable growth of the aquaculture sector. It currently employs more than 12,000 people and is worth around £620M of added value to the economy but if not correctly regulated could have unacceptable impacts on the environment</li><li>• As a government, we continue to invest significantly in science, research and innovation to underpin and drive forward the sustainability of the sector.</li><li>• Life Sciences is a key growth sector of the Scottish Economy. Turnover stood at £5.2 billion and Gross Value Added (GVA) stood at £2.4 billion employing almost 40,000 people across 770 organisations.</li></ul>
<b>Who</b>	<ul style="list-style-type: none"><li>• Meeting with Neil Robertson, Head of CleanTreat and John Marshall, Director of Benchmark Animal Health</li></ul>
<b>Why</b>	An opportunity to congratulate Benchmark on winning this year's Aquaculture Innovation award at AquaNOR and discuss the potential trial of the technology in Scotland.
<b>Supporting official</b>	<ul style="list-style-type: none"><li>• [Redacted]</li><li>• [Redacted]</li></ul>
<b>Attached documents</b>	<ul style="list-style-type: none"><li>• Purpose of Meeting and Top Lines</li><li>• Company Profile &amp; Biographies: Annex A</li><li>• Background Information on CleanTreat Scotland Trials; B</li></ul>

**Purpose of Meeting**

Benchmark's CleanTreat system won this year's Aquaculture Innovation Award at AquaNOR. Mr Ewing attended AquaNOR and participated in a panel with Neil Robertson, Head of CleanTreat, to promote the Scottish supply chain to potential investors.

Given the environmental benefits and sustainability credentials of the CleanTreat system, and huge potential for improvements in fish health, we would like to offer further support to reach a position whereby trials could be started in Scotland.

**1. CleanTreat - sea lice treatment technology**

- [Redacted]

[Redacted]

## Top Lines

- **Congratulations on winning this year's innovation award at AquaNOR.** I am proud that the award has been won by a Scottish company for two consecutive years.
- You will be aware of the recent Scottish Parliamentary Inquiries in Scotland, parts of which focussed on the environmental impacts of salmon farming. That is why I have invited you here today – to ensure that such sustainable technologies, like CleanTreat, are not only developed in Scotland, but that Scotland is also an attractive place to trial such technologies.
- **Grateful to hear about your experiences in Scotland** in progressing to trials of the CleanTreat system and how we can support you
- I understand you have recently met with SEPA, MS-LOT and the VMD, to progress the assessment of a future application for a trial, **please continue to actively engage with that process.**
- There is absolutely no doubt that aquaculture is important for the Scottish economy, contributing £620 million per year in GVA and supporting over 12,000 jobs.
- I am an avid supporter of the industry in Scotland and regularly attend the Aquaculture Industry Leadership Group which is looking to sustainability grow and double the value of aquaculture production in Scotland.
- **Sea lice management, and the tools to do so, are essential to support a thriving Scottish fish farming industry,** that is why Scottish Government published Scotland's 10 Year Farmed Fish Health Framework this year, a Programme for Government commitment in 17/18.
- The industry reported that sea lice levels in 2018 were at their lowest level for 6 years, however we are not complacent and **we have recently strengthened the sea lice regulatory framework, and are committed lowering the sea lice intervention thresholds further in 2021.**
- In order to do so, we must continue to innovate and explore new management methods, particularly those with reduced environmental impacts such as CleanTreat.
- **I commend your commitment that this technology will be open for all** – which will have huge benefits for fish health across the salmon farming nations.

## **Company Profile**

- Benchmark are a pioneering innovation company operating in the aquaculture, agriculture and animal health sectors.
- Benchmark was founded in 2000 when they set their vision to build a profitable business based on the growing need to create a sustainable and ethical future for global food production.
- Changing consumer preferences, stricter regulation and outdated methods of operation were putting pressure on food businesses and supply chains. Malcolm, Roland and Ruth's unique combination of practical, scientific and corporate insight – and decades of experience – meant they were perfectly placed to develop solutions to meet these challenges.
- The company has been progressively built over the ensuing years through a combination of new business launches, organic growth and strategic acquisitions to enhance the group's capabilities and exploit synergies to drive continued growth in revenue and margin.
- Each of these strategic steps has brought into the group new expert management teams who have become shareholders and members of the operating board representing their individual disciplines alongside the original founders.
- In 2018, Benchmark became one of only 5 companies to feature on the London Stock Exchange Group's '1000 companies to Inspire Britain' report for the 5<sup>th</sup> consecutive year.
- Benchmark employs ~1000 FTE.

## **Purpose**

- The company aim to set a new benchmark for sustainable living, starting with food production.
- As we live longer the number of people in the world that need to be fed also increases – by 75 million every year. At the same time, rapid economic development means that diets are improving, increasing demand for meat and fish. We need to waste less and produce more efficiently, providing better quality food from the same land and water whilst keeping prices affordable.

## **Towards more sustainable living**

- To address the fundamental challenges, we need to harness the power of science to align our production with nature, enabling us to grow the food we need more efficiently and more sustainably.
- The approaches, science and applications we develop can enable sustainable living far beyond food production. Our discoveries and innovation will improve animal health, human health and the wider environment.
- For example, through the development of new vaccines, we can keep animals healthy rather than using antibiotics to treat disease.

## Biographies

### John Marshall – Head of Animal Health



John is Technical Director of Fish Vet Group (FVG) & Benchmark Vaccines Limited (BVL). John has a degree in Agricultural and Environmental Science (honours in Crop Protection) from Newcastle University and an MBA from Open University with Business Finance and Acquisition Strategy from Harvard University.

He has 20 years' experience in the animal health industry working in R&D, sales and marketing, business development, business unit leadership and leads the Group's R&D teams working on the development, sales and marketing of new animal health vaccines, medicines and biocides. John joined FVG from Novartis Animal Health in 2011

where he was their Head of European Business unit Aquaculture and Head of Global Technical Services – Aquaculture, spending the past 12 years growing the Novartis Aquaculture business and taking to market many new vaccines and pharmaceutical products.

### Neil Robertson – Head of CleanTreat



Neil is a veterinary surgeon and has 10 years' experience in the aquaculture industry, including time spent in technical and commercial roles in Norway, UK, Ireland and the Faroe Islands with Novartis Animal Health. More recently, he was European Commercial Manager of Elanco's Aquaculture Division, based in Norway.

He was also an active board member of the Sea Lice Research Centre (SLRC) in Bergen, Norway, representing Novartis Animal Health, and then Elanco.

Neil will work with Benchmark Animal Health's development and commercial teams to support ongoing work towards commercialisation of CleanTreat alongside the launch of Benchmark's next generation sea lice product and third party commercial opportunities.

- The CleanTreat system is proposed to be installed on a stand-alone vessel to clean effluent following transfer of that effluent from a wellboat which conducted treatment of salmon for sea lice. Regulators and advisers are widely supportive of technological solutions to reduce the amount of sealice medicines being discharged to the water environment.
- [Redacted]

- [Redacted]

Since then a number of meetings have been held with BAML and advice has been provided (SEPA has met with BAML to further the advice on the required assessments in May and June).

- The regulators and SEPA have responded quickly to BAML, taking the initiative to set up meetings to provide prompt feedback on information provided.
- [Redacted]
- It is understood that BAML was granted permissions to carry out field trials in Norway and that, under the Norwegian system, environmental effects are not considered during the granting of such permissions.
- The Rural Economy and Connectivity Committee's Salmon farming in Scotland report calls for enhanced and effective regulatory standards to ensure that fish

health issues are properly managed and the impact on the environment is kept to an absolute minimum.

### **Legislative Framework**

- MS-LOT is the licensing authority under the Marine (Scotland) Act 2010 for wellboat discharges and SEPA is a statutory consultee to that process.
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

### **Current position**

- [Redacted]
- [Redacted]

### **Next Steps**

- Marine Scotland is facilitating a number of meetings with BAHL, regulators and advisers to ensure BAHL is clear on the next steps and regulators and advisers will continue to work with BAHL, to enable them to submit the required evidence and provide the required assurances to determine an application for a trial.
- [Redacted]
- Benchmark were content with the meeting on 20<sup>th</sup> September and the information requirements made clear. Benchmark agreed to provide the required information by December which will allow a full application to be submitted to Marine Scotland.

[#8: Emails referring to a letter dated June 2019 from Benchmark to the Cabinet Secretary for Rural Economy \(Fergus Ewing\)](#)

**From:** [Redacted] <[Redacted]@bmkholdings.com>  
**Sent:** 19 June 2019 11:04  
**To:** Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>  
**Cc:** [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>  
**Subject:** Letter from Malcolm Pye, CEO Benchmark

Please find attached a letter to the Minister.  
Kind regards

[Redacted]



M. [Redacted] T. [Redacted]  
[Redacted]@bmkholdings.com  
benchmarkplc.com  
20 Midtown, 20 Procter Street, London, WC1V 6NX, UK

**From:** [Redacted]  
**Sent:** 20 June 2019 09:22  
**To:** [Redacted] (MARLAB); [Redacted] (MARLAB);  
[Redacted]  
**Cc:** [Redacted]  
[Redacted]  
**Subject:** FW: Letter from Malcolm Pye, CEO Benchmark  
**Attachments:** Letter to Fergus Ewing.pdf

Morning

For awareness. Please see attached letter from Benchmark. We suspect that Mr Ewing may ask for an update soon.

Cheers

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe  
Tel: [Redacted]  
E-mail: [Redacted]@gov.scot  
Web: <http://www.scotland.gov.uk/marinescotland>  
Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



[#9: Letter dated June 2019 from Benchmark to the Cabinet Secretary for Rural Economy \(Fergus Ewing\)](#)



Benchmark<sup>®</sup>

Benchmark Holdings plc, 20  
Midtown,  
20 Procter Street,  
London WC1V 6NX  
Company no: 4115910  
Malcolm.pye@benchmarkplc.com  
[Redacted]  
benchmarkplc.com

19<sup>th</sup> July 2019

Fergus Ewing MSP  
By email: [cabsecure@gov.scot](mailto:cabsecure@gov.scot)

Dear Minister,

I want to thank you for supporting the Aquaculture Awards seminar and ceremony in Edinburgh and for your continued support for our work with the CleanTreat innovation to remove medicines from treatment water before it is discharged back into the environment. I know that you take a keen interest in the development of technology that can drive the sustainability of the Scottish aquaculture industry, and I recognise that your commitment to real progress in this vital area really does help to get momentum with all the key stakeholders including the important regulatory agencies.

I am certain that we will, together with the aquaculture research and development institutions we have in Scotland and other technology providers, bring forward world class innovations to resolve the challenges that the industry face which are reflected in the public's concerns. Not just with the sustainable management of sea lice but also with other important diseases, such as AGD. Achieving this will allow confidence and further growth in the Scottish sea food industry and drive the success that it is already justly renowned for.

Thank you again for your engagement and support for this work. It is good in these difficult political times to be able to acknowledge the valuable work of our Minister and I look forward to welcoming you to Aquaculture UK at Aviemore next year to continue this important dialogue.

With kind regards  
[Redacted]

Malcolm Pye  
Chief Executive

[Redacted] @gov.scot, [Redacted] @gov.scot

[#10: Email in October 2019 from Marine Scotland referring to a "very informative" tour around the vessel and "the need for some written responses to SEPA"](#)

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**From:** [Redacted] (MARLAB)  
**Sent:** 11 October 2019 13:45  
**To:** [Redacted]  
**Cc:** [Redacted] (MARLAB)  
**Subject:** RE: Progress

Hi [Redacted]

Thanks, it was good to get a tour around the vessel, very informative.

I've relayed the need for some written responses to SEPA and am awaiting a response from them on the aspects we've already discussed [Redacted]. I hope to have something from them soon and we will be in touch.

I'm off for the next two weeks. If you have any queries, please get in touch with [Redacted] (both copied).

Kind regards

[Redacted]

**From:** [Redacted] @bmkanimalhealth.com>  
**Sent:** 09 October 2019 14:56  
**To:** [Redacted] (MARLAB) [Redacted] gov.scot>  
**Subject:** Progress

Hi [Redacted]

Really appreciated your visit last week and I hope it was of some use.

[Redacted]

Look forward to your feedback

Best regards

[Redacted]

[Redacted]



**Benchmark Animal Health**

Mobile : [Redacted]

Email: [Redacted] [@bmkanimalhealth.com](mailto:[Redacted]@bmkanimalhealth.com)

[#11: Emails dated September 2019 discussing an 'Urgent' opportunity to visit the CleanTreat wellboat \(understood to be docked in Leith\) - described as "the last opportunity ahead of any trials in the UK, as we have now completed our planned trials in Norway"](#)

From: [Redacted] <[\[Redacted\]@bmkanimalhealth.com](mailto:[Redacted]@bmkanimalhealth.com)>  
Sent: 24 September 2019 18:12  
To: [Redacted] <[\[Redacted\]@vmd.defra.gsi.gov.uk](mailto:[Redacted]@vmd.defra.gsi.gov.uk)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@SEPA.org.uk](mailto:[Redacted]@SEPA.org.uk)>  
Cc: [Redacted] <[\[Redacted\]@bmkanimalhealth.com](mailto:[Redacted]@bmkanimalhealth.com)>; [Redacted] <[\[Redacted\]@bmkanimalhealth.com](mailto:[Redacted]@bmkanimalhealth.com)>  
Subject: URGENT- Clean Treat visit opportunity  
Importance: High

Hi Everyone,

My apologies for the short notice of this but I have just heard the Clean Treat boat is coming back to [Redacted] this weekend. If you wish to see Clean Treat on the deck of the boat there is an opportunity at 9am on Monday morning (30<sup>th</sup>) at [Redacted] [Redacted]. This invitation is limited to the recipients of this email as we have H&S restrictions and cannot manage a large party of people. The Clean Treat system will be removed from the deck from lunchtime onwards. This is the last opportunity ahead of any trials in the UK, as we have now completed our planned trials in Norway. The Clean Treat system and lab will be in a warehouse after this date so could be viewed then. Please note that the tour would be given by some of our Clean Treat team but there will be no chemist available.

If you would like to visit please could you let me know by tomorrow at 5pm.

Again, sorry for the short notice.

Kind Regards

[Redacted]

[Redacted]

Animal Health Division  
Tel: [Redacted]  
Mob: [Redacted]



**Benchmark  
Animal Health**

Bush House, Edinburgh Technopole, Edinburgh, EH26 0BB

[Redacted]

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**From:** [Redacted] (MARLAB)  
**Sent:** 26 September 2019 09:45  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: URGENT- Clean Treat visit opportunity

Thanks [Redacted]

Confirming I'll be there and I'm shoe size [Redacted]

Thanks

[Redacted]

From: [Redacted] <[Redacted]@bmkanimalhealth.com>  
Sent: 25 September 2019 16:35  
To: [Redacted] <[Redacted]@SEPA.org.uk>; [Redacted] (MARLAB)  
[Redacted] <[Redacted]@gov.scot>  
Cc: [Redacted] <[Redacted]@bmkanimalhealth.com>; [Redacted] <[Redacted]@bmkanimalhealth.com>; [Redacted] <[Redacted]@bmkanimalhealth.com>  
Subject: RE: URGENT- Clean Treat visit opportunity

Dear [Redacted]

Yes we would be happy for [Redacted] to visit the boat if she is comfortable with accessing the ship via the gangway. It is not a flat walk, there is a slight camber to it. We will clear a path so she can move to the lab to see inside on the deck of the boat. A couple of points to note for you all;

The address is; [Redacted] for approx. 08:45am

- Please bring photo ID with you to access the port
- On arrival at the port, please wait at the entrance are. Call [Redacted] on [Redacted] and he will come to meet you and escort you to [Redacted] - 08:55am
- Personal Protective Equipment will be provided for you to wear. This will be a high vis jacket, hard hat and safety wellingtons. Please send me you shoe size, and that of [Redacted] asap so we can provide appropriately sized boots. Enter security shelter to change into PPE – 09:00am
- You will receive a safety briefing from the [Redacted] and our [Redacted] for clean treat (10 minutes)
- Access will be limited to the deck of the boat only and inside of the lab
- Commence tour of CleanTreat equipment approx. 09:10am up to 09:50am – access to lab included.
- Return to Security Shelter 09:55am to return PPE, assigned driver will show the way back to security entrance or drop off where appropriate
- Please note that the lab will not be operational and will be packed for transport
- Similarly Clean Treat will not be operational. Some of the piping will have been removed to allow easier access to sections of the deck.

Kind Regards

[Redacted]

[Redacted]

Animal Health Division  
Tel: [Redacted]  
Mob: [Redacted]



**Benchmark  
Animal Health**

Bush House, Edinburgh Technopole, Edinburgh, EH26 0BB

From: [Redacted] <[Redacted]@SEPA.org.uk>  
Sent: 25 September 2019 11:53  
To: [Redacted] <[Redacted]@bmkanimalhealth.com>; [Redacted] <[Redacted]@vmd.defra.gsi.gov.uk>; [Redacted] <[Redacted]@gov.scot>  
Cc: [Redacted] <[Redacted]@bmkanimalhealth.com>; [Redacted] <[Redacted]@bmkanimalhealth.com>  
Subject: RE: URGENT- Clean Treat visit opportunity

Morning [Redacted]

I can make 9am on Monday, I think it is important to flag a couple of points. We would expect to follow this up with a visit to the warehouse with relevant staff (our chemists), however having spoken to [Redacted] whilst a visit to the lab in a warehouse would be worthwhile it would obviously be much better to see the lab in situ on the vessel.

Given the above and the fact that [Redacted] can no longer make it, would it be possible to include [Redacted] on the visit? We understand that a chemist won't be available on the day, but still think [Redacted] seeing the lab in situ would be of benefit.

Thanks

[Redacted]

[Redacted]

Scottish Environment Protection Agency, Regulatory Services North, West Highland and Argyll Team, Kilbrandon House, Manse Brae, Lochgilphead, PA31 8QX  
t: [Redacted] m: [Redacted] e: [Redacted] @sepa.org.uk web: [www.sepa.org.uk](http://www.sepa.org.uk)

Documents [disclosed to Scottish Salmon Watch by the Scottish Government via FOI in November 2019 \(FOI-19-02442\)](#) reveal huge quantities of toxic chemicals ([Azamethiphos, Deltamethrin and Hydrogen Peroxide](#)) discharged by well boats at salmon farms across Scotland in 2018. Here's thousands of litres of Hydrogen Peroxide ([recently shown by a scientific paper to kill kelp in the vicinity of salmon farms](#)) as well as Deltamethrin (AMX) and Azamethiphos (Salmosan) used by Grieg Seafood in Shetland [4]:

<b>2018</b>		<b>Grieg Seafood Ltd</b>					
<u>Site</u>	<u>MCMS No.</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Product</u>	<u>Amount</u>	
Swinning 3	06131	15/01/2018	09:30	20 Mins	Peroxide and AMX	9940L and 720ml	
Swinning 3	06131	15/01/2018	15:00	20 Mins	Peroxide and AMX	9940L and 720ml	
Swinning 3	06131	16/01/2018	09:20	20 Mins	Peroxide and AMX	9790L and 720ml	
Swinning 3	06131	16/01/2018	15:40	20 Mins	Peroxide and AMX	9790L and 720ml	
Swinning 3	06131	16/01/2018	17:30	20 Mins	Peroxide and AMX	9790L and 720ml	
Swinning 3	06131	18/01/2018	08:40	20 Mins	Peroxide and AMX	9640L and 720ml	
Swinning 3	06131	18/01/2018	13:25	20 Mins	Peroxide and AMX	9640L and 720ml	
Swinning 3	06131	19/01/2018	08:45	20 Mins	Peroxide and AMX	9640L and 720ml	
Swinning 3	06131	19/01/2018	14:00	20 Mins	Peroxide and AMX	9640L and 720ml	
Settemess South	06121	23/01/2018	10:00	20 Mins	Salmosan	720g	
Settemess South	06121	23/01/2018	16:30	20 Mins	Salmosan	720g	
Settemess North	06122	18/01/2018	10:20	20 Mins	Salmosan	360g	
Settemess North	06122	19/01/2018	09:00	20 Mins	Salmosan	180g	
Settemess North	06122	20/01/2018	09:00	20 Mins	Salmosan	720g	
Settemess North	06122	20/01/2018	14:40	20 Mins	Salmosan	720g	
Settemess North	06122	21/01/2018	09:55	20 Mins	Salmosan	360g	
Settemess North	06122	22/01/2018	10:20	20 Mins	Salmosan	720g	
Settemess North	06122	22/01/2018	19:40	20 Mins	Salmosan	720g	
Swinning 3	06131	14/05/2018	15:30	20 Mins	Peroxide and AMX	2921L and 200ml	
Swinning 3	06131	15/05/2018	10:00	20 Mins	Peroxide and AMX	5374L and 400ml	
Swinning 3	06131	15/05/2018	13:00	20 Mins	Peroxide and AMX	5374L and 400ml	
Swinning 3	06131	15/05/2018	16:00	20 Mins	Peroxide and AMX	5374L and 400ml	
Swinning 3	06131	16/05/2018	12:00	20 Mins	Peroxide and AMX	5072L and 400ml	
Swinning 3	06131	16/05/2018	16:00	20 Mins	Peroxide and AMX	5072L and 400ml	
Swinning 3	06131	17/05/2018	10:00	20 Mins	Peroxide and AMX	4417L and 400ml	
Swinning 3	06131	17/05/2018	15:30	20 Mins	Peroxide and AMX	4417L and 400ml	
Settemess North	06122	18/05/2018	10:05	20 Mins	Peroxide and Salmosan	5400L and 360g	
Settemess North	06122	19/05/2018	09:25	20 Mins	Peroxide and Salmosan	10800L and 720g	
Settemess North	06122	19/05/2018	15:40	20 Mins	Peroxide and Salmosan	10800L and 720g	
Settemess North	06122	20/05/2018	10:00	20 Mins	Peroxide and Salmosan	8100L and 540g	
Settemess North	06122	20/05/2018	15:30	20 Mins	Peroxide and Salmosan	8100L and 540g	
Settemess North	06122	21/05/2018	19:00	20 Mins	Peroxide and Salmosan	5400L and 360g	

And here's [data showing illegal use and toxic discharges by The Scottish Salmon Company at Vuia Beag in Loch Roag of Benchmark's Salmosan Vet \(Azamethiphos - a chemical shown by peer-reviewed science to be lethal to lobsters\)](#):

<b>2018</b>		<b>The Scottish Salmon Company</b>					
<u>Site</u>	<u>MCMS No.</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Product</u>	<u>Amount</u>	
Vuia Beag	No Licence	14/07/2018	09:34	30 Mins	Salmosan Vet	200g	
Vuia Beag	No Licence	15/07/2018	09:46	30 Mins	Salmosan Vet	200g	
Vuia Beag	No Licence	21/07/2018	09:46	30 Mins	Salmosan Vet	200g	
Vuia Beag	No Licence	22/07/2018	09:34	30 Mins	Salmosan Vet	200g	
Vuia Beag	No Licence	03/08/2018	12:00	30 Mins	Salmosan Vet	200g	
Vuia Beag	No Licence	04/08/2018	12:10	30 Mins	Salmosan Vet	200g	
Vuia Beag	No Licence	05/08/2018	12:02	30 Mins	Salmosan Vet	200g	
Taranaish	06397	03/10/2018	02:35	40 Mins	Azasure/AMX	400g and 400ml	
Taranaish	06397	04/10/2018	03:20	40 Mins	Azasure/AMX	400g and 400ml	
Taranaish	06397	04/10/2018	08:20	40 Mins	Azasure/AMX	400g and 400ml	
Taranaish	06397	04/10/2018	18:50	40 Mins	Azasure/AMX	400g and 400ml	
Procrapol	06199	15/06/2018	00:23	1 Hour	Salmosan	180g	
Procrapol	06199	15/06/2018	20:38	1 Hour	Salmosan	180g	
Procrapol	06199	22/06/2018	01:25	1 Hour	Salmosan	180g	
Procrapol	06199	22/06/2018	23:25	1 Hour	Salmosan	180g	
Procrapol	06199	21/06/2018	17:22	1 Hour	Salmosan	180g	
Procrapol	06199	22/06/2018	21:28	1 Hour	Salmosan	180g	
Procrapol	06199	22/06/2018	15:45	1 Hour	Salmosan	180g	
Procrapol	06199	16/06/2018	08:05	1 Hour	Salmosan	180g	
Procrapol	06199	09/06/2018	21:22	1 Hour	Salmosan	180g	
Procrapol	06199	09/06/2018	12:36	1 Hour	Salmosan	180g	
Procrapol	06199	08/12/2018	14:00	1 Hour	Azasure	100g	
Procrapol	06199	08/12/2018	15:05	30 Mins	AMX	125ml	
Procrapol	06199	08/12/2018	17:00	1 Hour	Azasure	100g	
Procrapol	06199	08/12/2018	18:00	30 Mins	AMX	125ml	
Procrapol	06199	08/12/2018	20:20	1 Hour	Azasure	100g	
Procrapol	06199	09/12/2018	21:25	30 Mins	AMX	250ml	

The unlawful use and discharge of Azamethiphos by [The Scottish Salmon Company](#) at Vuia Beag in Loch Roag ([Loch Roag Lagoons is an EU-protected Special Area of Conservation](#)) did not lead to a prosecution for breach of the [Marine \(Scotland\) Act 2010](#) or a fine of up to £50,000 or imprisonment for up to 2 years ([as stated in the legislation](#)) but merely [triggered an 'Advisory Letter' from Marine Scotland](#).

marine scotland



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

E: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)

[Redacted]

**The Scottish Salmon Company**  
**1 Smithy Lane**  
**Lochgilphead**  
**Argyll**  
**PA31 8TA**

Date: 21 September 2018

Dear [Redacted]

#### **MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING – ADVISORY LETTER**

I write to the Scottish Salmon Company on behalf of the Marine Scotland – Licensing Operations Team ("MS-LOT"). MS-LOT is responsible, on behalf of the Scottish Ministers, for licensing the deposit of any substance within the Scottish marine area, either in the sea or on or under the seabed from a vessel, under the Marine (Scotland) Act 2010 ("the Act").

Part 4, section 21, subsection (1) of the Act, states clearly what constitutes a licensable marine activity. Under Part 1, section 2 of the Act the sea includes any area submerged at mean high water spring tide or the water of every estuary, river or channel, so far as the tide flows at mean high water spring tide.

It has come to our attention that the Scottish Salmon Company have permitted the carrying on of a licensable marine activity, namely the deposit of chemicals used to treat sea lice, from a vessel, in the Scottish marine area at Vuia Beag.

The Scottish Salmon Company had a marine licence (licence no. 05198/14/0) for the discharge of used chemicals from wellboats at Vuia Beag but this expired on 24 July 2017. MS-LOT has no other record of either a current marine licence or marine licence application for the discharge of used chemicals from wellboats at this site.

Part 4, section 20, subsection (1) of the Act states that no person may carry on a licensable marine activity or cause or permit any other person to carry on such an activity. Part 4, section 39, subsection (1) of the Act states that a person who contravenes section 20 (1) or fails to comply with any condition of a marine licence commits an offence. Part 4, section 39, subsection (4) of the Act states that a person guilty of an offence under subsection (1) is liable on summary conviction, to a fine not exceeding £50,000, or on conviction on indictment, to a fine or to imprisonment for a period not exceeding 2 years, or to both.

Data for 2019 will not be publicly available until the first half of 2020 and is still to be published for 2018 via either [Scotland's Aquaculture web-site](#) or [SEPA's 'Scottish Pollutant Release Inventory'](#) making it impossible to calculate total chemical use in Scotland [5].

In November 2019, SEPA denied a FOI request ([F0191091](#)) concluding after a review in December 2019 that "SEPA considers that the release of the correspondence and documentation would cause substantial prejudice to the commercial undertaking and economic interest". "It was confirmed that details of the specified treatment were not publicly available and that they were commercial in nature," explained SEPA on 13 December 2019. "Feedback had been sought from the third party who confirmed that disclosure of information would cause substantial prejudice to their commercial interest" [6].

However, [SEPA's FOI refusal letter dated 11 November 2019](#) admitted that it had attended five meetings with Benchmark over the last year (9 October 2018; 11 April 2019; 30 May 2019; 20 September 2019 and 30 September 2019).

*[6.] Please include any information relating to CleanTreat and the treatment of well boats discharges including details of any meetings and correspondence with Benchmark and other companies. Please include information relating to "high level talks to facilitate trials of the [CleanTreat] system in Scotland".*

SEPA holds a small amount of correspondence. This information is excepted under Regulation 10(5)(f) of the EIRs. The text of which is reproduced below;

*(5) A Scottish public authority may refuse a request to make environmental information available to the extent that its disclosure would, or would likely to prejudice substantially-*

*(f) the interests of the person who provided the information where that person-*

*(i) was not under, and could not have been put under, any legal obligation to supply the information;*

*(ii) did not supply it in circumstances such that it could, apart from these Regulations, be made available; and*

*(iii) has not consented to its disclosure*

The release of the information in question would be likely to prejudice substantially the third party. The Public Interest Test was carried out in relation to the information to be withheld under Regulation 10(5)(f) of the EIRs. In this case, we recognise that Regulation 10(2)(b) requires SEPA to apply a presumption favour of disclosure. The public interest in favour of disclosure is outweighed by that in favour of withholding. Requests for such information are considered by SEPA on a case by case basis. In this case, it was determined that the public interest would not be served by the release of the information at this time.

We confirm that SEPA has attended meetings with Benchmark on 9 October 2018, 11 April 2019, 30 May 2019, 20 September 2019 and 30 September 2019

Fish Farmer [reported](#) in August 2019: "The team behind the Scottish invention CleanTreat, which won the much prized Aqua Nor Innovation Award this week, have held high level talks to facilitate trials of the system in Scotland" (reporting that Benchmark was "encouraged by discussions at Aqua Nor with [Fergus] Ewing and Graham Black, director of Marine Scotland").

Documents [disclosed to Scottish Salmon Watch by the Scottish Government via FOI in July 2019](#) reveal that Benchmark lobbied the Cabinet Secretary for Rural Economy (Fergus Ewing) in September 2018 [writing in an email](#) that "we are now ready to apply for trials in Scotland for our CleanTreat system for salmon health" and "would like to brief you on these proposals".

"The Cabinet Secretary is asked to note that MS-LOT [Marine Scotland Licensing Operations Team] continues discussions with BAHL [Benchmark Animal Health Limited] and is awaiting further information from the company and that the licensing regime and medicine use subgroup of the [Farmed Fish Health Framework](#) will look at the best ways of engagement with innovative technologies and new treatments at its next meeting" [stated a Cabinet Briefing marked 'Restricted - Advice to Ministers' in December 2018](#).

RESTRICTED - ADVICE TO MINISTERS

From: [Redacted]  
Marine Scotland Licensing Operations Team (MS-LOT)  
Marine Planning and Policy (MPP)  
07 December 2018

Cabinet Secretary for Rural Economy

**Purpose**

1. To update the Cabinet Secretary on a meeting held with Scottish Environment Protection Agency (SEPA), Marine Scotland-Licensing Operations Team (MS-LOT), the Veterinary Medicines Directorate (VMD) and Benchmark Animal Health Ltd (BAHL) in relation to CleanTREAT [Redacted] and confirm that the advice on the regulatory framework has been given.

**Priority**

2. Routine.

**Background**

3. You recently met with BAHL to discuss the new sea lice treatment system "CleanTREAT" and chemical treatment [Redacted] and requested an update on recent discussions with regulators.
4. [Redacted]
5. [Redacted]

A [redacted email marked 'Sensitive' dated December 2018](#) referred to Fergus Ewing's meeting with Benchmark and "a discussion with Benchmark on the acceptability of their CleanTreat proposal where it might involve transport from site for remote discharge of effluent water" and "the work plan element where we're tasked at looking at 'discharge zones'".

**From:** [Redacted]  
**Sent:** 06 December 2018 06:54  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Re: sensitive: Medicines and Licensing - Workplan - October 2018 - DRAFT (not for circulation)

Hi [Redacted]

Thanks for sending this.

As you will have heard, Mr Ewing has met with benchmark which has brought some of the workplan aspects into sharp focus. [Redacted]

This is of relevance to both the discussion with benchmark on the acceptability of their CleanTreat proposal where it might involve transport from site for remote discharge of effluent water and, equally importantly, some of the aspects of the work plan element where we're tasked at looking at 'discharge zones'.

Can I ask you to consider with [Redacted] if these aspects are covered by the current ask of SGLD or if this needs to be added to the request. I have avoided raising this directly with SGLD as I'm aware of the request already in train and don't want to add to SGLD burden or confuse ownership of the request.

Regards

[Redacted]  
Sent from my BlackBerry 10 smartphone.

An [email from the office of the Cabinet Secretary for Rural Economy dated December 2018](#) stated that "Mr Ewing is keen to find a way forward on both discharge and clean treats":

---

**From:** [Redacted] on behalf of Cabinet Secretary for the Rural Economy  
**Sent:** 12 December 2018 11:46  
**To:** [Redacted] Cabinet Secretary for the Rural Economy; Cabinet Secretary for the Environment, Climate Change and Land Reform; Minister for Rural Affairs and the Natural Environment  
**Cc:** [Redacted]

**Subject:** RE: For information only - Outcome of meetings on 28 November - mortality disposal + Benchmark cleantreat

██████████

Mr Ewing is keen to find a way forward on both discharge and clean treats.

Grateful if officials can keep us informed.

Many thanks,

██████████

[Redacted]

Cabinet Secretary for Rural Economy

[CabsecRE@gov.scot](mailto:CabsecRE@gov.scot)

[Redacted]

An [undated Annex to documents marked 'Restricted - Advice to Ministers'](#) (understood to be a Highlands & Islands Enterprise 'Briefing Paper' for Fergus Ewing, the Cabinet Secretary for Rural Economy, dated 16 April 2019) referred to a meeting in March 2019 between Benchmark and the Scottish Government's 'Account Team' to explore "how Scotland can support BMK [Benchmark] to move to the next phase of CleanTreat":

### **Engagement**

- Benchmark Holdings PLC is account managed. A 'Team Scotland' approach is taken with the group.
- [Redacted] SE, SDI and SAIC are also represented on the team. SEPA has been invited to join the 'team'. The development agencies have engagement across the group's various Scottish operations.
- In March 2019, [Redacted] gave a CleanTreat presentation to the Account Team to explore 'how Scotland can support BMK to move to the next phase of CleanTreat'. Key points arising from the meeting were:

- Scotland is the preferred next market, but dependent on the appropriate conditions and support;
  - Also in talks with Canada and Chile and they're working hard to secure CleanTreat;
  - BMK's decision on Scotland will be heavily dictated by the regulatory process and approach;
  - CleanTreat also presents opportunities for Scottish supply chain e.g. well-boat operators, engineering companies, academia, etc.;
  - Key technical challenges need to be addressed to enable continued development of CleanTreat;
- Talks are ongoing with BMK to explore HIE R&D support options for CleanTreat R&D developments. Initial project costs of [Redacted] cited. The Account Team are also working to connect [Redacted] with the relevant Scottish companies and engage with aquaculture policy discussions such as FFHF.

Other documents were heavily redacted with the Scottish Government [citing the "confidentiality of commercial or industrial information" \[7\]](#).

A [redacted email in May 2019](#) stated that "Benchmark folk expressed concern over the pace of approval in the margins of a recent aquaculture supply chain summit".

**From:** [Redacted]  
**Sent:** 29 May 2019 08:43  
**To:** [Redacted]  
**Subject:** Benchmark CleanTreat

[Redacted] - hi. Left a couple of voicemails re the above. Looking for a quick update on progress please, since your submission in December, with intended trials of CleanTreat and associated use of the proposed new sea lice treatment.

Benchmark folk expressed concern over the pace of approval in the margins of a recent aquaculture supply chain summit and they have [Redacted], at their table tonight for the Aquaculture awards. I've no doubt the issue will be raised and am hoping to brief [Redacted] head of the game.

Grateful for early advice.

Thanks, [Redacted]

Sent with BlackBerry Work  
 (www.blackberry.com)

The [FOI documents reveal that in April 2019](#), the Cabinet Secretary of Rural Economy (Fergus Ewing) met with "four key Scottish salmon producers":



The [FOI documents disclosed by the Scottish Government](#) detail heavily redacted minutes of a meeting with Benchmark in October 2018 with a document citing "field trials in Scotland".

CONFIDENTIAL

Use of [Redacted] [Redacted] Clean Treat in the UK- Final Meeting Minutes  
[Redacted]

Meeting: 9<sup>th</sup> October 2018, 1-3.30pm, BAHL, Bush House, Edinburgh

[Redacted]

[Redacted]

**Benchmark Animal Health Limited  
& Cleantreat, Effective Sea Lice Treatment with Proven Prevention of  
Environmental Impact, for Field Trials in Scotland.**

An [email dated November 2018](#) referred to a request from Fergus Ewing (Cabinet Secretary for the Rural Economy) for information on CleanTreat stating that "the company wish to push forward with trials in Scotland (trials already happening in Norway) - and that Marine Harvest [redacted] as partner wants to get this off the ground as soon as possible.....progress with regulators was slow and that they wished to speed things up":

From: [Redacted]  
Sent: 29 November 2018 10:02  
To: [Redacted]  
Cc: [Redacted]  
Subject: Aquaculture - CleanTreat

Hi [Redacted]

1. I understand [Redacted] assed on Mr Ewing's request for details about outstanding CAR applications – grateful for an update please.
2. We have also had a request from Mr Ewing for information about the situation regarding the following:

"Mr Ewing would like advice from SEPA + MS LOT on the current progress of Benchmark's application for field trials of CleanTREAT + [Redacted] in Scotland. For those who are not aware of the system - CleanTREAT is a system which 'cleans' the sea lice treatment chemical ( in this case a new product [Redacted] ) from water before the water is discharged. <http://www.benchmarkplc.com/articles/cleantreat-by-benchmark/> .

[Redacted] outlined that the company wish to push forward with trials in Scotland (trials already happening in Norway) – and that Marine Harvest [Redacted] as partner wants to get this off the ground as soon as possible. It was claimed that neither SEPA nor MS LOT could confirm to the company who the regulatory lead on their application would be. [Redacted] said that progress with regulators was slow and that they wished to speed things up. Hence Mr Ewing's request for immediate advice."

Happy to discuss – by phone if appropriate

Thanks  
[Redacted]  
[Redacted]

A [redacted email in February 2019](#) from Marine Scotland referred to a meeting being arranged "with SEPA and policy officials". It stressed the need for further information on the permits required for Benchmark's trials in Norway and "more detail on the proposed activity in the marine area (i.e. - what is proposed to be deposited in the sea)".

---

**From:** [Redacted]  
**Sent:** 08 February 2019 17:57  
**To:** [Redacted]  
**Subject:** RE: Benchmark - Cleantreat

Thanks for the discussion [Redacted]

I mentioned that we (MS-LOT) would arrange a meeting with SEPA and policy officials. I shall set this up in due course.

In order to better inform the process, we discussed the need for some further info namely:

1. The permits required in Norway for your trial there
2. More detail on the modelling you have carried out to date.
3. More detail on the proposed activity in the marine area (i.e.- what is proposed to be deposited in the sea?)
4. Sensitivity of the testing to LOD etc. to understand what the output might contain.

[Redacted]

I look forward to hearing from you and I shall look to set up a meeting soon.

Kindest regards

[Redacted]

A [redacted email from Benchmark in January 2019](#) asked: "I assume a brief outline of what we wish to do in Scotland would be helpful ahead of the call with SEPA?"

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**From:** [Redacted]  
**Sent:** 30 January 2019 16:10  
**To:** [Redacted]  
**Subject:** Re: Benchmark - Cleantreat

Hi [Redacted] – understood.

I assume a brief outline of what we wish to do in Scotland would be helpful ahead of the call with SEPA?

A call early-ish on the 7<sup>th</sup> – say at 9am - would work for me – I have updated the invite on Outlook.

Best regards,

[Redacted]

[Redacted]



Benchmark House, 8 Smithy Wood Drive, Sheffield, S35 1QN, UK  
[Redacted]

WEB. [www.benchmarkplc.com](http://www.benchmarkplc.com)

A [redacted email dated June 2019](#) to Marine Scotland attached a 'Confidential' document titled 'CleanTreat [redacted] Trials, Scotland 2019 Overview' (authored it appears by Benchmark's Animal Health Division in Edinburgh).

[Redacted]

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**From:** [Redacted]  
**Sent:** 19 June 2019 12:45  
**To:** MS LOT Business and Operational Delivery  
**Subject:** FW: Benchmark - CleanTreat  
**Attachments:** CleanTreat [redacted] Trials, Scotland 2019 Overview. CONFIDENTIAL.pdf  
ed]

**From:** [Redacted]  
**Sent:** 14 March 2019 13:25  
**To:** [Redacted]  
**Cc:** [Redacted]

[Redacted]

[Redacted]

Kind Regards

[Redacted]

Animal Health Division  
[Redacted]



Bush House, Edinburgh Technopol, Edinburgh, EH26 0BB

Another [redacted email dated May 2019](#) marked "Commercially sensitive and strictly confidential" referred to a "white paper to assist in our request for legal advice":

---

**From:** [Redacted]  
**Sent:** 09 May 2019 09:20  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: Commercially sensitive and strictly confidential: Draft minutes for review and final minutes from meeting 1  
**Attachments:** [Redacted]

Morning [Redacted]

Can you please review and get back to Benchmark?

I recall they mentioned a white paper to assist in our request for legal advice, this has not yet been received. It would augment the request already sitting with SGLD.

[Redacted] please feed any comments back to [Redacted]

Regards

[Redacted]

Another [redacted email dated May 2019](#) referred to Benchmark's "need to satisfy SEPA's concerns as part of any marine licence application prior to the handover of the licensing role to SEPA":

**From:** [Redacted] MARLAB)  
**Sent:** 29 May 2019 11:42  
**To:** [Redacted]  
**Subject:** RE: Benchmark CleanTreat

Hi [Redacted],

Back in the office now!

We met with Benchmark a few weeks ago. SEPA and the VMD were also in attendance.

The position was that they would need to satisfy SEPA's concerns as part of any marine licence application prior to the handover of the licensing role to SEPA. After which it seems likely to be SEPA's process entirely. They do seem to be in discussion with SEPA still. [Redacted]

[Redacted] As part of the meeting, Benchmark advised they would draft a 'white paper' to help explain what their plans were [Redacted]. This has not yet been received and we will be writing to benchmark, finalising the meeting minutes and reminding them of their offer of the white paper, probably today.

Hope this helps,

[Redacted]  
[Redacted]

A [redacted email from SEPA in April 2019](#) asked for "a visit to the existing vessel whilst operational" which would allow SEPA "to highlight any areas of concern early so that they could potentially be addressed/mitigated as part of the design process".

**From:** [Redacted]  
**Sent:** 23 April 2019 14:49  
**To:** [Redacted]

**Cc:** [Redacted]  
**Subject:** RE: Meeting - Thursday 11 April 2019 1430 - 1630h

Hi [Redacted]

Thanks for your time a couple of weeks ago. On reflection given your proposals are likely to involve commissioning a new or repurposing an existing vessel, it is important that we have the opportunity to feed in to or comment on any designs (particularly in reference to any potential process controls). As raised at the meeting our current understanding of the treatment and transfer process of your operations in Norway is fairly limited, for us to provide appropriate input we really need to have a clear understanding of the existing process. I think a visit to the existing vessel whilst operational would really help us develop that understanding. This would then allow us to highlight any areas of concern early so that they could potentially be addressed/mitigated as part of the design process.

I know there was an action from the meeting, but it would be good to know if that is going to be possible and if so, when and what limit there might be in numbers?

Kind regards

[Redacted]

Scottish Environment Protection Agency, Regulatory Services North, West Highland and Argyll Team, Kilbrandon House, Manse Brae, Lochgilphead, PA31 8QX  
[Redacted]

web: [www.sepa.org.uk](http://www.sepa.org.uk)

Benchmark [replied in April 2019](#) that "we are re-starting trials next week":

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**From:** [Redacted]  
**Sent:** 26 April 2019 18:50  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Meeting - Thursday 11 April 2019 1430 - 1630h

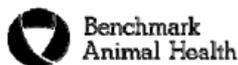
Hi [Redacted]

Yes it will definitely be possible to visit the boat. We are re-starting trials next week and are looking at possible dates for your visit. The dates are not yet fixed as it depends on the farms and the weather. It is looking likely that a date in the week of the 20<sup>th</sup> May might work but this is not yet confirmed. I will let you know definite dates as soon as I have them but they may be at quiet short notice unfortunately. I am currently looking into maximum numbers and will get back to you asap. I am hoping we can accommodate 2 people each from SEPA, MS and VMD but I need to confirm this. We will be limited by safety issues etc.

Kind Regards

[Redacted]

[Redacted]  
Animal Health Division  
Tel: [Redacted]  
[Redacted]



Bush House, Edinburgh Technopole, Edinburgh, EH26 0BB



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**From:** [Redacted]  
**Sent:** 06 December 2018 09:00  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: For information only - Outcome of meetings on 28 November - mortality disposal + Benchmark cleantreat

■

Many thanks for sharing.

I agree it would be worth referencing both the report and the focus on medicine use (see below) but also that the REC report said 'The Committee recognises the need to ensure that the licensing regime for medicines is fit for purpose and sufficiently robust to prevent environmental damage or impact on other species. It notes and welcomes the Fish Health Framework workstream which is dedicated to the licensing of fish treatment.'

RECOMMENDATION 32 The publication of this research leaves the Committee in no doubt that effective regulation of medicine used by the farmed salmon industry is a requirement. In this regard, it welcomes the action by SEPA to the UK Technical Advisory Group (UK TAG) to make recommendations to the Scottish Government on new environmental standards for Emamectin Benzoate. It also calls on SEPA and the Scottish Government to similarly consider the environmental impact of other medicines by the industry. (see paragraph 293)

For now the key issue is around the text at your para 8 and I have offered a few suggested changes below.

'Legislative Framework – BAHF, raised with the Cabinet Secretary that they were unclear of applicable legislation following the call. However the position for now is very clear. MS has been the licensing authority for wellboat discharges for the last 8 years. However, and as the Cabinet Secretary will be aware from the discussions at the Aquaculture Industry Leadership Group, Marine Scotland have been actively looking at moving forward on the recommendation from the 2016 'Independent review of Aquaculture Consents', which looked at the licensing role for wellboat discharge moving to SEPA. That recommendation has raised some challenges but is still under active consideration and we are hopeful close to a conclusion. The legislative framework has subsequently been clarified to BAHF by MS and an offer has been made to further discuss if they are not clear.'

I am not sure of the wider benefits of a presentation to the sub group and what expectations that might bring with it, but that is just an observation.

I suggest you address to both Cab Secs.

Regards

A [redacted email dated December 2018](#) reports that Benchmark is aware that "discharges from wellboats need marine licences" (currently issued by Marine Scotland but soon to be moved to SEPA).

**From:** [Redacted]  
**Sent:** 05 December 2018 14:48  
**To:** [Redacted]  
**Cc:** [Redacted]

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**Subject:** RE: For information only - Outcome of meetings on 28 November - mortality disposal + Benchmark cleantreat

■

I have begun to draft something and have had a brief discussion with [Redacted] at SEPA.

We understand that benchmark is in discussions with the VMD.

I have gone back to benchmark to clarify that discharges from wellboats need marine licences currently, and that this might change in the future to CAR. [Redacted]

[Redacted]

■

FOI documents [disclosed by the Scottish Government in April 2018](#) included an [email dated December 2017](#) from the Scottish Aquaculture Innovation Centre describing Ectosan as a "follow on product to Salmosan" speculating that it could also be Azamethiphos-based.

**From:** [Redacted]  
**Sent:** 13 December 2017 14:01  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Ectosan sea lice treatment

Hi [Redacted]

Thanks for the Ectosan press release.

I note that Benchmark describe Ectosan as a follow on product to Salmosan. There's no publicly available on active ingredients, but I wonder if it's also azamethiphos-based, with the associated regulatory controls and need to avoid sea lice resistance, etc?

Regarding CleanTreat, this water purification system was presented at a SSPO meeting last week – again, no details provided on how the tech works, which made some of the audience a bit sceptical. Interestingly, it was mentioned that the shipping container-based modules would need to be multiplied up to enable treatment of commercial scale water volumes. As I understood things, this would in turn need a secondary vessel alongside the well boat. Finally, it was mentioned that initial discussion have been had with SEPA, but no indication as to how advanced these are.

I hope this is of some help!

Best regards,  
[Redacted]

[Redacted]  
[Redacted]  
Scottish Aquaculture Innovation Centre  
(t) [Redacted] (m) [Redacted] (w) [scottishaquaculture.com](http://scottishaquaculture.com) [Connect+Collaborate](#)

A [redacted email dated December 2017 from the Scottish Government](#) suggested that Benchmark's 'Ectosan' sea lice treatment "on face value could be a significant game-changer".

**From:** [Redacted] [@gov.scot](#)  
**Sent:** 13 December 2017 11:13  
**To:** [Redacted] [@scottishaquaculture.com](mailto:@scottishaquaculture.com)>  
**Cc:** [Redacted] [@gov.scot](#)  
**Subject:** Ectosan sea lice treatment

Morning [Redacted]

I am sure you are already aware of the article <https://www.fishfarmingexpert.com/news/new-lice-bath-100-effective-and-pollution-free/> but I wondered if you had any further readout around this particular innovation which on face value could be a significant game-changer. As I recall, Benchmark are an industry member of SAIC.

Regards

[Redacted]

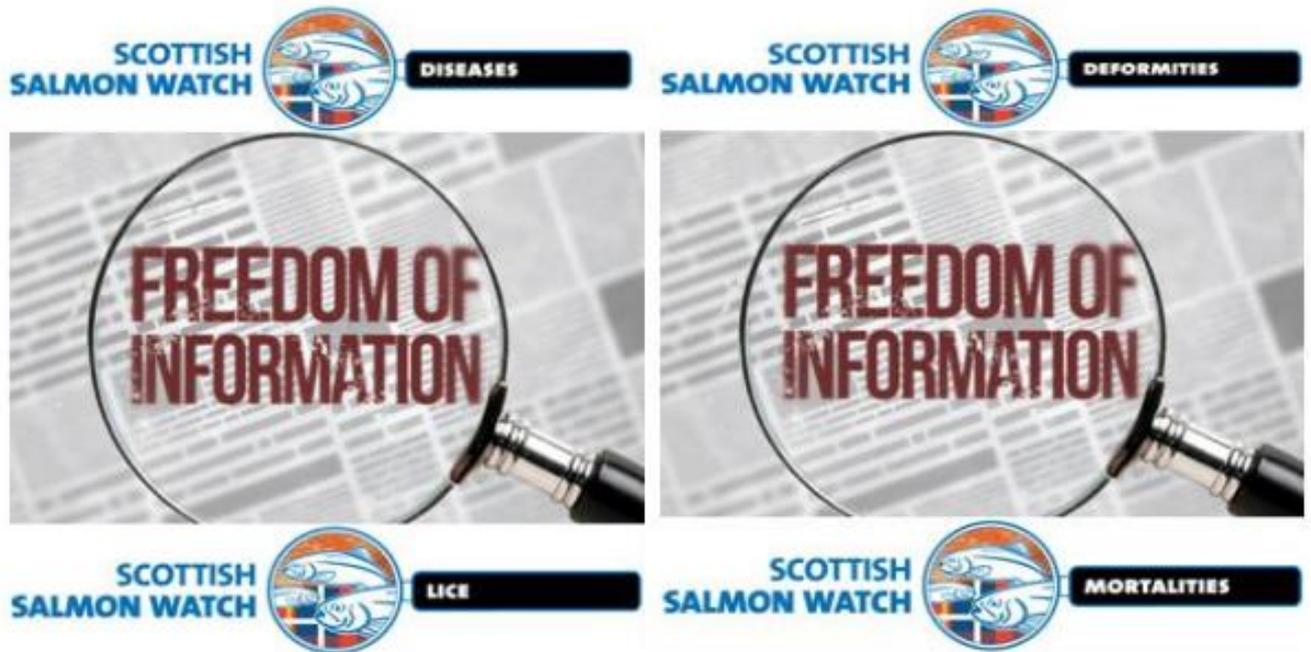
[Redacted]

[Marine Scotland](#)

Scottish Government | Area 1-B North | Victoria Quay | EH6 6QQ

T: [Redacted]  
[Redacted]

In December 2019, Scottish Salmon Watch filed further FOIs for information on CleanTreat, BMK08 and Ectosan with the Scottish Government, SEPA, the Veterinary Medicines Directorate and Scottish Natural Heritage.



Scottish Natural Heritage claimed on 19 December 2019 to possess no information on BMK08 or Ectosan [8].

On 19 December 2019, Scottish Salmon Watch asked SEPA to re-consider their blanket refusal to provide information on CleanTreat [9].

On 19 December 2019, the Scottish Government refused a FOI request by Scottish Salmon Watch claiming they had no information on BMK08 and could not disclose information on Ectosan "because disclosure of this particular information would, or likely to, prejudice substantially the confidentiality of commercial information provided by Benchmark Holdings plc and thus cause substantial harm to their commercial interests" [10].

A [FOI reply from the Veterinary Medicines Directorate in January 2018](#) claimed to have no information on CleanTreat or Ectosan. A further FOI request was refused in December 2019. "We fully recognise and respect the obligations imposed by the FOIA on the VMD to act in a manner that is transparent and open in the public interest," wrote the VMD in a letter dated 20 December 2019. "However, the very real harm likely to ensue from the disclosure of the information you request warrants the balance to be taken in favour of non-disclosure" [11].

"We consider that the disclosure of the information would be likely to prejudice the commercial interests of Marketing Authorisation holders and that Section 43 applies here," continued the VMD. "Through the marketing authorisation system, the VMD receives information from commercial entities that constitutes trade secrets and information protected by patent, the publication of which would create significant commercial harm to the manufacturer. The commercial entities are required by law to provide the information and are put to great expense to generate it. In this case, the information you request could be used by other manufacturers to formulate, develop or market products that would compete with these

products. We consider such factors weigh against the public interest in disclosing the information in question."

"We also judge that Section 41 of the FOIA applies to this request. Section 41 is an absolute exemption and it is engaged in this case because the information carries the necessary quality of confidence. In this instance publishing such information could undermine the veterinary pharmaceuticals industry's trust in the regulatory process as well as the companies' commercial position. This could lead to companies becoming unwilling to place product on the UK market, which would have a detrimental impact on animal welfare. Further, the market as a whole benefits from establishing and upholding a robust process for marketing authorisations; this in turn requires appropriate protection of confidentiality, and the honouring of expectations of confidentiality."

