

FOI Backgrounder (April 2017):

FOI Replies & FOI Requests Re. Mort Disposal (Scottish Government, European Commission, Scottish Environment Protection Agency & Local Authorities)

Please read in conjunction with 'Media Backgrounder: Mort Disposal of Scottish Farmed Salmon (May 2017)'.

Appendix 1: FOI reply from the Scottish Government (23 March 2017)

From: Ian.Cox@gov.scot [mailto:Ian.Cox@gov.scot]
Sent: 23 March 2017 16:49
To: salmonfarmingkills@gmail.com
Subject: RE: FOI - E - disposal of morts/dead farmed salmon since 1 Jan 2016 - Don Staniford - FoI/17/00148

Dear Mr Staniford

FOI/17/00148

Please find attached a response in relation to your Freedom of Information request dated 18 January 2017.



Fol_17_00148 - Document 21 - MS Fis



Fol_17_00148 - Document 20 - MS en



Fol_17_00148 - Document 19 - email t



Fol_17_00148 - Document 18 - email t



Fol_17_00148 - Document 17 - ABP(S



Fol_17_00148 - Documents 11-16 - Fi



Fol_17_00148 - Document 10 - EU.pdf



Fol_17_00148 - Document 9 - EU.pdf



Fol_17_00148 - Document 8 - EU.pdf



Fol_17_00148 - Document 7 - EU.pdf



Fol_17_00148 - Document 6 - EU.pdf



Fol_17_00148 - Document 5 - EU.pdf



Fol_17_00148 - Document 4 - EU.pdf



Fol_17_00148 - Document 3 - EU.pdf



Fol_17_00148 - Document 2 - EU.pdf



Fol_17_00148 - Document 1 - EU.pdf response - 23 March :



Kind regards

Ian Cox | Animal Health and Welfare Division | Disease Prevention Team
P Spur | Saughton House | Broomhouse Drive | EDINBURGH EH11 3XD
Tel. No. 0300 244 9813 | email: ian.cox@gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

Agriculture, Food and Rural Communities Directorate
Animal Health and Welfare Division



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300-244 9813
E: ian.cox@gov.scot

Mr Don Staniford
Director
Global Alliance Against Industrial Aquaculture (GAAIA)

Our ref: Fol/17/00148
23 March 2017

Dear Mr Staniford,

Fol/17/00148

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 18 January 2017 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

1. information on the disposal of morts/dead farmed salmon (e.g. landfill operators, incineration, sterilisation and composting) since 1 January 2016;
2. Data on the quantities and fate of mortalities from Scottish fish farms;
3. Correspondence with salmon farming companies, SSPO, landfill operators, waste disposal companies, Zero Waste Scotland, EU officials, Scottish Government officials, Norwegian companies and any other discussions relating to the new/changed disposal rules as implemented on 1 January 2016;
4. Information relating to progress reports, problems, costings, updates, data evaluation, losses of income due to non-landfill disposal and discussions on the new/changed rules as operating during 2016 (and the first few weeks of 2017); and
5. Industry waste disposal practices, best practice guidelines or handbooks.

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 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.

Response to your request

I enclose a copy of most of the information you requested to points 1, 2, 3 and 4. In addition, we will have some relevant information which has been collected during fish health inspections. This is available or will be released through our active publication process. Method of mortality disposal can be found in the site details section of each case sheet. Additionally, there may be some relevant information in the observer's comments. Information can be accessed through the following link - <http://www.gov.scot/Topics/marine/Fish-Shellfish/FHI/CaseInformation>

Under regulation 6(1)(b) of the EIRs, we do not have to give you information that is already publicly available and easily accessible to you in another form or format. If, however, you do not have internet access to obtain this information from the website(s) listed, then please contact me again and I will send you a paper copy.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exceptions apply under:

- Regulation 10(4)(e) - Internal communications
- Regulation 11(2) - Personal data relating to third party of the EIRs apply to that information. The reasons why those exceptions apply are set out in the Annex to this letter.

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 at point 5. Therefore we are refusing this aspect of 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 Sheila Voas, Chief Veterinary Officer (Scotland), Animal Health and Welfare Division, P Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD or email Sheila.Voas@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 you received this letter. We will complete the review and tell you the result within 20 working days from the date 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 rights is available on the Commissioner's website at: www.itspublicknowledge.info.

Yours sincerely,

IAN COX
Disease Prevention Team

REASONS FOR NOT PROVIDING INFORMATION

An exception appliesRegulation 10(4)(e) – internal communications [in relation to general policy and decision-making]

An exception under regulation 10(4)(e) of the EIRs (internal communications) applies to some of the information you have requested because it is internal communication between Scottish Government Ministers and officials about policy formulation.

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. We recognise that there is some public interest in release as part of open, transparent and accountable government, and inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. However, this is outweighed by the public interest in ensuring Ministers and officials are able to consider all available options and to debate those vigorously, to fully understand their possible implications.

While our aim is to provide information whenever possible, in this instance an exception also applies under regulation 11(2) of the EIRs (personal information) applies to some of the information requested. This exception applies because the information is personal data of a third party and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exception is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exception.

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 requested because the Scottish Government does not hold any correspondence or data on this issue. 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 about industry waste disposal practices, best practice guidelines or handbooks, clearly we cannot provide information which we do not hold.

Appendix 2: FOI reply from DG SANCO

From: SANTE-CONSULT-A2@ec.europa.eu [mailto:SANTE-CONSULT-A2@ec.europa.eu]
Sent: 20 February 2017 15:54
To: salmonfarmingkills@gmail.com
Cc: SANTE-ACCESS-TO-DOCUMENTS@ec.europa.eu
Subject: Ares(2017)909436 - Partial disclosure - Your application for access to documents – Ref GestDem No 2017/551

Dear Mr Staniford,

Please find attached the transmission note accompanying the annexes you had requested and that you received earlier.

You will also receive everything by post.

Best regards
Catherine in the secretariat of unit A2.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Director-General

Brussels,
sante.a.2/VJ/cw(2017) 898254

Mr Don Staniford
2 Broad Lane
Heswall
Wirral
Merseyside CH60 9LE
UNITED KINGDOM

***By registered letter with
acknowledgement of receipt***

Advance copy by email:
salmonfarmingkills@gmail.com

Dear Mr Staniford,

Subject: Your application for access to documents – Ref GestDem No 2017/551

We refer to your e-mail dated 28 January 2017 in which you make a request for access to documents, registered on 30 January 2017 under the above mentioned reference number.

You request access to all correspondence with the UK authorities as well as any other information on the file regarding the complaint registered under reference CHAP(2013)01285.

The relevant correspondence with the authorities of the United Kingdom took place within the framework of the EU Pilot exchange which was registered under reference EU Pilot 7150/14/SNCO and closed on 3 May 2016.

Consequently, we have identified that your application concerns the following documents exchanged via the EU Pilot system within the above mentioned file:

- request for information sent by the Commission services on 24 November 2014;
- response sent by the UK authorities on 23 January 2015 and its annexes;
- request for additional information sent by the Commission services on 23 March 2015;
- further response sent by the UK authorities on 10 April 2015 and its annexes;
- request for follow-up sent by the Commission services on 29 April 2015;
- response sent by the UK authorities on 30 October 2015 and its annexes;
- response sent by the UK authorities on 27 January 2016;
- letter to the UK authorities sent by the Commission services on 14 March 2016.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, we have come to the conclusion that they may be partially disclosed. Some parts of the document which is titled "*EU Pilot 7150/14/SNCO Request for follow-up*" and contains the response sent by the UK authorities on 27 January 2016 have been blanked out as their disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation.

The redacted parts of the document contain commercially sensitive business information.

Disclosure of these parts would undermine the protection of commercial interests of a natural or legal person as laid down in the first indent of Article 4(2) of Regulation (EC) No 1049/2001.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents.

We have examined whether there could be an overriding public interest in disclosure of the redacted parts but we have not been able to identify such an interest.

You may reuse Commission documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Documents originating from third parties, in this case in particular from the authorities of the United Kingdom, cannot be re-used without the agreement of the originators.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

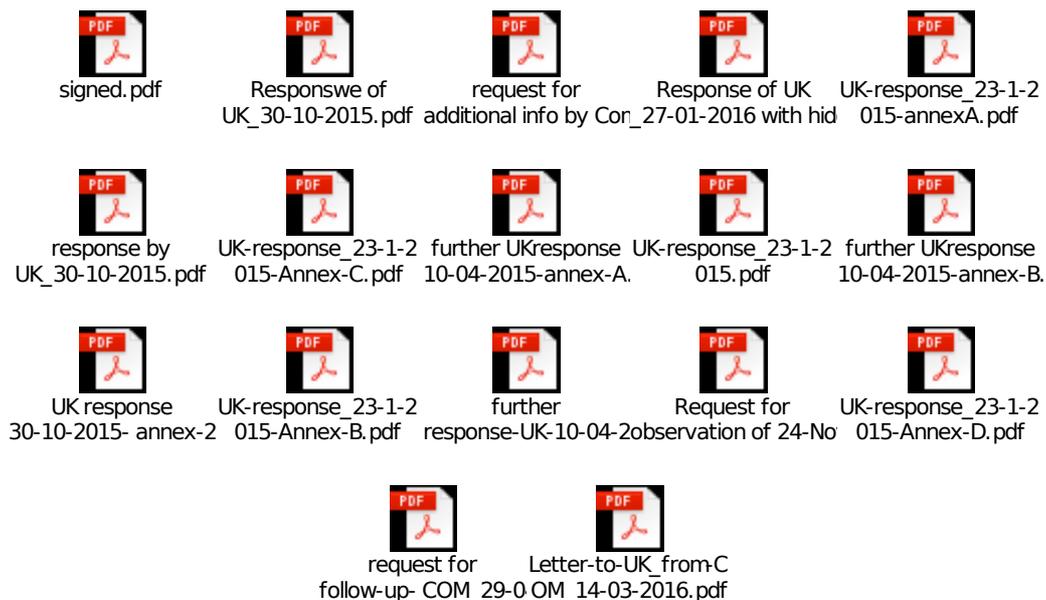
European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Xavier Prats Monné

From: EC ARES NOREPLY [mailto:DIGIT-NOREPLYARES@ec.europa.eu]
Sent: 20 February 2017 15:15
To: STANIFORD Don (GAAIA - GLOBAL ALLIANCE AGAINST INDUSTRIAL AQUACULTURE)
Subject: Ares(2017)909436 - Partial disclosure - Your application for access to documents – Ref GestDem No 2017/551



From: SANTE-CONSULT-A2@ec.europa.eu [mailto:SANTE-CONSULT-A2@ec.europa.eu]
Sent: 20 February 2017 13:52
To: salmonfarmingkills@gmail.com
Cc: SANTE-ACCESS-TO-DOCUMENTS@ec.europa.eu
Subject: Ares(2017)909436 regarding "Partial disclosure - Your application for access to documents – Ref GestDem No 2017/551"

Please find attached document Ares(2017)909436 regarding "Partial disclosure - Your application for access to documents – Ref GestDem No 2017/551"

Replies by e-mail must be addressed to: SANTE-CONSULT-A2@ec.europa.eu

ATTACHED:

- » UK-response_23-1-2015-Annex-C.xlsx (31.5 KB)
- » signed (89.9 KB)
- » UK-response_23-1-2015-Annex-D.pdf (181.2 KB)
- » Request for observation of 24-Novembre-2014.doc (45.4 KB)
- » further UKresponse 10-04-2015-annex-A.docx (38.8 KB)
- » further UKresponse 10-04-2015-annex-B.pptx (257.8 KB)
- » UK-response_23-1-2015-Annex-B.pdf (2.0 MB)
- » Response of UK_27-01-2016 with hidden address.pdf (91.5 KB)
- » further response-UK-10-04-2015.docx (99.6 KB)
- » Letter-to-UK_from-COM_14-03-2016.doc (25.2 KB)
- » UK-response_23-1-2015.docx (379.4 KB)
- » request for follow-up- COM_29-04-2015.doc (25.9 KB)
- » UK response 30-10-2015- annex-2 -Guidance.pdf (239.8 KB)

- » Responswe of UK_30-10-2015.docx (101.1 KB)
- » response by UK_30-10-2015.doc (27.1 KB)
- » UK-response_23-1-2015-annexA.xlsx (7.8 MB)
- » request for additional info by Com_23-3-2015.doc (33.0 KB)



From: Don Staniford [mailto:salmonfarmingkills@gmail.com]

Sent: 28 January 2017 12:46

To: 'SANCO-CHAP@ec.europa.eu'

Subject: FOI request re. CHAP(2013)01285 - Kennedy complaint vs UK authorities on disposal of animal by-products from fish farms

Please provide information on Ewan Kennedy's complaint registered under reference number CHAP(2013)01285, against the United Kingdom on alleged infringements of Union legislation relating to the collection and disposal of animal by-products originating from fish farming in Scotland.

It is my understanding that the complaint was filed in April 2013 and the case handler was Ville Jämsä.

It is understood that the case file was closed in 2016.

The case was reported in April 2016 via:

["European Commission complaint over dead fish dumping forces rule change"](#) (Evening Times)

["Complaint over dead fish dumping forces rule change"](#) (Sunday Herald)

For example, an email from Ville Jämsä of the European Commission in June 2015 (enclosed in full below) included:

"Extensive correspondence has taken place between the Commission services and the UK authorities in the context of the EU Pilot investigation which was triggered by your complaint. I can inform you that the UK authorities have in this context presented an action plan which includes an envisaged amendment to the Animal By-Products (Enforcement) (Scotland) Regulations 2013 and improvements to the official control activities, in particular in relation to contingency planning for large scale fish mortality disposal. In order to maintain the necessary trust-based cooperation between the Member State and the Commission during the pending EU Pilot investigation, further details of the action plan submitted by the UK authorities cannot be explained at this stage. However, the timeline provided by the UK authorities shows, inter alia, that the legislative amendment is envisaged to enter into force by the end of year 2015. The Commission services are closely following up with the commitments of the UK authorities in this context."

Since this complaint closed in 2016 and the UK authorities have now made the necessary legislative amendments (which came into force on 1 January 2016) this "extensive correspondence" should therefore be publicly available.

For easy reference, here's the letter from the EC in May 2016 closing the case:



Dear Mr Kennedy,

Subject: Your complaint against the United Kingdom on alleged failure to comply with Regulation (EC) No 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption

Reference: EU Pilot 7150/14/SNCO (former CHAP(2013)01285) – Your letter of 17 April 2013, your e-mails of 22 May and 1 October 2013, 26 July, 27 July, 5 August and 24 September 2014 and 19 June, 24 June and 22 October 2015 – Our letters of 21 May 2013 and 21 May 2014, our e-mails of 10 July, 7 August, 26 August and 19 September 2014, our letter of 24 November 2014, our e-mail of 24 June 2015, our letter of 17 July 2015 (Ares(2015)3018999), our e-mail of 11 November 2015 and our letter of 18 March 2016 (Ares(2016)1364692)

I refer to my letter of 18 March 2016 in which I informed you of our assessment of your above mentioned complaint case and the results of the related EU Pilot investigation as well as of our intention to close the case unless we receive, within four weeks from the date of my letter, further information or evidence which would alter our assessment.

On the basis of the assessment explained in my letter of 18 March 2016, and in the absence of reaction from your side within the time limit set out in that letter, I would like to inform you that your complaint case and the related EU Pilot investigation (EU Pilot 7150/14/SNCO, former CHAP(2013)01285) have now been closed.

Yours sincerely,



Rossella Delfino
Acting Head of Unit

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111

Please include all correspondence with the UK authorities as well as any other information on file.

Please consider this a request for information under the relevant Freedom of Information and Environmental Information Regulations.

Please provide this information electronically via email.

Please acknowledge receipt of this FOI request.

Many thanks and I look forward to a response shortly.

Thanks,

Don

Don Staniford

Appendix 3: FOI reply from SEPA (9 February 2017)

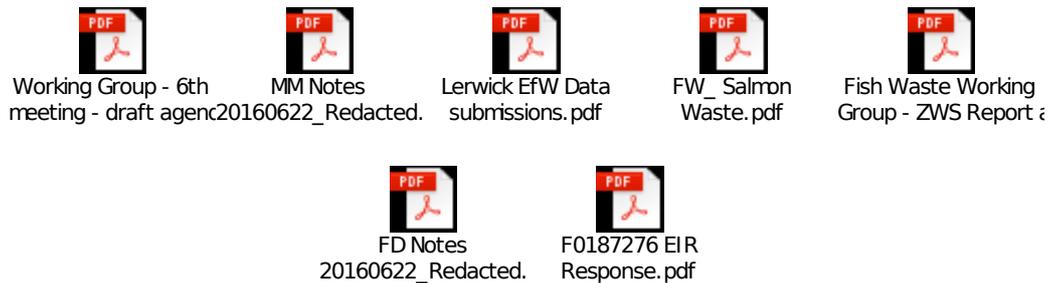
From: FOI Helpdesk [mailto:FOI.Mail@sepa.org.uk]
Sent: 09 February 2017 16:27
To: Salmonfarmingkills@gmail.com
Subject: Access to Information SEPA Response - [F:0187276]



Dear Mr Staniford

REQUEST FOR INFORMATION

Please refer to the enclosed documents in relation to your request for information.



Regards

Michael Hampton

SEPA Access to Information team

Email: foi@sepa.org.uk

Tel: 01786 457700

Appendix 4: FOI reply from Shetland Isles Council (9 March 2017)

From: Jaine.Best@shetland.gov.uk [mailto:Jaine.Best@shetland.gov.uk]
Sent: 13 March 2017 11:14

To: salmonfarmingkills@gmail.com
Subject: RE: FAO Don Staniford Appeal re FOI

Good morning Mr Staniford
I enclose a copy of the two e-mails detailing the correspondence with SEPA.
Yours faithfully
Jaine Best

Attachments:

From: Osborn, Kevin [<mailto:kevin.osborn@sepa.org.uk>]
Sent: 14 November 2016 10:30
To: Spence William@Environmental Services
Subject: RE: Salmon Waste

Hi Will'm

You can landfill morts but they have to be pressure sterilised – morts & diseased fish are Category 2 Aquatic APB.

<http://www.gov.scot/Topics/farmingrural/Agriculture/animal-welfare/ABPs/aquacultureABP/aquaticABPdisposal>

I thought there had been some sort of relaxation of the regs but cant find anything confirming this.

Cheers

Kevin

Kevin Osborn

Environment Protection Officer

Scottish Environment Protection Agency

Shetland Office, The Esplanade, Lerwick, Shetland. ZE1 0LL

Tel: 01595 696926 Fax: 01595 696946 www.sepa.org.uk

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SEPA registered office: Strathallan House, Castle Business Park, Stirling, FK9 4TZ. Under the Regulation of Investigatory Powers Act 2000, the email system at SEPA may be subject to monitoring from time to time.

From: william.spence@shetland.gov.uk [<mailto:william.spence@shetland.gov.uk>]
Sent: 13 November 2016 17:34
To: Osborn, Kevin
Subject: Salmon Waste

Hi Kevin

You mentioned the other day that it might be possible that we can take salmon waste into Gremista Landfill. I am sure that if this is possible the salmon industry would much appreciate it because it would seem that they have plenty to dispose off.

Can you give me any guidelines on this and would there be any restrictions.

Cheers

W Spence

Executive Manager – Environmental Services

Shetland Islands Council
Environmental Services
Infrastructure Services Department
Gremista
Lerwick
Shetland
ZE1 0PX

Tel: 01595 745163/07766421052
Fax: 01595 745175

e-mail: william.spence@sic.shetland.gov.uk
Visit
<http://www.shetland.gov.uk/waste/>

From: Don Staniford [<mailto:salmonfarmingkills@gmail.com>]
Sent: 09 March 2017 19:35
To: Best Jaïne@Governance & Law
Subject: RE: FAO Don Staniford Appeal re FOI

Sorry - this is not acceptable.

Please provide copies of the correspondence you refer to.

Thanks,

Don

From: Jaine.Best@shetland.gov.uk [<mailto:Jaine.Best@shetland.gov.uk>]
Sent: 09 March 2017 11:23
To: salmonfarmingkills@gmail.com
Subject: FAO Don Staniford Appeal re FOI

Good morning Mr Staniford.

Your appeal of 7th February 2017 was passed to me for attention.

I note your particular concerns in relation to the following paragraph from your original request :-

‘Please include correspondence with salmon farming companies, SSPO, landfill operators, waste disposal companies, Zero Waste Scotland, EU officials, Scottish Government officials, Norwegian companies and any other discussions relating to the new/changed disposal rules as implemented on 1st January 2016’.

I would confirm that the Executive Manager – Environmental Services has undertaken a search of the records held by Shetland Islands Council in relation to this issue and the only information falling within the scope of your request is a request from the Council to SEPA on 13th November 2016 about the possibility of disposal of salmon waste at the Gremista Landfill site.

SEPA responded to confirm that landfill morts require to be pressure sterilised - morts and diseased fish are category 2 Aquatic APB. The Council were directed to the undernoted website.

<http://www.gov.scot/Topics/farmingrural/Agriculture/animal-welfare/ABPs/aquacultureABP/aquaticABPdisposal>

I trust the above is of assistance

Your faithfully
Jaine Best, solicitor
Shetland Islands Council,
8 North Ness business Park,
Lerwick,
Shetland.
ZE1 OLZ

From: Don Staniford [<mailto:salmonfarmingkills@gmail.com>]
Sent: 20 February 2017 12:54
To: Nicolson Paula@Infrastructure Svcs
Subject: RE: Salmon disposal

Paula,

Thanks - do you know what units the "weight" column is (e.g. tonnes or kg) for both Excel spreadsheets?

Producer Name	Site Location	Ticket No	EWC Desc 1st	Transaction Date	Net Weight
Grieg Seafood	LANDFILL	163764	Fish	13/01/2016 12:41	620
QA Fish	LANDFILL	164376	Fish	02/02/2016 12:40	2040
QA Fish	LANDFILL	164380	Fish	02/02/2016 13:36	1520
Grieg Seafood	LANDFILL	167655	Fish	04/05/2016 09:34	1100
Greig Seafood Shetland Ltd	LANDFILL	167704	Fish	05/05/2016 09:26	940
Grieg Seafood	LANDFILL	169691	Fish	24/06/2016 08:27	1000
Grieg Seafood	LANDFILL	169699	Fish	24/06/2016 09:21	800
Grieg Seafood	LANDFILL	169706	Fish	24/06/2016 10:11	1000
Grieg Seafood	LANDFILL	169883	Fish	28/06/2016 13:58	2080
Grieg Seafood	LANDFILL	169897	Fish	28/06/2016 15:05	1480
Grieg Seafood	LANDFILL	169929	Fish	29/06/2016 11:24	1120
Grieg Seafood	LANDFILL	169941	Fish	29/06/2016 12:42	1180
Grieg Seafood	LANDFILL	170055	Fish	01/07/2016 11:27	1740

Both do not list the units.

Thanks,

Don

From: Paula.Nicolson@shetland.gov.uk [<mailto:Paula.Nicolson@shetland.gov.uk>]

Sent: 20 February 2017 11:58

To: salmonfarmingkills@gmail.com

Subject: Salmon disposal

Dear Mr Saniford

Attached is the information and companies that have dumped fish at the Landfill site and Energy Recovery Plant.

The Executive Manager for Environmental Services has asked me to pass this onto you

Thank you

Paula Nicolson
 Clerical Officer
 Infrastructure Services
 Gremista
 Lerwick
 Tel: 744809

Attachments:



CR Jan 16 - Dec 16



Jan - Dec 16.xlsx

erp.xlsx

From: Paula.Nicolson@shetland.gov.uk [mailto:Paula.Nicolson@shetland.gov.uk]
Sent: 10 February 2017 09:00
To: salmonfarmingkills@gmail.com
Subject: RE: FOI request

Thank you for your emails I have passed them onto the Executive Manager from Environmental Services who is in overall charge of waste, I can give you his details if you would like to be in contact with him

I have asked him to make his reply a priority

Thank you

Paula

Paula Nicolson
Clerical Officer
Energy Recovery Plant
Gremista
Lerwick
745160

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 09 February 2017 16:45
To: 'Paula.Nicolson@shetland.gov.uk'
Subject: RE: FOI request

Paula,

Please also check if anyone from SIC attended or phoned into this meeting?

6th Meeting of the Working Group on Fish Waste Disposal
Contingency Planning for large scale disposal

Wednesday 22nd June 2016

**Meeting Room P1, P Spur
Saughton House, Edinburgh, EH11 3XD
at 14:00 to 16:00**

Dial in details:

Telephone No.: 0800 376 7983

Participant code: 653 081 3605 #

Agenda

1. Welcome and introduction
2. Action points from last meeting
3. Consultation update
4. Discussion on Zero Waste Scotland Report: Finfish Mortalities in Scotland
5. Western Isles and Shetland update
6. Contingency planning
7. AOB
8. Date of next meeting

And if they have any documentation.

Thanks,

Don

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]

Sent: 09 February 2017 16:40

To: 'Paula.Nicolson@shetland.gov.uk'

Subject: RE: FOI request

Ditto, this document disclosed by SEPA was not made available by SIC:

Data submissions from:

Shetland Islands Council Environmental Services Energy Recovery Plant
Pollution Prevention and Control (Scotland) Regulations 2000
Permit Number: PPC/A/1003141

Quantities of waste accepted to the premises (kg)

Date	Clinical	Municipal	Offshore	Fish	TOTAL
Jan-16	9720	1501680	0	14140	1525540
Feb-16	22560	2007860	0	4880	2035300
Mar-16	7540	1973780	0	7020	1988340
	39820	5483320	0	26040	5549180

Date	Clinical	Municipal	Offshore	Fish	TOTAL
Apr-16	14240	1897840	0	14080	1926160
May-16	12760	1912660	0	14860	1940280
Jun-16	13860	1505900	0	7620	1527380
	40860	5316400	0	36560	5393820

Date	Clinical	Municipal	Offshore	Fish	TOTAL
Jul-16	17220	2106080	0	20200	2143500
Aug-16	12400	2119320	0	41120	2172840
Sep-16	14760	1835620	0	34880	1885260
	44380	6061020	0	96200	6201600

Date	Clinical	Municipal	Offshore	Fish	TOTAL
Oct-16	3960	1354020	0	27040	1385020
Nov-16	13040	2078800	0	29380	2121220
Dec-16	16240	2120060	0	17880	2154180
	33240	5552880	0	74300	5660420

This begs the question: how many more documents are SIC hiding?

Thanks,

Don

From: Don Staniford [<mailto:salmonfarmingkills@gmail.com>]

Sent: 09 February 2017 16:37

To: 'Paula.Nicolson@shetland.gov.uk'

Subject: RE: FOI request

Paula,

Before a review/appeal is filed, could you please triple-check that SIC has provided all the documents requested?

For example, this email was made available by SEPA (in reply to a carbon copy FOI) but it was not made available by SIC:

From: william.spence@shetland.gov.uk [mailto:william.spence@shetland.gov.uk]
Sent: 13 November 2016 17:34
To: Osborn, Kevin
Subject: Salmon Waste

Hi Kevin

You mentioned the other day that it might be possible that we can take salmon waste into Gremista Landfill. I am sure that if this is possible the salmon industry would much appreciate it because it would seem that they have plenty to dispose off.

Can you give me any guidelines on this and would there be any restrictions.

Cheers

W Spence

Executive Manager – Environmental Services

-
Shetland Islands Council
Environmental Services
Infrastructure Services Department
Gremista
Lerwick
Shetland
ZE1 0PX

Tel: 01595 745163/07766421052

Fax: 01595 745175

e-mail: william.spence@sic.shetland.gov.uk

Visit

<http://www.shetland.gov.uk/waste/>

Why did SIC not make this available?

Are there other documents which should be made available?

Thanks,

Don

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 07 February 2017 16:46
To: 'Paula.Nicolson@shetland.gov.uk'
Subject: RE: FOI request

Paula,

The attached letter does not seem to be complete.

Who, for example, wrote it and where is the signature?

Don

From: Paula.Nicolson@shetland.gov.uk [<mailto:Paula.Nicolson@shetland.gov.uk>]

Sent: 07 February 2017 16:29

To: salmonfarmingkills@gmail.com

Subject: FOI request

Dear Mr Staniford

I have asked the Executive Manger for Environmental Services to provide information for your request. The attached document is from the European Commission and there is email correspondence below relating to this. Our landfill site only accepted salmon until 30th June 2016. Salmon is disposed at our Energy Recovery Plant which is licensed by SEPA. We don't have any correspondence with waste disposal companies as Shetland islands Council operates and manages both the Landfill site and the Energy Recovery Plant (we only have one of each in Shetland). We have no current correspondence with any of the other organisations listed. At the Energy Recovery plant a Salmon company site will phone in and advise the staff if they have salmon to dispose of we have a daily limit of 3 tonnes, If we have reached our limit of that day we advise the company that they need to come another day.

I hope that answers your questions in full

Thank you

Paula

Paula Nicolson
Clerical Officer
Infrastructure Services
Gremista
Lerwick
Tel: 744809



EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

Resource management and better regulation
Legal affairs

Brussels, 14 March 2016

Letter to the UK Authorities

The Commission services would like to thank the authorities of the United Kingdom for their reply transmitted via the EU Pilot on 27 January 2016 ("the reply").

The Commission services welcome the amendment of the Animal By-Products (Enforcement) (Scotland) Regulations 2013 by the Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015 (S.S.I. 2015 No. 393), which came into force on 1 January 2016, so as to ensure compliance with the EU animal by-products (ABP) legislation in the context of the disposal of ABP originating from aquaculture in Scotland. The Commission services also appreciate the identification of alternative compliant disposal routes and existing disposal capacity through the Report on Finfish Mortalities in Scotland and the ongoing process of drawing up contingency plans for large scale mortality disposal through the Working Group on Fish Waste Disposal as explained in the reply which the Commission services expect to result in concrete

improvements in this area. The Commission services are pleased to note that the authorities of the United Kingdom have thus taken measures in accordance with the action plan they transmitted via the EU Pilot on 10 April 2015.

The above mentioned measures taken by the authorities of the United Kingdom appear to cover the main issues raised in the complaint on the basis of which the EU Pilot exchange was launched in November 2014. Therefore, an assessment of the two individual scenarios planned in Shetland Island and Western Isles as explained in the reply does not seem necessary in the context of this EU Pilot exchange.

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111

From: Grant Cumming [<mailto:grant.cumming@griegseafood.com>]
Sent: 24 March 2016 11:20
To: Spence William@Environmental Services
Cc: Sandison Maggie@Infrastructure Svs
Subject: FW: Grieg Seafood - outcome of European Commission derogation request

Hi William,

Please find attached confirmation from Scottish Government that the SIC landfill has been derogated to accept salmon waste until the end of June 2016. Please can you confirm if you will still be able to accept this waste and what quantities you will be able to take?

Best regards,

Grant

From: Ian.Cox@gov.scot [<mailto:Ian.Cox@gov.scot>]
Sent: 24 March 2016 11:11
To: Grant Cumming <grant.cumming@griegseafood.com>
Subject: RE: Grieg Seafood - outcome of European Commission derogation request

Hi Grant

This is the letter we received from the Commission and it's the last paragraph you're interested in outlining that they're happy with the progress made to date.

Many thanks

Ian

IAN COX | TSEs and Animal By-Products
Disease Prevention Team | Animal Health and Welfare Division (P Spur)
Directorate for Agriculture Food and Rural Communities | Scottish Government
Shafton House, Broomhouse Drive, EDINBURGH, EH11 3XD

Tel: 0300 244 9813

Email: Ian.Cox@gov.scot

From: Paula.Nicolson@shetland.gov.uk [mailto:Paula.Nicolson@shetland.gov.uk]
Sent: 07 February 2017 15:13
To: salmonfarmingkills@gmail.com
Subject: RE: Appeal re. FOI re. disposal of morts/dead farmed salmon since 1 Jan 2016

Dear Mr Staniford

Thank you for your reply I am very sorry that you haven't received all the information that you needed, I will go back to the Team Leader for Waste Management as he manages the landfill site and our waste to Energy Plant and ask him to provide further information regarding salmon disposal and get this to you as soon as possible

Thank you

Paula Nicolson
Clerical Officer
Infrastructure Services
Gremista
Lerwick
Tel: 744809

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 07 February 2017 15:06
To: Nicolson Paula@Infrastructure Svs
Cc: foi
Subject: Appeal re. FOI re. disposal of morts/dead farmed salmon since 1 Jan 2016

Paula,

Please consider this a formal appeal.

GAAIA's FOI request of 18 January 2017 included:

"Please include correspondence with salmon farming companies, SSPO, landfill operators, waste disposal companies, Zero Waste Scotland, EU officials, Scottish Government officials, Norwegian companies and any other discussions relating to the new/changed disposal rules as implemented on 1 January 2016."

Where is this information?

Your response below is simply inadequate.

I can expand if necessary but it's blatantly obvious that the response from SIC does not comply with the FOI request and does not begin to provide all the information requested.

Please therefore provide the information originally requested.

Please provide a receipt for this FOI appeal.

Thanks,

Don

From: Paula.Nicolson@shetland.gov.uk [<mailto:Paula.Nicolson@shetland.gov.uk>]

Sent: 07 February 2017 09:52

To: salmonfarmingkills@gmail.com

Subject: FOI re. disposal of morts/dead farmed salmon since 1 Jan 2016

Dear Mr Staniford

Thank you for your freedom of information enquiry, the information that you requested regarding disposal of morts / dead salmon is detailed below:

Jan – Dec 2016

Disposal at Energy Recovery Plant: 233.10 tonnes

Disposal in Landfill: 16.62 tonnes

Jan 2017 –

ERP: 15.880 tonnes

Landfill: Zero.

I trust that this response meets your request. However, if you are dissatisfied with the way in which the Council has dealt with your request for information then you may ask the authority to review its actions and decisions in relation to your request, by submitting a formal appeal

Paula Nicolson
Clerical Officer
Infrastructure Services
Gremista
Lerwick
Tel: 744809

Appendix 5: FOI reply from Highland Council (15 February 2017)

From: Lawrence Jones [mailto:Lawrence.Jones@highland.gov.uk] **On Behalf Of**
Community Services - Headquarters
Sent: 15 February 2017 11:28
To: salmonfarmingkills@gmail.com
Subject: HC0226-1133 - Disposal of morts/dead farmed salmon

Dear Mr Staniford,

Please find attached information in response to your recent freedom of information request HC0226-1133.

Regards,
Lawrence Jones
Customer Services Officer
Community Services
The Highland Council
HQ
Glenurquhart Rd
Inverness
IV3 5NX

Tel. no. 01463 252946

Mr Don Staniford
salmonfarmingkills@gmail.com

Lagan Ref: HC0226-1133
Tel: 01349 886606
Date: 24 April 2017

Dear Mr Staniford,

Request for information under the Freedom of Information (Scotland) Act 2002 or Environmental Information (Scotland) Regulations 2004

With regard to your request for information - **Disposal of morts/dead farmed salmon**

The Council has checked our records and we hold no information on disposal of morts/dead farmed salmon since January 2016.

Dead salmon from a fish farm fall into the animal by-product category and as such will not be collected for disposal by Highland Council waste services. This service, if required, may be delivered by the private waste collection providers in Highland. The Council's Environmental Health team, who have a role in the enforcement of the Animal By-Product legislation, hold no information on disposal of morts/dead farmed salmon since January 2016. This includes no information as described in your request (correspondence and discussions).

The Scottish Government and the Animal and Plant Health Agency (APHA) have a key role in the enforcement of the Animal By-Product legislation and may be able to assist you with your queries.

Under Section 20 of the Freedom of Information (Scotland) Act 2002 and/or Regulation 16 of the Environmental Information (Scotland) Regulations 2004 (EIRs), you have the right to request that the Highland Council reviews any aspect of how it has dealt with your request. This requirement for review should be put in writing to the Freedom of Information Officer, Chief Executive's Office, Glenurquhart Road, Inverness IV3 5NX, within 40 working days of receipt of this letter. The request should include details of the information requested and the aspects of the Highland Council's response which you are not satisfied with.

If you are subsequently dissatisfied with the outcome of the Council's review, you have the right to appeal to the Scottish Information Commissioner under Section 47 of the Act (Regulation 17 of the EIRS), within six months of receiving the Council's review response.

Further guidance on information request reviews and right to appeal can be found on the Scottish Information Commissioner website at www.itspublicknowledge.info.

Yours sincerely,

Lawrence Jones on behalf of Environmental Health Manager

Appendix 6: FOI reply from Argyll & Bute Council (7 February 2017)

From: DIS Performance HQ [mailto:DISPerformanceHQ@argyll-bute.gov.uk]

Sent: 07 February 2017 16:57

To: salmonfarmingkills@gmail.com

Cc: 'argyll@messagestore.co.uk'

Subject: FOI Request argyllbuteir:6638 [OFFICIAL]

Classification: OFFICIAL

Dear Mr Staniford,

Request for information: Disposal of morts/dead farmed salmon

Reference: argyllbuteir:6638

I refer to your request for information which was dealt with in terms of the Environmental Information (Scotland) Regulations 2004.

Please see information below and attached in fulfillment of your request.

Please provide information on the disposal of morts/dead farmed salmon (e.g. landfill, incineration, sterilisation and composting) since 1 January 2016.

We have no information relating to the disposal of morts/dead farmed salmon. Our Waste Team have confirmed that we have not landfilled any morts/dead salmon since 1st January 2016. The regulations do not require the Council, as the animal health and welfare regulator, to maintain records containing this type of information. All aquaculture production businesses are required to keep a record of the number of aquaculture animals that have died in each epidemiological unit within that area (regulation 6 of the Aquatic Animal Health (Scotland) Regulations 2009). There is no requirement for these records to be made available for inspection by the public. Accordingly, we have no information to provide and therefore I have to advise that the information you requested is information not held by the Council and as such I must refuse your request in terms of Regulation 10(4)(a) of the EIRs.

Please include correspondence with salmon farming companies, SSPO, landfill operators, waste disposal companies, Zero Waste Scotland, EU officials, Scottish Government officials, Norwegian companies and any other discussions relating to the new/changed disposal rules as implemented on 1 January 2016. In this FOI reply, please include any data on the quantities and fate of mortalities from Scottish salmon farms.

Please find attached correspondence between the Council and Shanks relating to the ban on the disposal of fish waste to landfill. This follows work undertaken by the Council prior to the date of 1st January 2016. We have no information to provide on the quantities and fate of mortalities from Scottish salmon farms and therefore I have to advise that the information you requested is information not held by the Council and as such I must refuse your request in terms of Regulation 10(4)(a) of the EIRs.

Please also include any industry waste disposal practices, best practice guidelines or handbooks. For example, here's a document published online by the Scottish Government relating to Cooke Aquaculture's mortality removal and disposal: Please therefore also include information relating to progress reports, problems, costings, updates, data evaluation, losses of income due to non-landfill disposal and discussions on the new/changed rules as operating during 2016 (and the first few weeks of 2017).

We have no information to provide and therefore I have to advise that the information you requested is information not held by the Council and as such I must refuse your request in terms of Regulation 10(4)(a) of the EIRs.

If you are dissatisfied with the way in which your request for information has been dealt with you are entitled to request a review by writing to the Executive Director Customer Services, Argyll and Bute Council, Kilmory, Lochgilphead, Argyll PA31 8RT, or by email to foi@argyll-bute.gov.uk.

Your request for review must state your name and address for correspondence, specify the request for information to which your request for review relates and why you are dissatisfied with the response.

You must make your request for review not later than 40 working days after the expiry of the 20 working day period for response to your initial request by the Council, or not later than 40

working days after the receipt by you of the information provided, any fees notice issued or any notification of refusal or partial refusal.

If you make an application for review and remain dissatisfied with the way in which the review has been dealt with you are entitled to make an application to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife KY16 9DS (Tel: 01334 464610) for a further review. You can now do this online here - www.itspublicknowledge.info/Appeal.

You must make representation to the Scottish Information Commissioner no later than 6 months after the date of receipt by you of the notice or decision you are dissatisfied with or within 6 months of the expiry of the period of 20 working days from receipt by the Council of your request for review.

Yours sincerely

Ailsa Barr
DIS Performance HQ Team
Performance and Business Support
Development & Infrastructure Services
Argyll and Bute Council
Tel: 01546 604674 Fax: 01546 604678
DISPerformanceHQ@argyll-bute.gov.uk

From: Young, Willie (Animal Health) [mailto:William.Young@argyll-bute.gov.uk]
Sent: 14 March 2016 15:15
To: 'Gail Orr'
Subject: RE: Fish Waste [OFFICIAL]

Classification: OFFICIAL

Good Afternoon Gail,

Sorry for the delay in getting back to you. I also got a message from our Call Centre asking me to call you but I thought I'd be as well to email you and provide you with links to the relevant Scottish Government Guidance.

The simple answer to your question is that fish waste can no longer be disposed by landfilling it; and the Regulations relating to this came into force on 1st January 2016.

If you would like more detail you can:-

- access the legislation [The Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015] via the following link:
<http://www.legislation.gov.uk/ssi/2015/393/introduction/made>
- access the Scottish Government's Guidance on the Disposal of Aquaculture Animal By-Products via the following link:
<http://www.gov.scot/Topics/farmingrural/Agriculture/animal-welfare/ABPs/aquacultureABP>

If you want to discuss this further or want more information please give me a call; I'll be in the office all afternoon.

Hope this helps.

Regards,

Willie

Willie Young

Animal Health & Welfare Officer / Regulatory Services Officer (EH)
Animal Health / Environmental Health
Planning & Regulatory Services
Argyll and Bute Council

Tel: 01369 707122

Mobile: 07768 907 270

e: william.young@argyll-bute.gov.uk

w: www.argyll-bute.gov.uk

Argyll and Bute - Realising our potential together

From: Gail Orr [<mailto:Gail.Orr@shanks.co.uk>]

Sent: 07 March 2016 13:37

To: Young, Willie (Animal Health)

Subject: Fish Waste

Good afternoon Willie

I wonder if you could assist me please. I've been trying to find a definitive answer to the issue of fish waste disposal in landfill - I believe fish waste can no longer be land-filled after a certain date which I was advised to be 1st April 2016. Could you please confirm if this is correct and forward me the written details as I assume there must be guidance on this issue?

Many thanks

Gail Orr

Contract Operations Manager

Argyll & Bute PFI

Shanks Waste Management

Mob: 07836 535541

Appendix 7: FOI reply from North Ayrshire Council (1 February 2017)

From: Steven Ward [<mailto:StevenWard@north-ayrshire.gov.uk>]

Sent: 01 February 2017 15:55

To: salmonfarmingkills@gmail.com

Subject: Information Request - Our Ref : NAC/15810/2017 [OFFICIAL]

Dear Don Staniford

Subject : Freedom of Information (Scotland) Act 2002

Thank you for your request for information dated 24/01/2017, which was received by North Ayrshire Council on 24/01/2017.

We have now completed our research for the information you request and the responses to the questions submitted are listed below.

North Ayrshire Council do not offer ABP compliant disposal routes for finfish farming waste and would advise any waste producer who produces such waste to secure suitable ABP compliant disposal solutions or seek advice from SEPA. North Ayrshire Council have not disposed of this waste type or corresponded with any such waste producers since January 2016.

Your right to seek a review

Should you be dissatisfied with the way in which North Ayrshire Council has dealt with your request, you have the right to ask us to review decisions.

Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter. We will reply within 20 working days of receipt. Staff not involved in your original request will undertake the review. If you are not satisfied with the result of the review you then have the right to make a formal complaint to the Scottish Information Commissioner at <http://www.itpublicknowledge.info/Appeal>.

A request for a review should be made in writing to:

The Information Governance Manager
Democratic and Administration Services
Cunninghame House
Irvine
Ayrshire
KA12 8EE

Email : FreedomOfInformation@north-ayrshire.gov.uk

The supply of documents under the terms of the Freedom of Information (Scotland) Act 2002 does not give the applicant or whoever receives the information any right to re-use it in such a way that might infringe the Copyright, Designs and Patents Act 1988. This includes making multiple copies, publishing or otherwise distributing the information to other individuals and the public.

While efforts have been made to ensure the accuracy of this information, its accuracy is not warranted. In particular, the Council accepts no liability for onward sale or transfer of this information to any third party and for any reliance placed on such information by you or by a third party.

If you need further help please telephone Steven Ward on 01294 324798.

Yours sincerely

Steven Ward
FOI Co-ordinator

Appendix 8: FOI reply from Orkney Isles Council (30 January 2017)

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 30 January 2017 14:10
To: 'foi'
Subject: RE: 2017-0075 FOI re. disposal of morts/dead farmed salmon since 1 Jan 2016

George,

It seems alarming that Orkney Islands Council does not know where all the dead farmed salmon in Orkney end up!

Perhaps OIC should investigate?

Don

From: Kate Russell-Duff [mailto:Kate.Russell-Duff@orkney.gov.uk] **On Behalf Of** foi
Sent: 30 January 2017 12:16
To: 'Don Staniford'
Cc: foi
Subject: RE: 2017-0075 FOI re. disposal of morts/dead farmed salmon since 1 Jan 2016

Dear Sir

Freedom of Information (Scotland) Act 2002 – Request for Information

I refer to your request for information dated 18 January 2017. Our reference is FOI 2017-0075.

Orkney Islands Council does not hold the information requested. Marine Scotland may hold the information and can be contacted at <http://www.gov.scot/Topics/marine>.

You have the right to request a review of the decision if you are not satisfied with the way we have handled your request. Please write to: Head of Legal Services, Corporate Services, Council Offices, School Place, Kirkwall, Orkney, KW15 1NY or email to foi@orkney.gov.uk to make this request. The law gives you up to 60 working days from when we received your enquiry or 40 working days from when you receive this correspondence, whichever is the later date.

Where the outcome of the review fails to resolve the matter to your complete satisfaction you have the right to apply to the Scottish Information Commissioner for a decision, within six months of the date of the decision to a request for a review, or within six months from when we should have responded to your request for a review, whichever is the later date.

Kind regards

George Vickers
Information Governance Officer
Corporate Services
Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY
Telephone: 01856 873535 Extension: 2162
www.orkney.gov.uk

Appendix 9: FOI request to various Government agencies (18 January 2017)

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 18 January 2017 09:20
To: 'AccesstoInformation'
Subject: FOI re. disposal of morts/dead farmed salmon since 1 Jan 2016

Please provide information on the disposal of morts/dead farmed salmon (e.g. landfill, incineration, sterilisation and composting) since 1 January 2016.

Please include correspondence with salmon farming companies, SSPO, landfill operators, waste disposal companies, Zero Waste Scotland, EU officials, Scottish Government officials, Norwegian companies and any other discussions relating to the new/changed disposal rules as implemented on 1 January 2016.

As context, the Sunday Herald [reported](#) in April 2016:

A LOCAL complaint to the European Commission over the poor regulation of the disposal of dead fish from salmon farms has forced the Scottish Government to rewrite the rules.

For years the caged salmon industry has been allowed to dump diseased fish in landfill sites because of a loophole in public health law. But ministers have now had to close the loophole and oblige fish farm companies to dispose of dead fish in safer ways.

From the start of 2016 salmon farms must abide by the rules introduced in the wake of the outbreak of mad cow disease (BSE) in the 1980s. The farms have to incinerate, sterilise or compost their wastes, and not just tip them into landfill sites.

Read more via "[European Commission complaint over dead fish dumping forces rule change](#)"

The Evening Times [reported](#) in April 2016:

Scotland's £700 million fish farming industry has long had major problems with many millions of salmon mortalities annually, either caused by disease, excess medication or other causes. According to figures from the Scottish Environment Protection Agency, over the last three years some 38,800 tonnes of dead fish have been recorded at fish farms across Scotland.

Between August 2011 and June 2012, 82,663 salmon deaths from disease were recorded at Ardmaddy fish farm in Seil Sound, Argyll. When the local environmental group, Save Seil Sound, asked what had happened to the resulting 257 tonnes of dead fish, no-one seemed to know.

In 2013 the group lodged a formal complaint with the European Commission, which eventually responded last month. The response revealed that UK and Scottish authorities had changed the rules in order to avoid breaching European law, and incurring a fine.

“The issue was always about public health rather than fish farming,” said the secretary of Save Seil Sound, former lawyer Ewan Kennedy. He discovered that virtually the whole for the west coast of Scotland had been exempted from the BSE rules.

“The consequences of a total lack of policing could range from untreated toxic waste ending up exposed in landfill sites to the risk that a farm operator might process the dead salmon into fishmeal and feed it back into the system,” he said. “Four years on, the European Commission has agreed with us.”

The Scottish Environment Protection Agency (Sepa) pointed out that the disposal of dead fish was regulated by other authorities. “Sepa does provide advice and guidance to these bodies and in some instances Sepa authorises facilities to accept fish waste for disposal,” said Sepa’s fish farm specialist, Douglas Sinclair.

“Sepa is aware of the change to the disposal routes for fish farm mortalities and welcomes the fact that such waste will not be routinely disposed of into landfill without prior treatment.”

The fish farming industry stressed that there had always been regulations covering the disposal of dead salmon. “These have been updated to allow recycling and other environmentally friendly methods such as anaerobic digestion, in-vessel composting in addition to rendering plants,” said Scott Landsburgh, chief executive of Scottish Salmon Producers’ Organisation.

“The industry has found these changes helpful. The animal health division at Scottish Government is the responsible authority for this matter. A report on disposal routes has been commissioned by Marine Scotland and Zero Waste Scotland and will be published on the Marine Scotland website.”

The Scottish Government pointed out that animal byproducts had to be disposed of in a safe and sustainable way. “To comply with European legislation, the Scottish Government introduced the Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015 to change how fish mortalities and other aquaculture waste can be disposed of in the areas categorised as remote,” said a government statement.

“From January 1, 2016, fish farms located in remote areas can no longer dispose of their waste in a landfill site and will now need to ensure that it is being disposed of in accordance with legislation, such as sending it for incineration, pressure sterilisation, or using it in composting or anaerobic digestion.”

Read more via "[European Commission complaint over dead fish dumping forces rule change](#)"

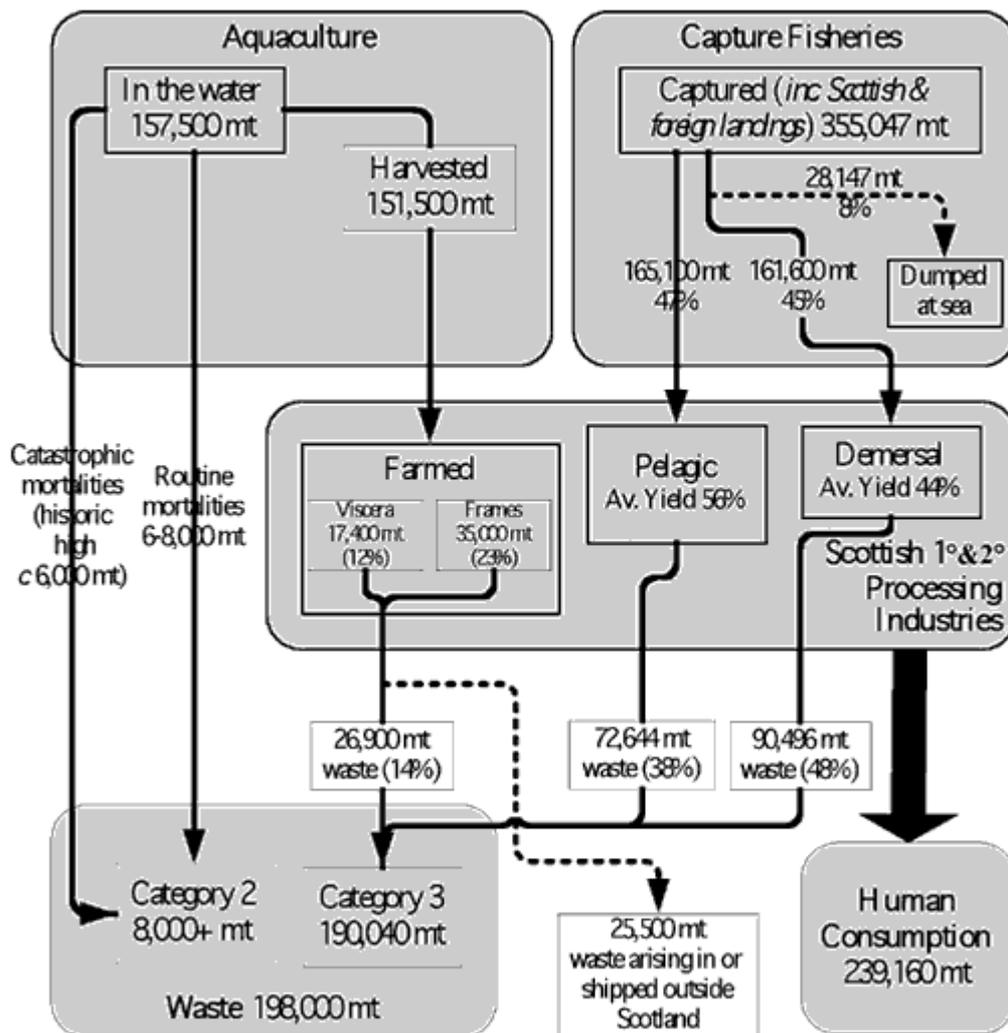
The Sunday Herald also [reported](#) in 2013: [Argyll and Bute Council](#) confirmed that it had “no policy” on the disposal of dead fish, as that was the responsibility of the fish farm. “They don’t tell us where they dispose of them, and they don’t have to,” said a council spokeswoman.

Sepa said that the disposal of dead animals was not an area where it had a “leading regulatory role”. It provided advice to councils and animal health authorities and, according to a spokesman, “does not have details of the disposal routes of mortalities arising at fish farms.”

Read more via "[Where have all the dead fish gone?](#)" and "[Farmed salmon killed by disease leaps to 8.5 million](#)"

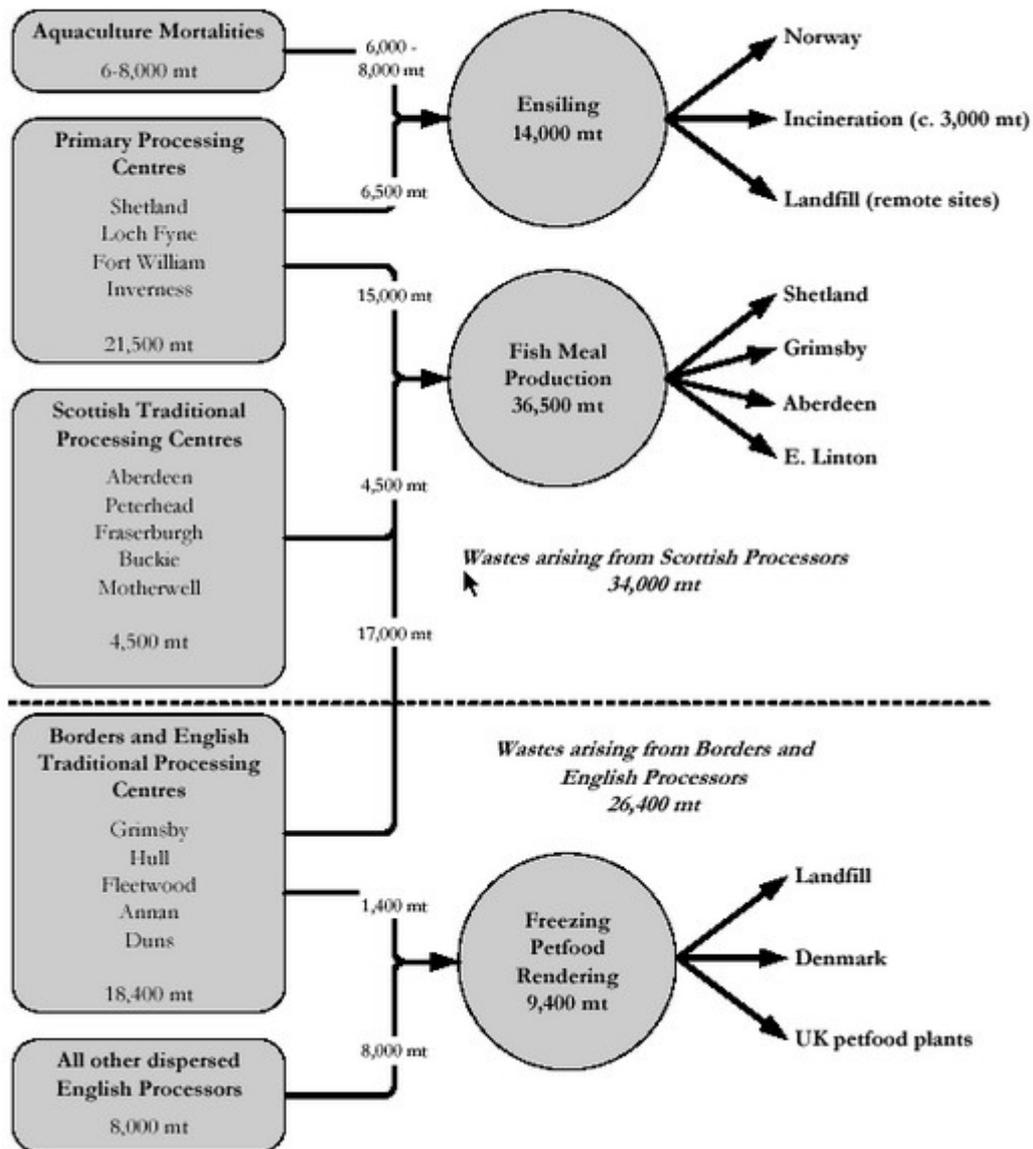
A Scottish Government report - "[Evaluation of Fish Waste Management Techniques](#)" - published in 2005 included:

Figure 1: Finfish Waste Production from Scottish Fisheries



Data sources: Various, inc. Scottish Executive (2003), FRS (2003) and SEPA (unpublished)

Figure 2: Fate of Wastes Arising from Scottish Salmon Farming (pre-ABP Regulations)



In this FOI reply, please include any data on the quantities and fate of mortalities from Scottish salmon farms.

Please also include any industry waste disposal practices, best practice guidelines or handbooks. For example, here's a document [published online by the Scottish Government](#) relating to Cooke Aquaculture's mortality removal and disposal:

Mortality Removal and Disposal

SW Standard Operating Procedure (SOP) Number 5

Revised August 2014



Refusing to go with the flow



In 2015, the Scottish Government consulted on a change of policy re. disposal of morts - including:



Consultation on a change of policy for the disposal of animal by-products in parts of Scotland currently designated as remote areas as defined under the Animal By-Products (Enforcement) (Scotland) Regulations 2013

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Summary

The European Commission received a complaint against the [UK](#) alleging breaches of Union legislation regarding the collection and disposal of animal by-products ([ABP](#)) from aquaculture establishments in Scotland. Following discussions with the European Commission, they have confirmed that the Scottish Government is not implementing the derogation for remote areas^[1] correctly.

To comply with European legislation, the Scottish Government is in the process of changing the policy that allows [ABPs](#) to be disposed of under the current derogation, *i.e.*, "by burning or burial on site or by other means under official supervision which prevent the transmission of risks to public and animal health in the designated [ABP](#) remote areas". The current designated [ABP](#) remote area covers a large part of the Highlands and most of the Islands in Scotland.

This change in policy will limit what species of livestock can make use of the derogation. [ABPs](#) from species of animals that are not allowed to take advantage of the remote areas derogation will have to use an approved [ABP](#) disposal route *e.g.*, disposal via an incineration or processing (rendering) plant or by sending it to a compost or anaerobic digestion (biogas) plant.

Background

ABPs are animal carcasses, parts of animals, or other materials which come from animals but are not fit or intended for human consumption. They must be dealt with in accordance with strict regulations designed to prevent harm to people, animals and the environment.

The legislation that governs ABPs is the Animal By-Products (Enforcement) (Scotland) Regulations 2013^[2] (ABPR) and this regulation implements the EU ABP Regulation (EC) No 1069/2009^[3] (EU Control Regulation) and its accompanying implementing Commission Regulation (EU) No 142/2011^[4] (EU Implementing Regulation).

The ABPR has a very wide scope covering all animal products including meat, fish, milk and eggs when they are not intended for human consumption and other products of animal origin including hides, feathers, wool, bones, horns and hoofs.

The ABPR puts strict controls on these ABPs as they can present a risk to human and animal health, especially in relation to transmissible spongiform encephalopathies (TSEs e.g. mad cow disease), dioxin contamination, and exotic diseases such as Classical Swine Fever and Foot and Mouth Disease.

The use and disposal of ABPs has been controlled for many years and it is the owner or producer of an ABP who is responsible for its safe and legal collection and disposal. Such controls mean that ABPs must not be buried or burnt on site or illegally diverted into the food or feed chain.

However, in Scotland we take advantage of a derogation that allows ABPs, such as fallen stock, to be buried or burned in areas designated as remote as defined under regulation 8 of the ABPR. A map showing the current designated ABP remote area that covers a large part of the Highlands and most of the Islands in Scotland can be found in [Annex B](#).

Currently, ABPs from all species of terrestrial and aquatic livestock located within the designated ABP remote areas may be disposed of by burning or burial on site or by other means under official supervision which prevent the transmission of risks to public and animal health.

We interpret 'by other means under official supervision' as sending ABPs to an authorised landfill or another site without endangering human health and using processing methods which do not harm the environment, in particular when they could result in risks to water, air, soil and plant and animals, through noise and odour.

And:

Discussion on why we are changing our policy

The derogated ABP remote area in Scotland was first established in 2003. To take advantage of the remote areas derogation, the UK submitted a proposal to the European Commission that provided information on Scottish agriculture. This proposal highlighted the topographical, geographical, economic and social factors which affect livestock farming in the Highlands and Islands of Scotland. It also took account of the very low sheep and cattle stocking densities and sparse human population in these areas. However, it did not take a detailed account of aquaculture (fish farming) activities in the Highlands and Islands of Scotland.

We used the same justification for the current remote areas derogation when the ABPR came into force on 1 December 2013.

The way the remote areas derogation has been implemented into the ABPR means that in Scotland's remote area all species of animals are allowed to be buried or burnt on site or by other means under official supervision which prevent the transmission of risks to public and animal health. This is not the intention of the EU Control Regulation and an amendment is needed to clarify what species of animals the remote areas derogation applies to.

The UK has a responsibility to correctly apply EU legislation into domestic legislation. We may be at risk of the European Commission starting formal infringement against the UK if we do not amend the ABPR. This could include large fines payable by the UK.

Read more via "[Consultation on a change of policy for the disposal of animal by-products in parts of Scotland currently designated as remote areas as defined under the Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013](#)"

The Scottish Parliament also addressed this issue in [December 2015 via the Rural Affairs, Climate Change & Environment Committee](#) - including an estimated cost increase of £2 million per year for the Scottish salmon farming industry (based on an average of 10,000 tonnes of morts per year):

RACCE/S4/15/39/1

SSI 2015/393

Title of Instrument: Animal By-Products (Miscellaneous Amendments) (Scotland) Regulations 2015 (SSI 2015/393)

Type of Instrument: Negative

Laid Date: 20 November 2015

Circulated to Members: 4 December 2015

Meeting Date: 9 December 2015

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 11 January 2016

Delegated Powers and Law Reform Committee

8. At its meeting on 1 December 2015, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

9. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Purpose

These Regulations amend the Animal By-Products (Enforcement) (Scotland) Regulations 2013 ("the 2013 Regulations") and the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005 ("the 2005 Regulations").

EXPLANATORY NOTE

As per purpose above and including:

Regulation 2(2) authorises the disposal of animal by-product materials referred to in Article 19(1)(b) of Regulation (EC) No 1069/2009, but provides that it shall not apply to material originating from fish belonging to the family *Salmonidae*. Regulation 2(3) amends a cross-reference in the 2013 Regulations.

Regulation 2(4) amends the small quantities provision in regulation 32 of the 2013 Regulations in accordance with Commission Regulation (EU) 2015/9. In consequence, Regulation 2(5) amends Schedule 1 to the 2013 Regulations, which

sets out those animal by-product requirements the breach of which is an offence under regulation 18 of the 2013 Regulations.

Regulation 3 amends the 2005 Regulations in order to update legislative references. A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre.

Copies can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.

POLICY NOTE

THE ANIMAL BY-PRODUCTS (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2015 SSI 2015/393

The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative procedure.

Policy Objectives

The legislative framework that governs animal by-products ("ABPs") is the Animal By-Products (Enforcement) (Scotland) Regulations 2013 ("the ABPES"), which enforces the directly applicable Regulation (EC) No 1069/2009 ("the EU Control Regulation"), and also its accompanying Commission Regulation (EU) No 142/2011 ("the EU Implementing Regulation"). The purpose of this instrument is to amend the ABPES in order to narrow the types of ABP that may lawfully be disposed of in remote areas, ensuring compliance with European legislation. It also corrects legislative references in the ABPES, and updates the small quantities derogation in response to recent amendment of the EU Implementing Regulation.

Policy Background

The principle of derogated ABP remote areas in Scotland was first established in 2003. To take advantage of the remote areas derogation, the United Kingdom submitted a proposal to the European Commission that provided information on Scottish agriculture. This proposal highlighted the topographical, geographical, economic and social factors which affect livestock farming in the Highlands and Islands of Scotland. It also took account of the very low sheep and cattle stocking densities and sparse human population in these areas. However, it did not take account of aquaculture activities in the Highlands and Islands. The same justification for the current remote areas derogation was used when the ABPES came into force on 1 December 2013, taking advantage of Article 19 (1)(b) of the EU Control Regulation.

The way the authorisation of the disposal of ABPs in remote areas has been implemented to date means that, in Scotland's remote areas, all species of animals falling within the categories listed in Article 19(1)(b) of the EU Control Regulation are currently allowed to be buried or burnt on site, or disposed of by other means under

official supervision, which prevent the transmission of risks to public and animal health. This instrument's principle policy aim is to change how fish mortalities and other aquaculture ABP waste (from the family *Salmonidae*) can be disposed of in the areas categorised as remote. This change is necessary following a European Commission complaint against the UK alleging breaches of Union legislation in relation to the collection and disposal of ABPs originating from aquaculture establishments in Scotland. The ABPES is, therefore, being amended, in order to specify to which species of animals the remote areas derogation should apply. Once this amendment comes into force, fish farms located in remote areas will no longer be able to send their waste to a landfill site, or the other means of disposal listed in Article 19(1)(b) of the EU Control Regulation.

This instrument also amends other ABP provisions including:

- Regulation 25 (Powers of entry and additional powers) of the ABPES, to correct the cross-reference in paragraph (3) to read "paragraph (2)(f)(i)", as it concerns the power to take samples;
- Regulation 32 (Small quantities transitional provision) of the ABPES, as this small quantities derogation has now become a permanent measure, by virtue of Article 15 of the EU Implementing Regulation (as amended by Commission Regulation (EU) 2015/9²); and
- the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005 (SSI 2005/853), which are amended to remove a reference to the Animal By-Products (Scotland) Regulations 2003.

Consultation

The Scottish Government contacted stakeholders in May 2015 to notify them of the change in policy and inform them that a formal consultation would follow in Summer 2015. The proposal was also conveyed to industry representatives through a Fish Waste Working Group set up by the SG early in 2015, of which the Scottish Salmon Producers Organisation and the British Trout Association are members. The Scottish Government has also funded a project via Zero Waste Scotland on Scottish Fish Farm Reprocessing Options – Scoping Study, to look at Scottish fish farm waste and identify current waste disposal routes, suitable alternative ABP compliant disposal routes and the existing waste capacity in Scotland.

The formal consultation ran from 17 August to 18 September, seeking comments on the change in policy and presenting three options. The majority of responses agreed with the Scottish Government's proposal that the ABPES remote areas derogation should apply to terrestrial livestock animals only.

Impact Assessments

There are no equality impact issues.

² <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R0009&from=EN>

Financial Effects

A partial Business and Regulatory Impact Assessment (BRIA) was included with the August 2015 consultation. A full BRIA has since been completed, having regard to the consultation responses. The impact of amending the remote areas derogation on business is as follows:

- Fish and shellfish farms located within the ABP remote area will need to use an approved ABP disposal route e.g. disposal via an incineration or processing (rendering plant), or by sending it to a compost or anaerobic digestion (biogas) plant. They can no longer send their waste to a landfill site for disposal.
- Landfill sites that currently accept fish waste from fish or shellfish farms will lose any potential revenue from no longer accepting this type of waste.
- Local transporters delivering fish waste to landfill sites will no longer take place but the fish waste will still need to be transported to an approved ABP disposal site.

Scottish Government

Directorate for Agriculture, Food & Rural Communities, November 2015

BUSINESS AND REGULATORY IMPACT ASSESSMENT

Title of Proposal

Change of policy for the disposal of animal by-products in parts of Scotland currently designated as remote areas as defined under the Animal By-Products (Enforcement) (Scotland) Regulations 2013

Purpose and intended effect

• Background

The European Commission received a complaint against the UK alleging breaches of Union legislation regarding the collection and disposal of animal by-products (ABP) origination from aquaculture establishments in Scotland. Following discussions with the European Commission, they have confirmed that the Scottish Government is not implementing the derogation for remote areas⁴ correctly.

• Objective

To change the current policy so that the new policy will limit what species of livestock can make use of the derogation. ABPs from species of animals that are not allowed to take advantage of the remote areas derogation will have to use an approved ABP disposal route e.g. disposal via an incineration or processing (rendering) plant or by sending it to a compost or anaerobic digestion (biogas) plant, working towards a zero-waste society.

• Rationale for Government intervention

To comply with European legislation, the Scottish Government needs to change the policy that allows ABPs to be disposed of under the current derogation i.e. "by burning or burial on site or by other means under official supervision which prevent the transmission of risks to public and animal

⁴ Article 19(1)(b) of Regulation (EC) No 1096/2009

health in the designated ABP remote areas". The current designated ABP remote area covers a large part of the Highlands and most of the Islands in Scotland.

This proposal contributes to the [National Performance Framework](#) by reducing our local and global environmental impact and enhancing it for future generations.

Consultation

- **Within Government**

A Fish Waste Working Group was established at the start of 2015 to look at contingency planning for large scale mortality disposal. We have used this working group to consult this change in policy with colleagues in Marine Scotland, the Fish Health Inspectorate, Cefas, Scottish Environment Protection Agency (SEPA), Zero Waste Scotland, Defra, Department of Agriculture and Rural Development (DARD), the Welsh Government and the Animal and Plant Health Agency (APHA).

- **Public Consultation**

A formal public consultation ran from 17 August to 18 September and we received 23 responses

- **Business**

We contacted stakeholders in May to notify them about the change in policy and inform them that a formal consultation would follow in the summer.

This proposal has also been conveyed to industry representatives through the Fish Waste Working Group. The Scottish Salmon Producers Organisation and the British Trout Association are members of the working group.

We have funded a project via Zero Waste Scotland (Scottish Fish Farm Waste Reprocessing Options – Scoping Study) to look at Scottish fish farm waste and identify current waste disposal routes, suitable alternative ABP-compliant disposal routes and the existing waste capacity in Scotland.

Options

- Option 1 - Status quo
- Option 2 – Amend the Animal By-Products (Enforcement) (Scotland) Regulations 2013 (ABPR) so remote areas derogation applies to terrestrial livestock animals only
- Option 3 - Amend ABPR so remote areas derogation applies to terrestrial and aquatic animals

Outline of available options

Option 1 - Status quo

This is not a viable option; the status quo means that Scotland is in breach of the EU ABP legislation. As drafted, regulation 8 of the ABPR defines the areas of Scotland that are categorised as remote areas. The areas are defined by either the local council area or the parish name and number.

Option 2 - Amend ABPR so remote areas derogation applies to terrestrial livestock animals only

This option would see an amendment to regulation 8 of the ABPR so that terrestrial livestock animals would be the only species of animals that are able to take advantage of the ABP remote areas derogation.

Option 3 - Amend ABPR so remote areas derogation applies to terrestrial and aquatic animals

This option would take Option 2 and expand it to include aquatic livestock animals. We would need to amend regulation 8 of the ABPR to specify what species of terrestrial livestock and aquatic animals would be able to take advantage of the ABP remote areas derogation.

Sectors and groups affected

The following sectors are likely to be affected by the proposals:

- Fish farms located within the ABP remote area
- Shellfish farm located within the ABP remote area
- Landfill sites
- Fish waste hauliers/transporters

Benefits

Options 1 and 3 would see no significant change to current disposal practices.

Under Option 2:

- Fish and shellfish farms located within the ABP remote area will need to use an approved ABP disposal route e.g. disposal via an incineration or processing (rendering) plant or by sending it to a compost or anaerobic digestion (biogas) plant. They can no longer send their waste to a landfill site for disposal.
- Landfill sites that currently accept fish waste from fish or shellfish farms will lose any potential revenue from no longer accepting this type of waste.
- Local transporters delivering fish waste to landfill sites will no longer take place but the fish waste will still need to be transported to an approved ABP disposal site.

There would be no infraction risk for Options 2 and 3 as they would fully implement

the EU ABP legislation.

Costs

The total cost to the industry of mortality disposal is not known. However, if average current costs of disposal are conservatively estimated at greater than £200/tonne then, with an average of around 10,000 tonnes of mortalities, the industry cost is at least £2 million per year.

For option 1, we are failing to correctly apply EU legislation into domestic legislation which puts the UK at risk of the European Commission starting formal infringement against us if we do not amend the ABPR. The minimum cost of infraction to the Scottish Government could be a €9,666,000 lump sum and possible daily substantial fines of thousands of pounds for continued non-compliance.

Through the Scottish Fish Farm Waste Reprocessing options - Scoping Study, we engaged with stakeholders to obtain a representative sample of the aquaculture industry. The industry had been targeted based on the following groupings:

- Group 1: Trout
- Group 2: Freshwater Salmon (Smolts)
- Group 3: Seawater Salmon (broken down by region):
 - Group 3.1 Western Isles
 - Group 3.2 Northwest
 - Group 3.3 Shetland
 - Group 3.4 Orkney
 - Group 3.5 Southwest

Fish farmers presently use a limited range of routine fish mortality disposal options. The following provides a summary of the associated costs for these options:

- Landfill costs range from £130-300/tonne on island sites and £50-550/tonne in Argyll.
- Incineration off-site range from £150/tonne for mainland fish farm sites to £300/tonne for island sites.
- Disposal by anaerobic digestion ranged from £50-80/tonne.

From our stakeholder engagement we were unable to provide specific costs for on-site incineration. However, there would be an initial set up cost plus fuel and maintenance.

The consequences of the removal of the derogation allowing fish waste to be disposed of via landfill will only fall on those companies that operate in areas where landfill is presently a major disposal option. This applies especially to the Western Isles, Shetland and parts of Argyll.

• **Overview of current disposal routes/options for routine enabled mortalities unless otherwise stated**

Group	Example location	Current disposal option	Distance to disposal site (Miles)	Current average cost
Trout farms	Loch Awe	Anaerobic Digestion	200	£66/tonne
Freshwater Smolts	Kishorn	Off-site Incineration	450	£475/tonne
Western Isles	Lewis	Landfill	40	£327/tonne
North West	Ullapool	Off-site Incineration	435	£139/tonne
Shetland Isles	Shetland	Landfill	40	£174/tonne
Orkney	Orkney	Anaerobic Digestions	230	£154/tonne
Southwest Mainland	Oban	Landfill	40	£110/tonne
Southwest Mainland (whole fish)	Oban	Landfill	40	£357/tonne

• **Overview of future disposal routes/options for routine enabled mortalities unless otherwise stated**

Group	Example location	Future disposal option	Distance to disposal site (Miles)	Future disposal cost	Impact
Trout farms	Loch Awe	Anaerobic Digestion	200	£106/tonne	No change
Freshwater Smolts	Kishorn	Anaerobic Digestion	190	£470/tonne	No change
Western Isles	Lewis	Anaerobic Digestion	200	£174/tonne	Change required – reduced costs
North West	Ullapool	Off-site Incineration	435	£139/tonne	No change – potential for lower mileage and cost
		Anaerobic Digestion	130	£124/tonne	
Shetland Isles	Shetland	Anaerobic Digestion	290	£174/tonne	Change required – cost neutral
Orkney	Orkney	Anaerobic Digestion	230	£154/tonne	No change
Southwest Mainland	Oban	Anaerobic Digestion	100	£106/tonne	Change required – lower cost
Southwest Mainland (whole fish)	Oban	Anaerobic Digestion	100	£106/tonne	Change required – lower cost

The information in the two tables indicates that where companies are landfilling fish farm waste at licensed landfill sites, they will be able to secure low cost contracts with more sustainable processes once the landfill prohibition is in place.

Option 3 would see no change to current disposal practices or costs.

Scottish Firms Impact Test

The consultation period ran from 17 August to 18 September and as sent to individual fish farm producers and organisations in the ABP sector. As part of the consultation process we met with the Scottish Salmon Producers Organisation and the British Trout Association through the Fish Waste Working Group.

The Scottish Fish Farm Waste Reprocessing Options – Scoping Study consulted with key contacts in the aquaculture sector in Scotland to discuss the detailed make-up and component parts of the ABP waste stream and any technical challenges that may arise from its transportation, collection and disposal.

Competition Assessment

Using the Competition and Markets Authority Competition Filter questions we have concluded that the proposals will neither directly or indirectly limit the number or range of suppliers, limit the ability of suppliers to compete or reduce suppliers' incentives to compete vigorously.

Test run of business forms

There will be no specific business forms involved with the implementation of the proposed legislation.

Legal Aid Impact Test

The proposal is unlikely to have an impact on the legal aid fund.

Enforcement, sanctions and monitoring

Responsibility for compliance, monitoring and enforcement of the provisions are:

- APHA only inspect fish farms that have ABP approved incinerators on site.
- Enforcement of the ABPR is carried out by the local authorities.
- Environmental controls are enforced by SEPA.
- The Fish Health Inspectorate carries out inspection and testing of fish and shellfish farms to prevent the introduction and spread of serious fish and shellfish diseases in Scotland.
- Marine Scotland carries out annual surveys of fish farming industries, provide statistics and evaluate the production of aquaculture species in Scotland.

Implementation and delivery plan

The proposal will be implemented in legislation via an amendment to the Animal By-Products (Enforcement) (Scotland) Regulations 2013. This amendment will come into force on 1 January 2016.

• Post-implementation review

The Scottish Government are required to monitor regularly the areas categorised as ABP remote areas to ensure that those areas and the disposal operations are

properly controlled.

Summary and recommendation

Option 2 is the recommended option. This option fully implements the EU ABP legislation. The bovine, ovine and caprine animal populations in the derogated remote areas falls well below the maximum percentages set in the EU ABP legislation. The animal populations for other terrestrial livestock are also extremely low in comparison to those populations in the rest of the UK.

For option 3 to be successful, an assessment would need to be submitted to the European Commission that specifically looks at aquaculture activities in the derogated ABP remote areas. Apart from freshwater production of rainbow and brown trout, almost all of aquaculture industry in Scotland takes place within the currently derogated remote area. It seems very unlikely that we would be able to successfully argue with the European Commission that these species of aquatic animals can take advantage of the ABP remote areas derogation.

In January 2016, the Scottish introduced new '[Guidance on the Disposal of Aquaculture Animal By-Products](#)':

The disposal of dead fish and aquatic animal by-products (ABPs) is covered by the Animal By-products (Enforcement) (Scotland) Regulations 2013. Any business generating material of aquatic origin which is not intended for human consumption needs to be aware of how these regulations apply to their business.

Zero Waste Scotland - Finfish Mortalities in Scotland Report

The Finfish Mortalities in Scotland report was commissioned by Zero Waste Scotland in order to investigate suitable alternative ABP compliant disposal routes for Scottish finfish farming waste. The report:

- Provides evidence for suitable ABP compliant disposal routes for Scottish finfish farming waste.
- Reviews the capacity already existing in Scotland to receive and utilise this material and the logistics involved for the individual solutions identified.
- Identifies other options for adding further value to this waste.

The report can be found at the following link:

<http://www.gov.scot/Topics/marine/Fish-Shellfish/FHI/healthpractice/ZeroWasteMort>

Categories of aquatic ABP

ABP from aquatic animals are categorised into one of three groups according to the nature of the hazard/risk which they could pose:

Category 1 (few aquatic animals would fall into this category):

- Aquatic animals containing certain prohibited substances above specified levels or unacceptable levels of environmental contaminants (for example fish contaminated with fuel from an oil spill or fed contaminated feed)

Category 2 (mortalities would fall into this category):

- Fish or aquatic animals which die from a notifiable disease - such as infectious salmon anaemia (ISA)
- Aquatic animal products containing unacceptable levels of residues of veterinary drugs and higher than specified minimum levels of certain contaminants.
- Fish or parts of fish that die, other than being slaughtered for human consumption, including fish killed for disease control purposes. This includes all mortalities occurring during the production cycle in aquaculture, including fish that die from disease.
- Third country imports that fail to comply with veterinary requirements for their importation into the Community.

Category 3 (processing waste would fall in to this category):

- Carcasses (heads, frames) and parts of slaughtered fish, which are fit for human consumption but are not intended for human consumption for commercial reasons.
- Carcasses and parts of slaughtered fish, which are unfit for human consumption, but derive from carcasses that are fit for human consumption i.e. viscera; internal organs containing parasites.
- Carcasses and parts of carcasses of slaughtered fish, which are rejected as unfit for human consumption, but which do not show signs of disease communicable to humans or animals.
- Fish or other sea animals, except sea mammals, caught in open sea for the purposes of fishmeal production or bait.
- By-products from fish plants manufacturing fish products for human consumption.
- Shells from shellfish that contain soft tissue or flesh.

Where the product is made up of more than one category, the highest category applies (category 1 being the highest).

[Disposal of aquatic ABP](#)

Read more via "[Animal By-Products](#)"

A "[Zero Waste Report - Finfish Mortalities in Scotland](#)" was published in January 2016:



- ▼ Marine and Fisheries
 - ▼ Aquaculture
 - ▼ Fish Health Inspectorate (FHI)
 - ▼ Biosecurity & Disinfection

Zero Waste Report - Finfish Mortalities in Scotland

The Finfish Mortalities in Scotland report (below) was commissioned by Zero Waste Scotland in order to investigate suitable alternative Animal By Product compliant disposal routes for Scottish finfish farming waste. Alternatives were required to be both logistically and commercially viable for the finfish farming industry with any associated costs and savings clearly identified. Alternatives were required in order to support the industry to meet the change in Regulation which removed landfill as a disposal option from January 2016. These alternatives were to be considered more environmentally sustainable and potentially allow material to be utilised higher up the waste hierarchy.

A full report is available from Zero Waste Scotland, which:

- Provides evidence for suitable ABP compliant disposal routes for Scottish finfish farming waste
- Reviews the capacity already existing in Scotland to receive and utilise this material and the logistics involved for the individual solutions identified
- Identifies other options for adding further value to this waste

This report focuses on finfish farming and does not include aquaculture as a whole i.e. does not include molluscs, crustaceans or seaweed. It also does not include waste from fish processing facilities.

The [Summary report: Finfish Mortalities in Scotland](#) includes:

2 The Fish Farming Industry and the Scale of Mortalities

The marine aquaculture sector (fish farming industry) has consolidated in recent years, leaving only a few larger farmers: there are only 6 companies operating > 10 sites and these together comprise 89% of all the active sites. The majority of the farms produce Atlantic salmon, many together with cleaner fish (wrasse and lumpsuckers) which act as a biological control for sea lice. There is some marine trout production and two farms produce halibut. The freshwater rainbow trout sector has 33 operators and 46 active sites i.e. it is highly unconsolidated compared with the marine sector.

As in other forms of animal production, aquaculture suffers stock mortalities (commonly referred to as morts). Since the majority of Scottish fish farm production is in the marine sector, this contributes the majority of the morts (Figure 1 below). On average, there are around 10,000 tonnes of morts from an average annual production of around 150,000 t, i.e. about 6.7%.

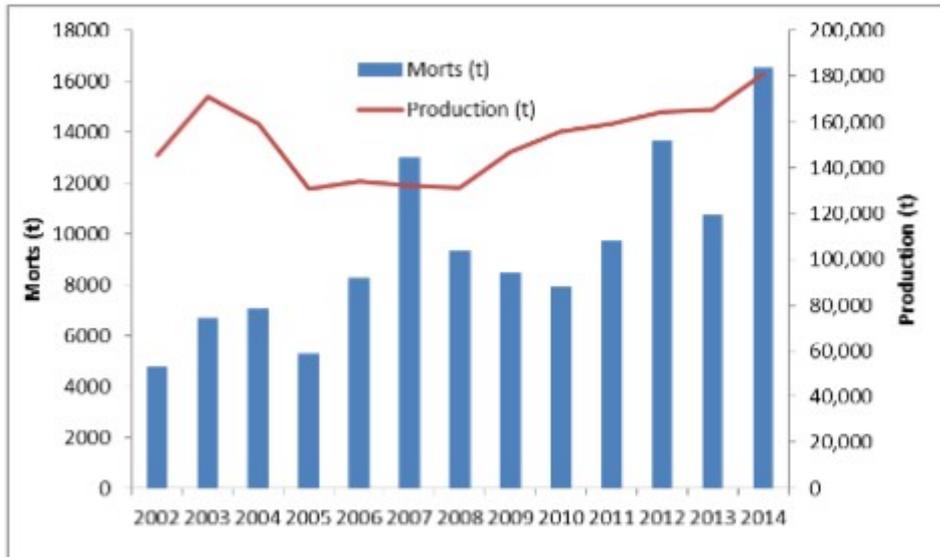


Figure 1 - Annual Scottish marine fish farm mortalities & production (Atlantic salmon & rainbow trout).

Table 1. Summary of **current practices** for disposal of fish farm mortalities (Atlantic salmon), with estimated costs. Estimated costs include haulage and gate fees (as well as landfill tax, where appropriate)

Region	£/Tonne - Landfill	£/Tonne for Incineration e.g. Widnes			£/Tonne for AD – Aberdeenshire
		Whole Fish - Mass Mortals		Ensiled - Routine	Ensiled - Routine
		10 tonnes/load	25 tonnes/load	25 tonnes/load	25 tonnes/load
W. Isles	£327	£360	£189	£169	-
NW Mainland (Highland)	-	£285	£159	£139	-
Shetland	£174	-	-	-	-
Orkney	-	£600	£240	-	£154
South West (Argyll)	£357	£215	£159	£111	-

Table 2. Summary of **potential future options**, for disposal of fish farm mortalities (Atlantic salmon), with estimated costs. Estimated costs include haulage and gate fees (as well as landfill tax, where appropriate)

Region	£/Tonne for Alternative Practices/Options				
	IVC - Mainland	AD - Mainland	AD – Island ¹	Incineration - Mainland ²	Incineration - Island ³
	25 tonnes/load	25 tonnes/load	25 tonnes/load	25 tonnes/load	3 tonnes/load
W. Isles	£174	-	£144	-	190
NW Mainland (Highland)	£144	£124	-	£866	-
Shetland	£184	£174	-	£876	-
Orkney	£174	£164	-	£876	-
South West (Argyll)	£106	£106	-	£837	-

1. A local AD for Shetland is still very much at the early stages in terms of planning. An application for upgraded processing infrastructure at the Lewis AD facility is being taken forward (Oct 2015)

2. An alternative to Widnes is Novus although the latter is significantly higher cost.

3. This incinerator, on Benbecula, is due to be operational in 2016 (planning consent given), with loads of 3 tonnes being brought to the site

Read the full report [online here](#) - including:

Scottish Government figures (2014) show mortality rates for salmon put to sea in 2012 at 14.6% by number (~6 million fish)³. Fish mortalities are normally classed as Category 2 animal by-products and must be disposed of in accordance with the Animal By-Product (Enforcement) (Scotland) Regulations 2013. On 1st January 2016, the Scottish Government amended the regulations to remove a previous derogation that had allowed the disposal of aquatic mortalities arising within ABP remote areas to be disposed of in suitably supervised landfill sites. Due to this amendment, alternative disposal and recovery options which move the material up the waste hierarchy needed to be considered, and form the basis of this report.

And:

Another way of considering this is to look at the temporal trends in mortalities and mortalities normalised by production on the same figure. Figure 1 shows that although there is variation, probably caused by years where there were particular issues that caused higher than usual mortalities (e.g. 2007), there seems to be a general trend of both mortalities increasing with time and also with the proportion of production that is lost. In other words, increased production does not necessarily lead to increased mortalities in any one interval but, over the longer term, mortalities do increase both in absolute terms and as proportion of production. This is important given the strategic industry target of increasing the salmon sector to 210,000 t annual production by 2020⁹.

And:

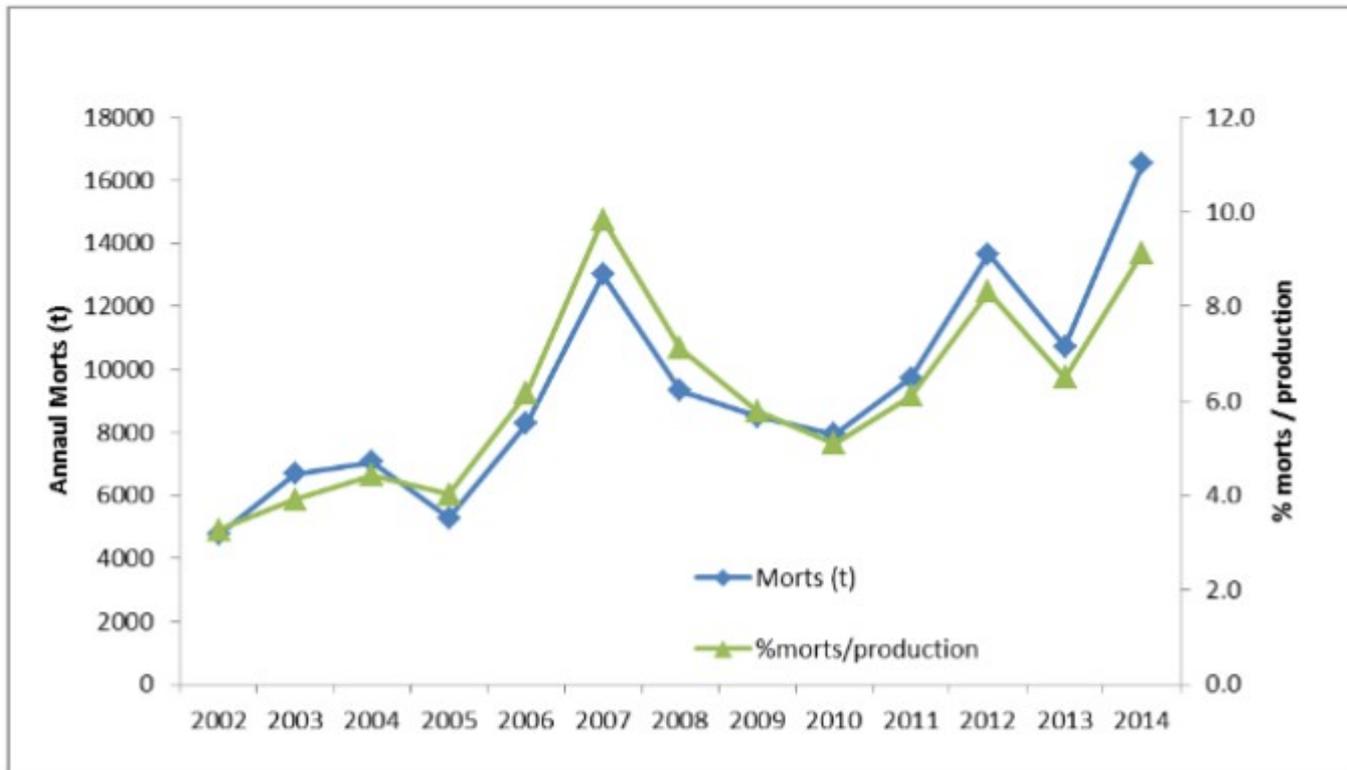


Figure 1. Trends in mortality and mortality normalised by production.

Individual monthly mortality records (2002 – 2015) for each marine farm vary between 565 tonnes and zero with the distribution of records shown in Table 1. The monthly mode is zero, the monthly median is 83 kg, and the monthly mean is 2.5 t. Almost half of the monthly returns are zero and 45,658 records are < 10 t, i.e. 95% of all records, which constitutes 38% of total morts biomass. This leaves the 5% which are >10 t accounting for 62% of morts biomass over the period.

And:

Table 2. Average mortalities (t) by region and normalised by production (2002-14)

	Morts (t)	% of production
Argyll	1662	5.4
Eilean Siar	2252	8.8
Highland	2205	5.3
Orkney	581	8.1
Shetland	3298	8.0

NB Here and throughout, data from Argyll includes the farm in N Ayrshire and is equated with the SW production region in the production data.

And:

Table 1. ABP registered anaerobic digestion (AD) sites in Scotland

Site name	Deerdykes	Energen	Fife Council	John Rennie & Sons	SSE Generation Ltd	Teg	Western Isles	Millerhill
Location	G68 9AZ	G67 3EN	KY12 0RX	AB53 8BP	KA24 4JJ	PH2 9PX	HS2 9JB	Edinburgh
Type	Wet	Wet	Dry	Wet	Wet	Wet	Dry – plug flow	
Listed ABP*	3	3	3	3	3	2+3	3	
Pasteurisation process	70 °C / 60 mins	70 °C / 60 mins	71 °C / 61 mins	70 °C / 60 mins	70 °C / 60 mins	70 °C / 60 mins	57 °C / 320 mins	
Capacity (t/y)	30,000	60,000	43,000	15,000	75,000	16,000	7,000	TBD

*DEFRA registered/approved.

Table 2. ABP Registered In Vessel Composting (IVC) Sites in Scotland

Site name	Billy Bowie	Dalningart	Evanton Waste Recycling	Galdenoch	GP Plantscape	Gray Composting Services Ltd	Keenan	Levenseat Organics	Lingerton	Moleigh landfill Site	Teg	AH Tucker
Location	KA2 0BA	PA23 8QS	IV16 9XJ	DG9 0RS	G74 2LF	AB45 2XS	AB53 6YH	ML11 8EP	PA31 8RR	PA34 4SD	PH2 9PX	EH55 8LJ
Operator (if different)		Shanks	WM Munro	Shanks					Shanks	Shanks		
Type	VCU	Covered bay	VCU ¹	Covered bay	Covered bay	VCU	VCU	Rotating Drum	Covered bay	Covered bay	Silo	TBC
Listed ABP Category*	2+3	3	3	3	3	3	2+3	2+3	3	3	3	2+3
Capacity	10,000	8,000 ³	n/a	4,000 ³	25,000	12,000	32,000	20,000	8,000 ³	8,000 ³	39,000	10,000

*DEFRA registered / approved. VCU – vertical composting unit

¹Operation suspended indefinitely

²Exempt ABP materials are Category 2 but can be processed at a facility operating to UK rather than EU standards. Exempt materials include; manure, digestive tract and its content, dairy products or breast milk, eggs or egg products

³Depending on process and nature of feedstock

Tbc - asked but not confirmed at the time of reporting

Table 3. Renderer Responses

Company Name & Location	Their view on ability to accept fish mort	Range of supply	Comments
Dundas Chemical Company / Caledonian Proteins Dumfries	Yes, Category 1 renderer, subject to trial.	All over Scotland	Fishfarm waste is of interest.
Argent Motherwell,	Yes, Cat 1 Facility, interested, but dependent on technical and economic viability	Currently operating in Motherwell, with a new facility being constructed in Standwell, June 2016.	Argent produces 55,000 tonnes per annum (tpa) of biodiesel from the Scottish facility (Motherwell) and will produce 75,000 tpa of biodiesel from the new facility. The current APHA approval would not allow the company to deal with ensiled fish, they are currently limited to accepting oil only, however, this could be amended.
Scanbio Scotland Fort William	Not at current time,	N/A	May be able to offer a potential solution in the future – they closed in Scotland during the first half of 2015 - withdrawing from Scottish market to focus on Norway.
Scanbio Marine Group Norway	Yes	All over Scotland	A biodiesel production project using fish farm mortalities (in Scandinavia) has now stopped.
Omega Proteins / Scott Proteins (Leo Group), Kintore	N/A	N/A	Not yet approved by APHA. Previously, have sought approval as Cat 1 plant. The site is yet to be validated and therefore remains unapproved for rendering.
Hordafor Bekkjarvik, Norway	Category 1, 2 & 3 processor (Norway).	To be determined	Keen to explore options. Would be interested in consider a bulking station near a port.
Rossyew Greenock	No, Category 3 processor	Not applicable	No interest in accepting Cat. 2 materials, - decreases their control and the quality of their product would decrease (current end product – high quality fish oil and proteins). Licence prohibits Cat. 2 materials.
DeMulder & Sons (Part of Saria Group), Lochgelly	No, Category 3 renderer	Not applicable	The facility is a rendering plant and AD facility licenced to accept Category 3 meat waste. There are no plans to accept Category 2 waste because the base is to demonstrate national coverage to customers.
P. Waddington and Co. Buck Street, Bradford, Yorkshire	Yes, Category 1, 2 & 3 renderer	Do not currently service Scottish fish farms.	Waddingtons could offer a rendering service, which could include haulage (if required) - commented that gate fees would vary dependent on the type of fish received e.g. fish generating significant odours would result in higher costs. Cost and capacity data was outstanding at the time of compiling this report.

Table 4. Incinerator Responses

Company Name & Location	Their view on ability to accept fish mort	Range of supply	Comments
Shetland Heat Energy and Power Ltd Shetland	Currently accepting on a small scale.	Area around the Shetland Isles	Capacity likely to decrease in the future. In 2014-15, EFW represented 6% of the disposal option, with the rest going to landfill.
SecAnim Widnes	Yes	Accepting fish farm waste from around Scotland – the mainland and Western Isles.	Currently accepting fish farm waste and have capacity to accept additional tonnages.
Westfield Biomass Plant Lochgelly.	No, Licence permits only Category 3 waste.	Not applicable.	Not interested in fish farm waste.
The Pet Crematorium Larkhall	Yes. Potentially able to accept.	Not applicable i.e. not currently involved with fish farm waste.	Facility predominantly for pets, however can do mass cremations. Would struggle to accept fish mort due to problems with handling (e.g. liquid waste and high volumes). Incinerator burns at 250kg/hr, therefore also issues with capacity.
SRCL Leeds	Yes	From a commercial perspective, not able to cover Scotland.	Handling and logistics costs would be the challenge.
Vetspeed / Novus Environmental Livingston	Yes, licence would allow them to accept.	Do not have current supply chain. Have not accepted fish mort at current time (Nov 2015).	They could offer a haulage service or would accept from an independent haulier –commented that they have capacity across their 3 incinerator sites (one very small-scale facility in Scotland) to process fish mort generated in Scotland.
George MacDonald Isle of Benbecula	Yes, subject to meeting SEPA and APHA conditions. Planning permission secured, with aim of operating in 2016 – to treat Category 1 and 2 licences.	Western Isles	Small-scale incinerator (10 tonnes per day), with the aim of processing both Category 1 & 2 waste - will charge approximately £190 per tonne for fish farms on Benbecula / the Uists (cost includes haulage, disposal and disinfection). Slightly higher charges will be incurred for Harris and Lewis due to increased haulage. Ferry charges (where applicable) would be additional.
Healthcare Shotts	No	No infrastructure in Scotland at the moment.	Have a PPC permit approved for the construction of a pyrolysis facility in the future - fish waste is not currently listed on the permit – no response to question on the potential / interest for adding fish farm waste.
Inciner8 International Southport	No	Incineration equipment provider – not providing a service beyond the supply of equipment.	Company was contacted with the aim of understanding the potential and limitations of technology - for processing fish farm waste on site.

Table 5. Haulier / Logistic Companies

Company Name & Location	Their view on ability to haul fish morts	Range of supply	Comments
Johnson Marine Shetland	Yes, currently doing this.	Harvest approx. 30% of Scotland's fish from fish farms.	They have 12 workboats washing nets, treating, carrying and harvesting fish. Interested in diversifying the range of their activities, to be involved in more added value processes.
Fergusons Corpach	Yes, currently doing this.	Western Isles, Inner Hebrides (Gigha) and Argyll.	No fish farm waste is taken to landfill – all sent to Widnes (SecAnim).
DFDS Larkhall Larkhall	Yes, although limited interest unless driven by clients.	Not indicated.	Limited interest in transporting morts.
DR Macleod Isle of North Uist	Currently do not offer this service, but potentially able to in the future.	Information outstanding at time of report compilation.	Awaiting information on costs and capacity.
Scanbio Marine Group Norway	They provide a collection and processing service in Norway and were involved in the approval work related to the EU adopting the Norwegian System.	Have stepped back from Scotland at the moment and are focussed on Norway. This could change.	They have some concerns about business in Scotland, related to the regulatory context. If these are addressed this would provide confidence that significant new logistics operations could be developed.
Shetland Transport Shetland	Brief discussion only.		
Calmac Oban	Yes. Not doing it currently, but would be interested in seagoing movements.	West coast of Scotland.	There is a fleet of 33 ships and 2 or 3 are kept ready for short-notice use.
Highland Haulage Glasgow	No, Food is key market sector and there are concerns about cross-contamination and smell.	Not applicable.	
Billie Bowie Kilmarnock	Yes, currently offer this service. Able to transport both whole and ensiled fish.	Fish farms throughout Scotland .	99% of waste transported to Widnes. Vehicle capacities from 10 tonnes to 30 tonnes. Approximately 125 trucks.
Hazco Grangemouth	Yes, currently doing this.	All of mainland Scotland, Western and Northern Isles.	They manage whole and ensiled fish, for both normal operational mortality collections and mass mortalities.

Table 9. Summary of Income Generated by the Licensed Waste Management Landfilling of Salmon Mortalities

Region	Mortality Tonnes	Landfill Tonnage	% Landfill	£ Landfill Tax/T	£ Landfill Gate Fee / T	£ Total Landfill Cost	Total Tax	Total Gate Fee
W. Isles	2,252	250	11.10%	82.6	189	67,816	20,553	47,263
Highland	2,205	0	0.00%	n/a	n/a	n/a	n/a	n/a
Shetland	3,298	1,700	51.55%	82.6	85	285,090	140,420	144,670
Orkney	581	0	0.00%	n/a	n/a	n/a	n/a	n/a
Argyll	1,662	366	22.02%	82.6	99	66,447	30,232	36,216
TOTAL	9,998	2,316	23.16%			419,353	191,204	228,149

The tonnages identified amount to approximately 23% of the estimated arisings of fish mortalities in the country, with the loss of income for Scotland as a whole, shown to be £228,149.

Table 10. Landfill Operators

Operator Name	Landfill name, Contact & Local Authority Area	Costs	Tonnages	Total	Comments
Shanks Argyll & Bute Limited	Dalinalongart Landfill Site, Sandbank, Dunoon, Argyll & Bute	Landfill gate fee of £104.60. With tax added = £187.20 per tonne.	Fish farm mortalities hauled to landfill range from a minimum of 284 tonnes to a maximum of 489 tonnes over the 5 year period. An average of 366 tonnes.	Gate fee total of £38,323. Total landfill cost, inc tax = £68,587	Confirmation that fish morts are collected for landfill. Tonnage data has been provided annually over the last five years (2010 to 2015).
	Lingerton Landfill Site, Argyll and Bute				
Argyll & Bute Council Kilmory, Lochgilphead,	Gott Bay LFS, Isle of Tiree, Argyll & Bute,	N/A	N/A	N/A	The council has two sites presently licensed for fish waste, located on Mull and Islay, the council advised that they are licensed to be used in emergency situations, however there has been no need for fish farmers to use them, and that fish farms on the islands deal with their own waste.
	Glengorm Landfill Site, Glengorm Rd, Tobermory, Argyll & Bute,	N/A	N/A	N/A	
	Gartbreck LFS, Isle of Islay, Argyll & Bute	N/A	N/A	N/A	
Locheil Logistics Fort William,	Duisky Landfill Site, Kinlochell, Fort William, Highlands	N/A	N/A	N/A	Email received stating that they have never accepted fish morts at their site.
Shetland Council	Gremista Waste Management Facility, Lerwick, Shetland, William Spence	Landfill charges of £167.70 per tonne.	1,700 tonnes in most recent year.	Uncertain	Follow-up questions asking for more accurate information on the quantity of fish have been asked, but no response at the time of writing.

Operator Name	Landfill name, Contact & Local Authority Area	Costs	Tonnages	Total	Comments
Western Isles Council	Bennadrove Landfill WTS CA ELV, Stomoway, Western Isles		<p>2015: From 01.01.15 to 21.08.15 38.22 tonnes in total.</p> <p>2014: In 2014 Bennadrove accepted 250.32 tonnes.</p>	<p>2015: Disposal costs were £7,183.64 + Landfill Tax was £3,123.90 + VAT @ 20%</p> <p>2014: Disposal Costs were £42,911.66 + Landfill Tax @ £19,685.44 + VAT @ 20% in total.</p>	
Highland Council Inverness	Granish Landfill Site Cell 3, By Aviemore	£0	0	0	Highland Council have not accepted fish mortalities at either of their two landfill sites for at least 12 years (which equates to the length of time that the contact had worked at the council). It was commented, that there had not been any enquiries during that time. He felt that the ABP controls had, had some impact and this was possibly why. If a fish farmer were to landfill fish morts, the costs would have been £70.84 + landfill tax for active waste.
	Seater Landfill Site, Bower, by Wick, Highland Council	£0	0	0	

