

**SCOTTISH
SALMON WATCH**



CHEMICALS

Subject: FOI request re. Imidacloprid (BMK08/Ectosan) use by Benchmark at Ardtoe Marine Laboratory since 2013

**To: Scottish Government: CEU@gov.scot
Scottish Environment Protection Agency: foi@sepa.org.uk
Veterinary Medicines Directorate: postmaster@vmd.defra.gsi.gov.uk**

Date: 3 September 2020

Please provide information on the use of Imidacloprid ([publicly known as Ectosan from December 2017 to November 2019](#)) and then [marketed by Benchmark as BMK08](#)) at the FAI Aquaculture marine laboratory in Ardtoe since October 2013.

In October 2013, [Benchmark bought the Ardtoe marine research facility](#).

It is understood that [in December 2011 Benchmark's Fish Vet Group in Inverness registered a patent for the use of Imidicloprid \(Ectosan\) in salmon farming](#) with approval it appears in March 2013.

The Norwegian Industrial Property Office (Patentstyret) [featured a patent for Ectosan in 2013](#) (it appears to have been internationally registered in 2011) under "veterinary preparations; disinfectants; preparations for destroying vermin; pesticides" with the patent holder listed as the [FVG \(Fish Vet Group\) - a subsidiary of Benchmark currently up for sale](#) - in Inverness.

patent varemerke design
Patentstyret

nr 12/13 - 2013.03.18 NO
Norsk varemerketidende
internasjonale varemerkeregistreringer

(111) Int.reg.nr:	1104453
(151) Int.reg.dato:	2011.12.03
(180) Registreringen utløper:	2021.12.03
(210) Nasj. ref.nr:	201200992
(220) Notifikasjonsdato:	2012.02.02
(300) Søknadsprioritet:	2011.06.27, GB, 2585932
(540) Gjengivelse av merket:	

ECTOSAN

(541) Merket er et ordmerke i standard font	
(730) Innehaver:	FVG Ltd, 22 Carsegate Road, GB-IV38EX INVERNESS, Storbritannia
(740) Fullmektig:	Zacco Norway AS, Postboks 2003 Vika, 0125 OSLO, Norge
(511) Vare-/ tjenestefortegnelse:	Klasse:5 Veterinary preparations; disinfectants; preparations for destroying vermin; pesticides.
	Besluttet gjeldende dato i Norge: 2013.03.13
(450) Kunngjøringsdato:	2013.03.18

Benchmark [sold the Fish Vet Group in July 2020](#) although Benchmark's name still appears on the [FVG web-site](#).

	LEGALS	CONTACT
	Legals Privacy Policy	Fish Vet Group Ltd 22 Carsegate Road, Inverness, IV3 8EX 01463 717774 info@fishvetgroup.com

Fish Farmer magazine [reported in February 2020](#) that CleanTreat was "developed over a 10-year period at Ardtoe in Scotland":



THE company behind the prize winning CleanTreat filtration technology that cleanses treatment water after delousing is looking to scale up the system. Benchmark Holdings said last month it plans to invest £19 million in the breakthrough innovation ahead of the launch of its new sea lice medicine, BMK8 (formerly known as Ectosan), due in the first half of 2021.

Over the past 24 months, more than 35,000 tonnes of salmon in five Norwegian farms have been

treated with BMK08, achieving approximately 99 per cent efficacy, said Benchmark.

The compound must be used in conjunction with CleanTreat, which removes medicinal residues from treatment water.

Benchmark said there is growing interest from customers for the product and it estimates that BMK08/CleanTreat sales could reach £50 million in Norway alone and £75 million globally.

However, there have been no trials of the products in Scotland yet, due to regulatory bottlenecks. The slow pace of Scottish bureaucracy emerged during the Aqua Nor show in Trondheim last August, when Benchmark won the coveted Innovation Award for CleanTreat.

John Marshall, head of Animal Health at Benchmark, said at the time that his company had been approached by all the Scottish producers, interested in deploying CleanTreat at their farms, and he hoped there would be Scottish trials soon.

Marshall and head of CleanTreat Neil Robertson held meetings during Aqua Nor with Scotland's rural economy minister Fergus

Ewing and Graham Black, director

of Marine Scotland, to try to speed up Scottish trials.

Roberston said after the discussions: 'We're encouraged by the positive message from the minister and from Marine Scotland. I

think there is a really strong incentive to support us from the industry, and certainly from government as well.'

CleanTreat, developed over a 10-year period at Ardtoe in Scotland, has the potential to be used on well boats, tankers, platforms and onshore, and has proven to be effective on most available bath treatments for sea lice, including pyrethroids, deltamethrin, and azamethiphos. The solution also removes treated sea lice, so they will not spread resistance.

Ewing, whose office met the Benchmark team shortly after Aqua Nor, said he wanted to ensure that such sustainable technologies like CleanTreat are not only developed in Scotland but that Scotland is also an attractive place to trial such technologies.

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

Representatives from Marine Scotland and the Scottish Environment Protection Agency (Sepa) toured a vessel fitted with the CleanTreat system last September, when it was docked in Leith before sailing for Norway to work on Norwegian salmon farms.

Norwegian agencies have been strongly supportive of the system's development and it will be the first market for a commercial roll-out.

Scotland was the preferred next market, but this is dependent on the regulatory process, said Benchmark.

Executive chairman Peter George said last month: 'We are preparing to launch BMK08, our novel medicinal treatment to combat sea lice, one of the main biological challenges in salmon farming.'

'This requires scaling up CleanTreat, our proprietary system that removes medicinal residues from treatment water, and which is integral to the delivery of BMK08.'

'Having reviewed a number of funding options, we strongly believe that an equity raise is the optimal funding strategy to deliver this scale.'

A Marine Scotland spokesman told Fish Farmer in January: 'At the moment we and Scottish Environmental Protection Agency and the Veterinary Medicines Directorate have been meeting with Benchmark on a regular basis to guide them through the regulatory framework to allow trials to start in Scotland; this work is ongoing.'

A [FOI reply from the Scottish Government \(FOI-19-01398\) in July 2019](#) detailed:

Annex D Company Profile - Benchmark

- They employ c.70 people at it Scottish sites, which service the aquaculture industry. These include:
 - FAI Ardtoe - R&D and Trials Unit Facility;
 - FAI Aultbea & FAI Shetland – Cleanerfish production facilities;
 - Fish Vet Group Ltd, Inverness – veterinary services, diagnostic technologies & environmental monitoring;
 - BMK Animal Health, Edinburgh – development and supply of animal health medicines.

The [FOI reply from the Scottish Government \(FOI-19-01398\) in July 2019](#) also cited "much of the initial development work in Scotland at our facility at Ardtoe" :

From: Ewing F (Fergus), MSP <Fergus.Ewing.msp@parliament.scot>
Sent: 28 September 2018 12:49
To: Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>
Subject: Fwd: Follow up post Aquaculture UK, Aviemore

egin forwarded message:

From: [Redacted]
[Redacted]]

Date: 28 September 2018 at 12:32:16 BST

To:

"Fergus.Ewing.msp@parliament.scot<mailto:Fergus.Ewing.msp@parliament.scot>"
<Fergus.Ewing.msp@parliament.scot<mailto:Fergus.Ewing.msp@parliament.scot>>

Subject: Follow up post Aquaculture UK, Aviemore

Dear Fergus,

I wanted to follow up on our meeting at Aquaculture UK in June and to thank you again for supporting the event. We had extremely good feedback from the exhibition this year and people were very pleased to hear your strong words of support for an industry sector that has an important future and so much still to offer the Scottish

economy.

I promised to stay in touch and keep you up to date with projects within the animal protein sectors that Benchmark supports and would like to follow up with you on two important - albeit very different items ? firstly, as introduced at Aviemore, we are now ready to apply for trials in Scotland for our CleanTreat system for salmon health ^[Redacted]

1. Benchmark's new technology for salmon health ? the CleanTreat system - is a ground-breaking cleaning system that removes medicines from salmon treatment water prior to release back into the sea. The system, which has had much of the initial development work in Scotland at our facility at Ardtoe, has been successfully undergoing extensive field trials in Norway and I wanted to bring you up to speed on the exciting progress we have made to date. As you know, we believe this is a game changing technology for the industry, and for its regulatory bodies, as it allows fish exposed to a disease challenge access to a full range of effective medicines but, for the first time, with no environmental impact. We are now in a position to apply for field trials in Scotland and would like to brief you on these proposals.

[Redacted]

Please therefore provide information including any licences, discharge consents, approvals, trials and any other documents relating to the use of Imidacloprid (Ectosan/BMK08) at Ardtoe since October 2013.

Scottish Salmon Watch would like to ascertain if any use of Imidacloprid (Ectosan/BMK08) by Benchmark - via their "10-year" development of CleanTreat at Ardtoe - has been officially approved by the Scottish Government, SEPA, the VMD or another authority.

As background, Scottish Salmon Watch [filed a FOI request in May 2020](#):



Scottish Ministers: scottish.ministers@gov.scot
Scottish Environment Protection Agency: terry.ahern@sepa.org.uk
Veterinary Medicines Directorate: postmaster@vmd.defra.gsi.gov.uk

20 May 2020

**FOI Request: Field Trials of Imidacloprid (Ectosan/BMK08)
& Possible Misreporting of Chemical Use in Salmon Farming Since 2017**

Further to Scottish Salmon Watch's [letter dated 17 March 2020](#), please provide details on any proposed, in progress and completed field trials of Imidacloprid (Ectosan/BMK08) by the salmon farming industry in Scotland since 2017.

This would involve documentation pertaining to any field trials - however illegal, unsanctioned, aborted, unfinished an/or still in the pipeline - in 2019 (or even earlier) as well as any field trials in Loch Ailort by Mowi and other companies at other locations in Scotland during 2020.

Including:

The Scottish Government [claimed in a FOI reply dated 11 May 2020](#) that "there has been no release of Imidacloprid under any marine licence - as none have been issued by Marine Scotland".

REASON FOR NOT PROVIDING INFORMATION

Exception applied

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 requested as there has been no release of Imidacloprid under any marine licence - as none have been issued by Marine Scotland.

However, has Imidacloprid been used without a marine licence or via another licence such as an experimental trial licence or other authorisation via SEPA, the VMD, Marine Scotland or another agency?

Earlier this month, the Norwegian Medicines Agency (NoMA) refused to disclose information on any trials of Imidacloprid by salmon farms in Norway. "Information about clinical trials with veterinary medicinal products, performed by pharmaceutical industry, is considered to be confidential information," wrote NoMA in an email to Scottish Salmon Watch dated 29 April 2020. "According to the Norwegian act on medicinal products §30 the NoMA is not allowed to disclose information that is considered commercially sensitive. We can therefore not disclose whether permission to perform clinical trials with Imidacloprid has been granted."

Have clinical trials or any other experimental trials of Imidacloprid (Ectosan/BMK08) already taken place in salmon farming in Scotland?

When asked by Scottish Salmon Watch for a site visit to the CleanTreat operation and specific information on BMK08 (Ectosan/Imidacloprid), Benchmark replied in January 2020 that it is "commercially sensitive" and that "the CleanTreat system is demobilised until further trials are planned".

From: Rachel Aninakwah <rachel.aninakwah@bmkholdings.com>
Date: Thu, Jan 23, 2020 at 8:21 AM
Subject: Re: Visit to CleanTreat's operations in early 2020?
To: salmonfarmingkills@gmail.com <salmonfarmingkills@gmail.com>

Dear Don,

Many thanks for your interest in Benchmark's CleanTreat purification system.

Our new sea lice treatment, BMK08, is currently in development phase and is therefore commercially sensitive and due to regulations we are constrained about the extent to which we can provide information. The CleanTreat system is demobilised until further trials are planned so we are unable to offer a visit at this time.

We would be happy to share with you the publicly available information on CleanTreat in the meantime. The CleanTreat webpage [here](#) explains the CleanTreat process in more detail.

Kind regards,
Rachel

RACHEL ANINAKWAH
COMMUNICATIONS MANAGER

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benchmarkplc.com
14 Red Lion Square, London WC1R 4QH

Read more via [FOI Letter to Scottish Ministers SEPA & VMD re Imidacloprid Field Trials 20 May 2020](#)

Earlier this week (1 September 2020), the Scottish Government [published a FOI reply](#):



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PUBLICATION - FOI/EIR RELEASE

Field trials of Imidacloprid (Ectosan/BMK08) by the salmon farming industry: EIR release

Published: **1 Sep 2020**

Directorate: [Marine Scotland Directorate](#)

Part of: [Marine and fisheries](#), [Public sector](#)

Information request and response under the Environmental Information (Scotland) Regulations 2004

FOI reference: FOI/202000038615

Date received: 20 May 2020

Date responded: 5 Aug 2020

Including:

1) details on any proposed, in progress and completed field trials of Imidacloprid (Ectosan/BMK08) by the salmon farming industry in Scotland since 2017. The Scottish Government does not hold marine licences or similar documentation for the legal discharge of Imidacloprid/Ectosan/BMK08 as none have been issued by Marine Scotland, nor have any applications been made to Marine Scotland. The Scottish Government has not licensed any field trial(s), nor have we reports of any activity for which a licence would have been needed. Marine Scotland is not aware of any unlicensed activity in this regard.

More background on FOI requests involving CleanTreat and Ectosan/BMK08/Imidacloprid - [including an appeal to the Scottish Information Commissioner](#) - are available via:

[Please Come Clean on BMK08!](#)

[SEPA review of Imidacloprid refusal F0191802 18 May 2020](#)

[SEPA review of Imidacloprid refusal F0191802 findings in full 18 May 2020](#)

[SEPA review of Imidacloprid refusal F0191802 Mowi email to SEPA 10 March 2020 re Loch Ailort](#)

[SEPA review of Imidacloprid refusal F0191802 Mowi letter to SEPA 10 March 2020 re Loch Ailort](#)

[Scottish Government Imidacloprid FOI reply dated 11 May 2020](#)

[CleanTreat: FOI Disclosures by the Scottish Government to Scottish Salmon Watch](#)

Please consider this a Freedom of Information request under the relevant FOI and Environmental Information regulations.

Please provide the information electronically.

Please provide a receipt for this FOI request.

Thanks,

Don Staniford

Director, Scottish Salmon Watch: salmonfarmingkills@gmail.com