

SCOTTISH SALMON WATCH



MORTALITIES

[Brian Johnson](#)
[Chief Executive](#)
[Maritime and Coastguard Agency](#)
Bay 3/30
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Brian.Johnson@mcga.gov.uk

23 June 2020

Dear Mr Johnson,

Complaint re. MOWI's reckless behaviour & subsequent fatality in Loch Alsh

Further to your [letter dated 18 June 2020](#), Scottish Salmon Watch has serious concerns at the adequacy of your reply. Your reply refers to "careful consideration" by the Maritime & Coastguard Agency in reference to the incident on 01 September 2019.



Bay 3/13
Spring Place
105 Commercial Road
Southampton
SO15 1EG
UK

Mr Don Staniford
Director
Scottish Salmon Watch
By email: salmonfarmingkills@gmail.com

Tel: 020 3817 2385
E-mail: brian.johnson@mcga.gov.uk

Our ref: CP2020-17

18 June 2020

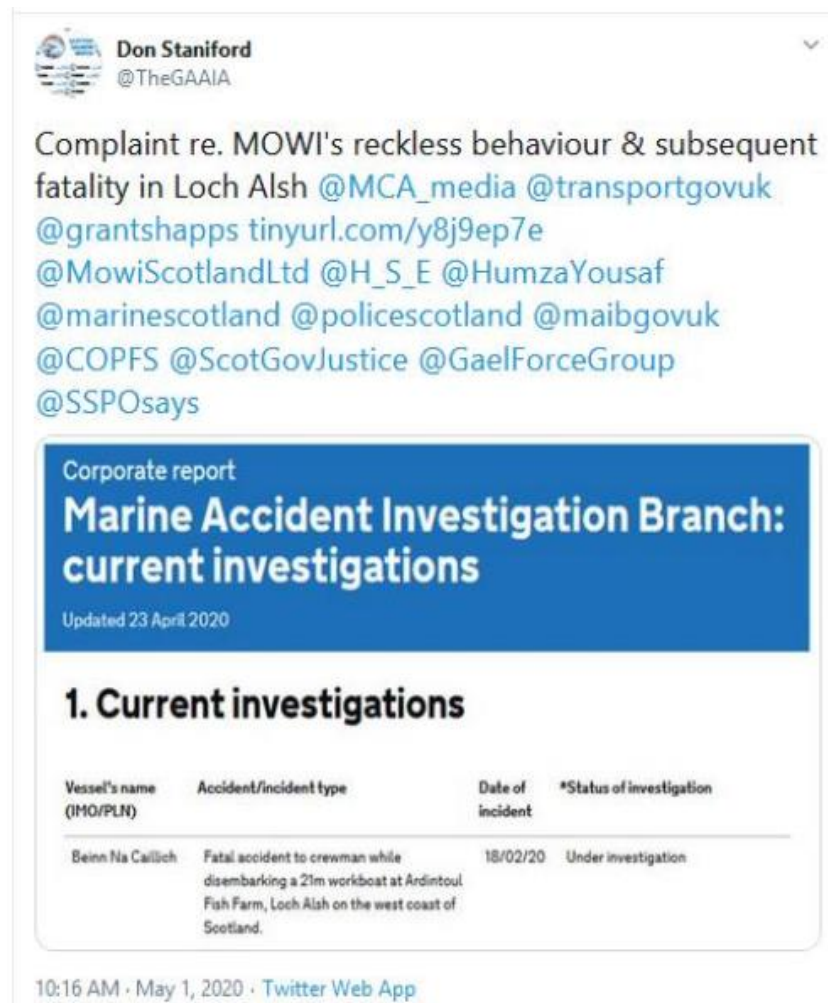
Dear Mr Staniford,

COMPLAINT RE UNSAFE AND RECKLESS BEHAVIOUR.

In response to your recent complaint, I can confirm that a further review has been undertaken of your allegation against MOWI fish farms and their apparent breach of the International regulations for preventing collisions at sea on 01 September 2019.

However, [Scottish Salmon Watch's complaint filed on 1 May 2020](#) relates to incidents which took place on 2 November 2019 at Mowi's Ardintoul salmon farm in Loch Alsh (not on 1 September 2019).

How can Scottish Salmon Watch have confidence in the Maritime & Coastguard Agency's handling of this complaint when you cannot even get the date right?



If you had of taken "careful consideration" of our complaint you would be aware that Scottish Salmon Watch previously complained of reckless and menacing behaviour by Mowi at salmon farms in the waters around Shuna on 1 September. You never even bothered to reply to our [letter dated 12 September 2019](#) which raised serious concerns of safety in the vicinity of salmon farms.

Scottish Salmon Watch would like to [refer this matter to the Independent Complaints Assessor appointed by the Department of Transport](#). Could you please pass this letter on to relevant contact?

For easy reference, I have enclosed below Scottish Salmon Watch's [letter of complaint dated 12 September 2019](#) (which described incidents taking place on 1 September 2019) and Scottish Salmon Watch's [letter of complaint dated 1 May 2020](#) (which described events at Mowi's Ardintoul salmon farm in Loch Alsh on 2 November 2019).

Finally, the Maritime & Coastguard Agency's [refusal on 18 June 2020 to disclose information on the fatality at Mowi's Ardintoul salmon farm in Loch Alsh in February 2020](#) is disappointing. Scottish Salmon Watch considers the Maritime & Coastguard Agency's refusal to take up our offer of sharing video footage of the reckless behaviour of Mowi at

Ardintoul in Loch Alsh in November 2019 (the same site and featuring the same vessel - [Mowi's Beinn Na Caillich workboat](#) - and [Clive Hendry who was killed on 18 February 2020](#)) as negligent in the extreme.

Whilst Scottish Salmon Watch concedes that such footage is unlikely to be materially relevant to the investigation into the fatality at Mowi's Ardintoul salmon farm in Loch Alsh it could prove to be circumstantial evidence.

As [Scottish Salmon Watch's letter of complaint dated 1 May 2020](#) stated:

The video footage proffered by Scottish Salmon Watch - still unwatched by the MCA although the offer is still on the table - clearly shows unsafe working practices by Mowi in November 2019. Mowi has apparently been warned about site safety at Ardintoul for at least five years (Scottish Salmon Watch's [visit to Ardintoul on 2 November 2019](#) was prompted by a whistleblower [who claimed "the whole thing is based on lies"](#)). The subsequent [fatality of Clive Hendry in February 2020](#) was an accident waiting to happen

If you have any questions or would like to set up a meeting to take a witness statement please do not hesitate to contact me on 07771 541826.

If you want to view the video footage as repeatedly offered to the MCA please send me your email address and I can share the files.

Scottish Salmon Watch hopes that the ongoing investigations into the death of Clive Hendry can shed some light on Mowi's work practices and provide justice if any crime has been committed. It is also hoped that MCA's investigation into this complaint will lead to improvements in the way salmon farms are policed.

Finally, Scottish Salmon Watch is still waiting patiently for a reply from you to our [letter dated 12 September 2019](#) concerning Mowi's reckless and dangerous behaviour in the Sound of Jura and Shuna Sound.

With the Summer and inspections of salmon farms approaching it is vitally important that safety around salmon farms is prioritised for all parties. The MCA's lack of action on this issue is alarming.

As [Scottish Salmon Watch's letter of complaint dated 12 September 2019](#) (as yet still not replied to) stated:

Scottish Salmon Watch is concerned that Mowi's intimidation and menacing behaviour, if left unchecked, will escalate and cause further safety hazards. With more protests and sampling close to salmon farms planned for the coming months ([predicted by Mowi's Health Manager to be a "painful" time for disease](#)), Scottish Salmon Watch is worried for the safety of our kayaks operating in public and navigable waters.

On 1 September 2019, we were shadowed so closely by Mowi's motor powered vessels in our small kayak that we felt unsafe in public and freely navigable waters.



Our one-person kayak was dwarfed by Mowi power boats [deliberately and dangerously blocking our safe navigation through public waters](#) (the Round Shuna pursuit yacht race was taking place during our visit). Mowi repeatedly drove their motor boats into the path of our kayak and did not give way as is the custom under the maritime code.



If Mowi has such reckless disregard for safety when they know they are being videoed then Scottish Salmon Watch dreads to think what reckless behaviour takes place unchecked at Mowi salmon farms.

Sadly, judging by your woeful response on 18 June 2020 to our complaint filed on 1 May 2020 and the lack of response to the complaints raised on 12 September 2019, the Maritime & Coastguard Agency clearly does not care about safety around salmon farms. How many more deaths at Mowi salmon farms is it going to take before the authorities take action?

Yours sincerely,

Don Staniford

Director, Scottish Salmon Watch

Cc:

Secretary of State for Transport (Rt Hon Grant Shapps): Grant.Shapps@dft.gov.uk

Marine Accident Investigations Branch: iso@maib.gov.uk

Scottish Ministers: scottish.ministers@gov.scot

Health & Safety Executive: General-Account.Secretariat@hse.gov.uk

Penny Falconer, HSE: penny.falconer@hse.gov.uk

MCA Director of Maritime Operations: Richard.Parkes@mcga.gov.uk

MCA Director of Maritime Safety & Safety: Katy.Ware@mcga.gov.uk

MCA Navigation Safety: navigationsafety@mcga.gov.uk

MCA Information Assurance: InformationAssurance@mcga.gov.uk

MCA Directorate of Maritime Safety and Standards Business Unit: dmss.bu@mcga.gov.uk

MCA Customer Feedback: CustomerFeedback@mcga.gov.uk

MCA Info Line: info@mcga.gov.uk

Alyson McGinnigle, MCA: Alyson.McGinnigle@mcga.gov.uk

Police Scotland

SCOTTISH SALMON WATCH



MORTALITIES

[Brian Johnson](#)
[Chief Executive](#)
[Maritime and Coastguard Agency](#)
Bay 3/30
Spring Place
105 Commercial Road
Southampton
S015 1EG
Brian.Johnson@mcga.gov.uk

1 May 2020

Dear Sir/Madam,

Complaint re. MOWI's reckless behaviour & subsequent fatality in Loch Alsh

Please consider this a formal complaint regarding the inadequate handling of Scottish Salmon Watch's complaint re. [Unsafe & Reckless Behaviour by Mowi Scotland at Ardintoul salmon farm in Loch Alsh](#) filed on 15 November 2019 (letter enclosed in full below along with the Maritime & Coastguard Agency's response letter sent on 31 March 2020 - for some reason when the Word file is opened it gives a different date - and other email correspondence).

In summary, Scottish Salmon Watch is of the view that the MCA failed to fully investigate Mowi's unsafe and reckless behaviour at the Ardintoul salmon farm in Loch Alsh on 2 November 2019. In fact, the MCA "investigation" did not even bother to take up Scottish Salmon Watch's offer of corroborating video footage. Nor did the MCA's "investigation" include a meeting or even a phone call to gather a witness statement as originally suggested.

Moreover, Scottish Salmon Watch believes that if an investigation had been mounted - including an inspection visit to Mowi's Ardintoul salmon farm and a thorough review of Mowi's health and safety practices - the [tragic fatality of Clive Hendry in February 2020 at the same Mowi site](#) could have been avoided. The MCA as well as Mowi may be negligent.

MCA's response letter dated 31 March 2020 (ENF865) included:

The agency is satisfied that following a review of your complaint and after careful consideration of all the provided information, there is insufficient evidence to support any breach of the Merchant Shipping Act in respect to the Collision Regulations.

No further action will be taken by the MCA.

How can the MCA be "satisfied" when the MCA investigation team did not even bother to view the video footage proffered and do not appear to have even visited Mowi's salmon farm at Ardintoul? Please investigate whether MCA did take "careful consideration" in this case.

As Scottish Salmon Watch wrote in the [complaint to the MCA & Health & Safety Executive dated 15 November 2019](#):

"Drone footage clearly shows that Mowi endangered the health and safety of the general public during an inspection of a salmon farm in Loch Alsh 'Special Area of Conservation'.



Mowi staff deliberately rammed a kayak, drove at high speed past a small dingy, unclipped a kayak tied safely to the farm, kicked a paddle into the water and scraped a work boot down my Achilles tendon. Mowi's behaviour on 2 November 2019 at Ardgour was both reckless and dangerous".



Further photos and commentary are detailed via [Caught on Camera - Mowi's Reckless Breaches of Health & Safety in Loch Alsh](#)

In the photo above (to the right) is [Mowi's Beinn Na Caillich workboat](#):



"Safety First" is [emblazoned on the side of the boat](#):



Please note that the [Marine Accident Investigations Branch](#) (copied into this complaint) details via '[current investigations](#)' a fatal case involving the Beinn Na Caillich at Ardintoul:

Marine Accident Investigation Branch: current investigations

Updated 23 April 2020

1. Current investigations

Vessel's name (IMO/PLN)	Accident/incident type	Date of incident	*Status of investigation
Beinn Na Caillich	Fatal accident to crewman while disembarking a 21m workboat at Ardintoul Fish Farm, Loch Alsh on the west coast of Scotland.	18/02/20	Under investigation

If the MCA had bothered to fully investigate the unsafe and reckless behaviour of Mowi on 2 November 2019 you would have watched video footage of workboats (including the Beinn Na Caillich which has the words "Safety First" on the side) operating at Mowi's Ardintoul salmon farm in Loch Alsh.

BBC News [reported \(5 March 2020\)](#):

Clive Hendry fell overboard from a work boat at a fish farm site near Kyle of Lochalsh last month.

Kyle of Lochalsh RNLI, Coastguard teams and the Scottish Ambulance Service responded to the incident.

His employer Mowi Scotland said Mr Hendry had worked at the company for 12 years and was a "truly valued member of the team and friend".

He fell while disembarking at the 21m (69ft) Beinn Na Caillich at Ardintoul fish farm on Loch Alsh.

Mowi has been assisting the Marine Accident Investigation Branch (MAIB), Maritime and Coastguard Agency and Health and Safety Executive on an investigation into the incident.

I dread to think what could have happened if Mowi's workboats had crushed my kayak whilst I was in it or if the dinghy they motored dangerously close to was hit.



The video footage proffered by Scottish Salmon Watch - still unwatched by the MCA although the offer is still on the table - clearly shows unsafe working practices by Mowi in November 2019. Mowi has apparently been warned about site safety at Ardintoul for at least five years (Scottish Salmon Watch's [visit to Ardintoul on 2 November 2019](#) was prompted by a whistleblower [who claimed "the whole thing is based on lies"](#)). The subsequent [fatality of Clive Hendry in February 2020](#) was an accident waiting to happen

Scottish Salmon Watch believes Mowi has blood on their hands - not only for the [slaughter of seals in Loch Alsh](#) ([and around Scotland](#)) but also for the [deaths of workers](#) around the world.

Scottish Salmon Watch also [wrote to you in September 2019 re. Mowi's reckless behaviour in the Sound of Jura and Shuna Sound](#). You didn't even bother to reply - shame on you!

Brian Johnson
Chief Executive
[Maritime & Coastguard Agency](#)
infoline@mcga.gov.uk

12 September 2019

Dear Mr Johnson,

Navigation Concerns re. Salmon Farms Operating in Public Waters
- the Fish Farm Menace & Threats to Public Safety

Scottish Salmon Watch is writing in respect of the [Maritime & Coastguard Agency's](#) responsibility for the "safety of everybody in a vessel in UK waters" and the "environmental safety of UK coast and waters". Our experiences on 1 September 2019 in the waters around Shuna raise serious concerns about safety and the reckless operations of [salmon farming giant Mowi](#) in particular who we believe ignored the '[rules of the road](#)'.



Scottish Salmon Watch is concerned that Mowi's intimidation and menacing behaviour, if left unchecked, will escalate and cause further safety hazards. With more protests and sampling close to salmon farms planned for the coming months ([predicted by Mowi's Health Manager to be a "painful" time for disease](#)), Scottish Salmon Watch is worried for the safety of our kayaks operating in public and navigable waters.

Read more via: [The Fish Pharm Menace - Mowi is Like a Bad Movie \(& Dick Dastardly\)!](#)

By failing to investigate Mowi's unsafe business behaviour and failing to stamp out rampant recklessness does the MCA now have blood on their hands?

Does the MCA's inaction on this issue show that you value the economic benefits of salmon farming ([grossly inflated according to a recent report](#)) and Mowi's millions (Ben Hadfield, MD of Mowi Scotland, [earned a staggering \\$1 million last year](#)) ahead of maritime safety?

Don Staniford
@TheGAAIA

Mowi's money men rake in million\$ as tens of million\$ of farmed \$almon die a cruel death tinyurl.com/vmbrvv5 Ben Hadfield @MowiScotlandLtd is fast catching up with Steve Austin coining in a cool \$1 million in 2019 #Salmony #Salmonopoly #Salmafia @IntraFishNorge

Here's what salmon farming giant Mowi's C-suite executives earn
The top brass at the world's largest salmon farming company fared well last year.
Ben Hadfield, who took on the position of COO Farming Scotland and Ireland in 2019, earned a total of €962,000 (\$1 million).

Remuneration to Mowi's Senior Executives

Executive	Position	Salary	Cost of Living Allowance	Executive Bonus	Share-based Compensation	Total 2019	Total 2018	% Change
Ben Hadfield	COO Farming Scotland and Ireland	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Scotland	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Ireland	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Norway	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi USA	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Canada	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Chile	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Mexico	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Peru	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Ecuador	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Colombia	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Venezuela	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Argentina	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Brazil	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Chile	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Mexico	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Canada	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
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John Duggan	MD Mowi Norway	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Ireland	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%
John Duggan	MD Mowi Scotland	€200,000	€200,000	€562,000	€0	€962,000	€821,000	17%

In the pink - Mowi Scotland's MD Ben Hadfield earned £788,256 (€921,000) in 2018 with a basic salary of £240,000 @MowiScotlandLtd bit.ly/2U88Dtr Follow the #Salmony #Salmafia #Salmonopoly

11:17 AM · Mar 26, 2020 · Twitter Web App

In Chile, Mowi (when named Marine Harvest - they [changed their name in 2019 due to negative consumer perception](#)) [paid off the widow of a dead diver according to Dagbladet](#).

According to an article published in the Norwegian newspaper Dagbladet in 2010, Marine Harvest paid off the widow of a dead diver in Chile (with a figure of 7.2 million Norwegian kroner – or around £800,000 – cited in the article).

Dagbladet
mer å snakke om

DØMT til rekord-erstatning LAKSEOPPDRETT

DØMT til rekord-erstatning

Etter flere års lagging og rettsstrid har Mowi i dag blitt dømt til rekord-erstatning for dødsfallene i Chile. Erstatningen er på 7,2 millioner norske kroner. Dette er den høyeste erstatningen som noen gang er blitt utbetalt i Norge.

LAKSEOPPDRETT

Mowi har i dag blitt dømt til rekord-erstatning for dødsfallene i Chile. Erstatningen er på 7,2 millioner norske kroner. Dette er den høyeste erstatningen som noen gang er blitt utbetalt i Norge.

Stratos
Mmm... Lufdig hvit sjokolade dekket med deilig melkesjokolade

Read more via "[Deadly Mowi: the horror story continues!](#)"

How much does the MCA put on the life of a worker? It seems that the going rate for a dead salmon farm worker in Scotland can rise and fall depending on the judge or sheriff.

In 2011, [BBC News reported](#):

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Firms fined £640,000 over Loch Creran barge deaths

4 July 2011

f Share

Two companies have been fined a total of £640,000 over the deaths of two men on a fish farm barge in Argyll.

Maarten Pieter Den Heijer, 30, and 45-year-old Robert MacDonald died on Loch Creran, near Oban, in May 2009.



Both men lost consciousness in a low oxygen environment below deck while trying to help a colleague who had passed out but survived.

Scottish Sea Farms was fined £600,000 and Logan Inglis was fined £40,000 over health and safety breaches.

Oban Sheriff Court heard how Scottish Sea Farms worker Campbell Files and engineer Arthur Raikes - employed by Logan Inglis - were fixing a hydraulic crane on the barge when they went below deck to find cabling and pipework.

Lost consciousness

The oxygen levels below deck were very low and Mr Files passed out while Mr Raikes managed to climb back out.

In an attempt to rescue Mr Files, his Scottish Sea Farms colleagues Mr Den Heijer and Mr MacDonald entered the small chamber below deck but lost consciousness almost immediately.

The three men needed to be rescued by emergency services but only Mr Files recovered.

Following the incident on 11 May 2009, inspectors from the Health and Safety Executive (HSE) discovered Scottish Sea Farms had failed to suitably prepare staff for working in the small, sealed chambers on the Loch Creran barge or a safe way for them to work.



The deaths in this case should have been avoided - the risks should have been identified

Barry Baker, HSE inspector

In 2012, [BBC News reported](#) that the price of life had almost halved on appeal as the fines were judged "too harsh":

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Loch Creran barge death firms have £640,000 fines cut

🕒 26 January 2012

f 🗨️ 🐦 ✉️ ↻

Two companies who were fined a total of £640,000 over the deaths of two men on a fish farm barge in Argyll have had their penalties cut by appeal judges.

Maarten Pieter Den Heijer, 30, and 45-year-old Robert MacDonald died on Loch Creran, near Oban, in May 2009.



Maarten Den Heijer and Robert MacDonald died on the barge

Scottish Sea Farms was fined £600,000 and Logan Inglis was fined £40,000 over health and safety breaches.

Appeal court judges agreed the fines were too harsh and reduced them to £333,335 and £20,000 respectively.

Lawyers for the companies told the Court of Criminal Appeal in Edinburgh that Sheriff Small had failed to take account of factors which should have made the fines more lenient.

Lord Mackay of Drumadoon, sitting with Lord Menzies and Lady Dorrian, agreed and ordered that the fines should be reduced.

The court heard that both firms had good records on health and safety matters.

Scottish Sea Farms was said to have an annual turnover of almost £94m. For Logan Inglis the figure was more than £2.7m.

Please note that a FOI reply to Scottish Salmon Watch from the HSE dated 8 April 2020 (202003021) included evidence of recent safety failures by Mowi ([owned by Norway's John Fredriksen who is worth over \\$10 billion according to Forbes](#)) - including "defective equipment", serious defects, an unsafe lift and unsafe walkways.



Health and Safety Executive: RIDDOR Report

Report Number: [REDACTED] Date Submitted: 18/09/2019 Current Authority: Scotland - 21 Glasgow

About you and your organisation:

Name: [REDACTED]
Job Title: [REDACTED]
Phone Number: [REDACTED]
Organisation: Mowi Scotland Ltd
Address: [REDACTED]
Town: FORT WILLIAM
County:
Post Code: PH33 6RX
Fax Number:
E-Mail: [REDACTED]
Did the incident happen at the above address? no
Which authority is responsible for monitoring H & S where the incident happened? HSE

About the incident

Incident date: 01/09/2019 Incident time: 11:00
Which LA did incident occur in?
Country: Scotland Geographic Area: Scotland Local Authority: Western Isles
In which department or where on premises did incident happen?
On a feed barge

What type of work was being carried out?

Main Industry: Agriculture, Forestry, Fishing, Veterinary
Main Activity: Fishing and aquaculture
Sub Activity: Marine aquaculture

About the kind of accident

Kind of accident that described incident: Fall from height
How high was fall? 2 metres
Work process involved: Other process not listed above
Main factor involved: Kneeling, sitting or leaning on an object
Describe what happened:
IP Slipped and fell down stairs and twisted back.

About the injured person

Name: [REDACTED]
Address: [REDACTED]



Field Operations Directorate

Lord Cullen House
Fraser Place
Aberdeen
AB25 3UB

Mowi Scotland Ltd



Date: 4th October 2019

Reference: [REDACTED]

Dear Sirs

HEALTH & SAFETY AT WORK ETC. ACT 1974

The Lifting Operations and Lifting Equipment Regulations 1998

Passenger/Goods Lift – [REDACTED] at Admiralty Park, Rosyth, Dunfermline, KY11 2YW

We have received copies of the thorough examination reports carried out by your competent person. Continued use of equipment with the identified defects may constitute a breach of the above regulations. These thorough examinations can be used to monitor your company's maintenance and repair procedures. The Approved Code of Practice and Guidance: "Safe use of lifting equipment" [REDACTED] offers guidance on this matter and is available from HSE Books.

Please confirm in writing that the defective equipment is not in use or has been repaired.

Lift Report

Lifting Operations & Lifting Equipment Regulation 1998
Provision & Use of Work Equipment Regulations 1998
Regular Thorough Examination

Name of User MOWI SCOTLAND LTD AND ASSOCIATED COMPANIES

Location

Policy No.

Report No.

Contract No.

1. a. Description and unique identifier or no.

Client No.

Description: Passenger/Goods Lift

Manufacturer:

Serial Number:

Manufacture Date: 2018

b. Location of Lift

Kyleakin

c. Date of last examination

23-Aug-2019

d. Date of current examination

26-Sep-2019

e. Latest date by which the next examination should be carried out

26-Mar-2020

f. Examination scheme no.

Not Known

2. Defects which could cause a danger to persons. Particulars of any repairs, renewals or alterations to rectify those defects and the time within which they should be completed.

a. Enclosure of liftway.

None

b. Landing doors and car doors.

None

c. Interlocks on the landing doors and car gate(s).

None

d. Other door fastenings.

None

e. Car or platform and fittings, car guides, buffers, interior of the liftway.

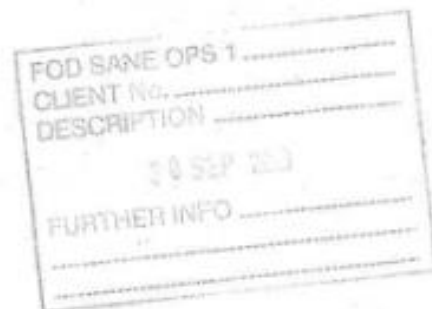
None

f. Over-running devices.

None

g. Suspension of ropes or chains, and their attachments.

One suspension rope has a broken strand between floors 5 and 6 on the righthand side looking from the landing. The suspension rope should be replaced immediately. We strongly recommend that the lift be removed from service until this has been rectified.





Field Operations Directorate

Lord Cullen House
Fraser Place
Aberdeen
AB25 3UB

Mowi Scotland Ltd

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

Date: 13th November 2019

Ref:

Dear Sirs

HEALTH & SAFETY AT WORK ETC. ACT 1974

The Lifting Operations & Lifting Equipment Regulations 1998

Passenger/Goods Lift – at Admiralty Park, Rosyth, Dunfermline, KY11 2YW

We recently wrote to you following identification of defects on plant at thorough examinations. I have enclosed a copy of that letter for your information. To date this office has not received a reply.

I would be grateful if you would reply to my original letter as the thorough examination defects are serious.

Cases Report

Date: 17/03/2020
Version 2.0.0

Report Parameters:

Case ID =

Include Related Cases = "Y"

Include Investigation Tracking = "Y"

Company ID		Company Name	Mowi Scotland Limited
Site ID		Site Name	Mowi Scotland Limited
Date Created	04/10/2019	Status	Closed-Completed
Category	Advice, Education, Promotion	Assigned To	
Type	Other	Provider Group	ED HOU 5 & Support
Detail	N/A		
Problem Summary	- Mowi Scotland Limited - 26/09/2019 - Passenger/Goods Lift - 6/11/19		
Problem Description	Address - Admiralty park, Rosyth, Dunfermline, KY11 2YW Item - Passengers/Goods Lift - N1209 - One suspension rope has broken strand between floors 5 and 6 on the right-hand side looking from the landing. The suspension rope should be replaced immediately. We strongly recommend that the lift be removed from service until this has been rectified.		

Master Case Detail

Master Case Notes

Note Summary

Date Note Added

04/10/2019 10:11:54 AM

Contact with

Note Details

Attachment 1 - Copy of Letter
Attachment 2 - Reminder Letter issued
Attachment 3 - Response from to confirm repairs

Attachments

Mowi_Scotland_Ltd.pdf
Reminder - Mowi_Scotland_Ltd.pdf
HSE_2019-11-18.htm

Cases Report		Date: 17/03/2020
Report Parameters: Case ID = [REDACTED] Include Related Cases = "Y" Include Investigation Tracking = "Y"		
Company ID [REDACTED] Company Name Mowi Scotland Limited Site ID [REDACTED] Site Name Loch Linne Salmon Farm/Mowi Scotland Limited Date Created 31/07/2019 Status Closed-InvestComp Category Complaints Assigned To [REDACTED] Type Other Provider Group FOD Ops Unit 1 Group 1 Detail Amber Problem Summary AMBER - FOD Ops 1 Grp4- Mowi Scotland Ltd - Unsafe Fish Walkways - 31.07.19 Problem Description AMBER - FOD Ops 1 Grp4 - Mowi Scotland Ltd - Unsafe Fish Walkways - 31.07.19 [REDACTED] Unsafe Fish Walkways		
Master Case Detail Master Case Notes		
Note Summary Concern Follow Up Note Details		Date Note Added 31/07/2019 04:36:28 PM Attachments

Risk Activity:	Concern details:
	safety on fish farm walkways [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] is a [REDACTED] registered as a [REDACTED] making Limited Company [REDACTED] [REDACTED] [REDACTED] To Health & Safety Executive Scotland. Dear Sir or Madam, I have just viewed a video taken earlier this month (July 2019) at a Mowi salmon farm at [REDACTED] [REDACTED] Ardgour, Loch Linnhe. You will find the video here: [REDACTED] [REDACTED] From my viewing of this video the walkways on this salmon farm pose a severe safety risk to anyone working there. Several of the walkways are littered with unsecured pipes and ropes, large quantities of plastic membranes, floats and other debris. In places the walkways are totally covered with materials likely to cause people to slip or trip or become entangled. When working in any marine environment it is vital that work areas are kept as clear and unobstructed as possible. This is obviously not the case on the salmon farm shown on this video. I ask you to make an unannounced inspection of this farm ASAP and take any action that might be required to ensure the highest health and safety standards are met. If my concerns are shown to be valid I urge you to visit other salmon farms to ensure they too employ high safety standards.

Read more via "[Video sparks HSE scrutiny of Mowi in Loch Linnhe](#)"



Scottish Salmon Watch strongly implores you to fully review the reckless behaviour of Mowi as well as the inadequate nay negligent "investigation" by the MCA.

Please find enclosed below the original complaint filed on 15 November 2019 as well as subsequent emails and letters from MCA [obtained by Scottish Salmon Watch via FOI on 26 March 2020](#) which paint a pathetic picture of inaction, indolence and incompetence. The dilly-dallying, dithering and delays by the MCA are staggering and in the meantime there was a death at Mowi's Ardintoul salmon farm.

Please find the time to actually read this complaint (you did not even bother to reply to [another complaint letter re. Mowi sent in September 2019](#)). If you take "careful consideration" of this complaint, you will see from the "confused" correspondence that the MCA's initial response in December 2019 even mistook Scottish Salmon Watch's complaint re. Ardintoul in Loch Alsh for Mowi's salmon farm over 80 miles away at Ardgour in Loch Linnhe. If the MCA's investigation team do not even understand basic geography how can the public rely on it to police maritime safety?

You will also read that in December 2019 the MCA cited "resource availability" as a reason not to take a witness statement in person from Scottish Salmon Watch suggesting a date in January 2020 which for some unexplained reason never happened. Whilst the MCA appears to have done nothing of substance, I swiftly made myself available for an interview and repeatedly offered to share video footage.

In fact since the complaint in November 2019, it took the MCA two months to ask any questions of Scottish Salmon Watch in January 2020 to which we replied swiftly and it took over two more months for the MCA to conclude at the end of March 2020 there was "insufficient evidence" against Mowi. In the meantime in February 2020 Clive Hendry died at the same salmon farm site which was subject of Scottish Salmon Watch's complaint.

It is hard to escape the conclusion that the MCA tried desperately not to give our complaint the careful consideration it warranted. Scottish Salmon Watch believes that if the MCA (and the HSE) had acted earlier to investigate claims of reckless and unsafe behaviour at Mowi - at their salmon farm at Ardintoul in Loch Alsh in particular - then the death of Clive Hendry could have been avoided.

Did the MCA even question Mowi or visit the Ardintoul salmon farm following Scottish Salmon Watch's complaint in November 2019? Did the MCA check Mowi's workboat safety procedures and check life-saving qualifications and rescue training? Or to steal a phrase from the MCA's emails should I better "manage expectations"?

As the [internal emails from MCA disclosed via FOI in March 2020](#) detail there was confusion, delay and bureaucratic buck-passing of the first order:

I am little confused as to who is putting together the response.

It appears to be that this has been passed around multiple agencies and ended up with us however, as it's a complaint should an acknowledgement be sent to the complainant? What is the complaints process?. Also, you'll see within the letter there was an earlier complaint made addressed to Brian Johnstone and sent to info@mcga.gov.uk which the complainant makes reference to the fact that also wasn't answered/acknowledged.

The deadline for this complaint was Today.

As this won't me bet we should send an email to manage expectations.

I am still not quite sure who will be responding to this could you let me know who would be most suitable?

It's unfortunate that the enquirer response deadline was passed – there's quite a bit of history to it I understand (ref. Sept complaint directed to the OCCE), therefore, the delay may have been unavoidable.

As this has gone over 10 working days I sent a Holding reply earlier in the week to manage expectations so this should give you a little more time.

Regarding your complaint letter of 15th November relating to an incident on the 2nd November 2019 at Ardgour highlighting unsafe and reckless behaviour by MOWI.

Discussion are on going with a view to getting a statement from the complainant which is likely to be in the new year owing to resource and availability. Once that has been done and other facts, information etc is gathered the case will be reviewed again to see if there is enough to proceed.

Is there any progress on this one?

I am chasing this up as there has been an FOI request regarding this letter.

Where the findings sent to Mr Staniford?

Also – Could you send any communications regarding the letter/complaint to X.

The MCA is sadly not the only government agency guilty of failing to police salmon farms. It is clear from [email correspondence from the HSE in August 2019 in relation to unsafe walkways at Mowi's salmon farm at Ardgour in Loch Linnhe](#) that inspections of salmon farms are not a priority and unannounced visits are "not logistically possible".

I am afraid we are unable to make unannounced visits to cage groups on fish farms as it is not logistically possible although we do make visits at very short notice. Visits to fish farming operations form part of our inspection programme.

Regards

[Redacted Signature]

HM Inspector of Health & Safety | Field Operations Division
Health & Safety Executive | Longman House, 28 Longman Road, Inverness, IV1 1SF |

As has already been detailed in this letter, Mowi has a history of health and safety breaches. [In January 2019, a SeaCap feed barge sank at a Mowi salmon farm at Lochboisdale in the Uists](#) (thankfully no staff were on board the feed barge on that occasion).



Mowi feed barge sinks off coast of Scotland

News by editorial staff - 18 January 2019

Mowi's "SeaCap" feed barge now 20m underwater containing 170 tonnes of fish feed.

In a press release sent today, the salmon farmer said that during the early morning hours of January 17, an aquaculture feed barge sank near Lochboisdale, Uist, after taking on water during a storm reporting two metre swells. No staff were aboard during the event and no other significant damage to the site is reported.

Authorities have been notified of the incident.

The cylindrical feed barge, known as a SeaCap, contains 170 tonnes of fish feed within the unit, and approximately 1000 litres of diesel fuel in a sealed tank. There are no reports of debris or fuel visible at sea or on the nearby shore line.

As the weather breaks, scuba divers will be safely deployed to inspect the unit and plan a recovery of the barge and contents, which sits 20 metres underwater.

The cause of the water breach is not known at this time.



The actual feedbarge (pictured) is now underwater PHOTO: Mowi

In 2016, [Mowi Scotland was fined £5,000 after a worker lost the tops of four fingers.](#)

The Press and Journal

Woman loses top of four fingers in accident at fish farm, company fined £5,000

A major fish farm company has been fined £5,000 after a safety error led to an employee losing the tops of four of her fingers.

Health and safety inspectors visited Marine Harvest's Glenfinnan fish farm after the woman had the tops of her fingers sliced off by machinery.

The company has 60 sea and fresh-water sites in Scotland with 620 employees, including nine at Glenfinnan on Loch Shiel.

Marine Harvest pleaded guilty to the Health and Safety at Work Act breach at Fort William Sheriff Court.

A detailed written narrative with photographs was handed to Sheriff Bill Taylor outlining the workings at Salmon Bay, Loch Shiel, when the accident happened on August 17, last year.

The firm's female lawyer told the sheriff: "This possible cause of injury just slipped through the net.

"The danger slipped by un-noticed. We take health and safety very seriously. In hindsight it was glaringly obvious.

"This is the first time Marine Harvest has been in the courts on a health and safety breach. And we accepted responsibility at the first opportunity."



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Details for Case No. 4449081

Defendant	Mowi Scotland Limited		
Description			
Offence Date	17/08/2015		
Total Fine	£5,000.00	Total Costs Awarded to HSE	£0.00
Breach involved in this Case			
Location of Offence			
Address	Salmon Bay Glenfinnan/ Marine Marine Harvest (Scotland) Ltd Salmon Bay The Cottage GLENFINNAN PH37 4LU Scotland	Region	Scotland
		Local Authority	Highland UA
		Industry	Agriculture hunting forestry and fishing
		Main Activity	03210 - AQUACULTURE
		Type of Location	Fixed

Salmon Business [reported in 2018](#):

Marine Harvest employee dies after found lifeless

News by **SalmonBusiness** - 9 August 2018

Police investigating death of a man in his 50s.

The man was found lifeless between the fleet and the boat at Marine Harvest salmon farm in the county of Trøndelag, Norway.

"This is a tragic event, and our thoughts go to relatives and his closest colleagues. We ask for understanding that we can not comment further on this right now," said head of company communications in Marine harvest, Ola Helge Hjetland, to local newspaper [Namdalsavisa](#).

The body is being sent to city of Trondheim for autopsy. The police is also investigating the matter.

"It is still uncertain what has happened. We do not know if this was a natural death or an accident. We must wait for the report from Trondheim before we can say anything more about the cause of death," said Erik Stovner, head of police at Nærøy and Vikna police station.

The Norwegian Labour Inspection has been informed about the incident.

My blog [reported back in 2012](#):

Deaths of workers in Scotland is also sadly a cost of doing business and Scottish salmon farming companies have been found negligent by the [UK's Health & Safety Executive](#) on numerous occasions. Prosecutions undertaken under the Health and Safety at Work Act 1974 include:

- Lighthouse of Scotland: fined £8,000 in 2004 following an investigation of a fatality by the Health and Safety Executive. The [Health and Safety Executive](#) summarized the case as:

"Failure to provide and maintain plant and systems of work that were so far as reasonably practicable safe with respect to fish husbandry operations on a fish farm at sea and failure to ensure that life jacket provided was maintained in an efficient state, working order and in good repair and that employees were provided with information, instruction and training re maintaining life jackets."

- Loch Duart (also known as 'The Sustainable Salmon Company'): fined £2,000 in 2000 at Dornoch Sheriff Court.

Other health and safety concerns reported by the [Health & Safety Executive](#) include cases involving Marine Harvest, Lighthouse of Scotland (Pan Fish), Corrie Mhor Salmon, Landcatch, Kinloch Damp and Kames Fish Farm. Marine Harvest, for example, has been served with several 'improvement notices' by the Health and Safety Executive. One notice served to Marine Harvest Scotland in 2002 read: "Wavemaster cages in the 30 cage group are not so far as is reasonably practicable, in a condition that is safe and without risks to health indicated by the twisting and submerged walkways, rusting walkway mesh and damaged/missing guard rails."

Another notice served in 2002 against Marine Harvest in Loch Ewe read: "That on 22 May you failed so far as was reasonable to ensure that the diving at work regulations were complied with in that the diving team hired by you from Seahorse Aquaculture was undersized, underqualified, wrongly equipped and did not carry employer's liability insurance. They also failed to produce a diving project plan."

In 2006, it was reported by [The Scotsman](#) that an inexperienced diver had died at Marine Harvest's salmon farm in Loch Ewe, Wester Ross, after becoming entangled in a rope attached to a cage as he attempted to clear out dead fish. Seahorse Aquaculture was fined £5,500 for failing to ensure the health, safety and welfare of an employee, and for failing to insure employees against bodily injury.

In January 2007, Marine Harvest was criticized by Sheriff Desmond Leslie after a ten-day inquiry into the death of Martin Blackley - a Royal Marine. [BBC News](#) reported that at the time of the accident Marine Harvest had failed to "police its health and safety procedures and practices adequately". On the day of the accident Mr. Blackley was diving to remove dead farmed salmon from a pen owned by Marine Harvest in Loch Ewe.

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Dive death marine 'ill-equipped'

A Royal Marine who died on a dive at a fish farm was ill-equipped and not adequately supervised, according to a sheriff's determination.

Martin Blackley, 26, of Aultbea, drowned while working at a fish pen in Loch Ewe, Wester Ross, in May 2002.

Sheriff Desmond Leslie said Seahorse Aquaculture "ignored" regulations by allowing Mr Blackley to carry out dives in exchange for a £300 dry suit.

The commando based in Arbroath was on sick leave after injuring a leg.

Marine Harvest, the company whose fish farm Seahorse Aquaculture had been contracted to work on, have also been criticised.



Martin Blackley was based at HMS Condor in Arbroath

[The Scotsman](#) reported:

"In his judgment, Mr Leslie said no risk assessment had been undertaken and there was no two-way communication system between staff. The inquiry at Dingwall Sheriff Court also heard there had also been no back-up oxygen and no diving plan. Mr Leslie said: 'This project was ill-fated from its inception. The safe systems of work designed to prevent an occurrence of this nature were disregarded at every level of the operation. The approach taken was casual in the extreme. Diving industry standards and procedures were ignored and

no effort was made either on behalf of Marine Harvest or Seahorse Aquaculture to implement fundamental provisions, which, if adhered to, would have avoided Mr Blackley's death'."

[The Scotsman](#) continued:

"Speaking of Marine Harvest, the sheriff said: "The lack of management procedures, a casual or token regard for health and safety issues, no managerial rigour in enforcing recognised best practice and little on-site awareness or concern for health and safety issues all contributed to a blase approach to diving operations." A Marine Harvest spokesman last night said: "We deeply regret this tragic accident and our thoughts are with Martin's family." He added that all company diving procedures were reviewed immediately after the accident. Mr Blackley's mother, Jeanette, said: "The judgment tells us what we knew, that the death could have been avoided. There should have been no accident because there should have been no dive."

Even though [Marine Harvest has since changed their name to Mowi](#) has "the token regard for health and safety issues" really changed at this [Norwegian-owned corporate giant](#)? If deaths are expected, have an underlying cause and are entirely predictable how can they be deemed 'accidents'?

 **Don Staniford**
@TheGAAIA

Norwegian-owned Marine Harvest renamed itself Mowi on 1 January 2019 due to negative consumer perception tinyurl.com/vwmbmcc With all the dead bodies piling up [@MowiScotlandLtd](#) it may have to think about re-branding itself again [@MCA_media](#) [@H_S_E](#) [@MowiCanadaWest](#) [@FWMowinckel](#)

ITS LIKE A BAD MOW

Mowi fish farm fatality named as Dornie man

A man has died this week while working on a west coast fish farm. It is understood that the man, named locally as Clive Hendry from Dornie, was working at Mowi's Arisaig site in Loch Aish when he died on Tuesday.

"We are all devastated with this news, and our deepest thoughts are with the family, friends and colleagues at this time. Relevant authorities have been notified and are now investigating, including police, the Health and Safety Executive and the Maritime and Fisheries Scotland."

Negative perception of Marine Harvest behind switch to Mowi

Can a new name increase the legitimacy? The company is determined to improve the market with a concept that is "very hard to copy."

2:58 PM · Feb 26, 2020 · Twitter Web App

Mowi [claimed in February 2020 that the fatality in Loch Alsh "is not being treated as suspicious"](#) but surely Mowi's appalling track record on worker safety arouses suspicion that the death of Clive Hendry was criminal not accidental? Is Mowi's [threat to keep away from their lethal salmon farms](#) because of all the [skeletons lurking in their closet](#)?



In 2009, the Norwegian newspaper Dagbladet [reported on deaths of workers in Chile](#) with names on crosses marking mass graves (before 2019, [Mowi was named Marine Harvest](#)).



Salmon Business [reported in March 2019](#):

Teenager dies in workplace accident at British Columbia fish farm

News by Owen Evans - 12 March 2019

Aidan Webber, a national champion BMX athlete, was killed in a workplace involving a fish pen.

The [North Island Gazette](#) reports that Andy Watson of the B.C. Coroners Service confirmed that a male teenager from Nanaimo died in a workplace accident at a fish farm off the north end of Vancouver Island, Canada.

"We are in the very early stages of our investigation, not only confirming his identity but to confirm how, where, when and by what means he died," Watson said.

WorkSafe B.C. spokeswoman Gillian Burnett told the publication in an e-mail that they were notified about "a tragic incident that resulted in the death of a young worker" at 10:40 a.m. Sunday.

"Preliminary details indicate it happened about [16 kilometres] off the coast of Port Hardy and involved a fish pen," Burnett said, adding that WorkSafe is investigating.

"Yesterday, Nanaimo BMX lost one of our family members. It is with sadness and regret that we say goodbye to Aidan Webber," noted a Facebook post from the Nanaimo BMX Association. "Aidan tragically lost his life yesterday in a work accident."

Webber was a champion BMX raider who had represented Canada in championships around the world.

It is not yet known which fish farm the fatal accident took place at.

In a [letter to Mowi's CEO Alf Helge-Aarskog in 2012, I wrote](#):

Last year, Marine Harvest Canada was fined **\$75,000** following the death of worker at one of its farms near Klemtu. The stench coming from Marine Harvest's operations in British Columbia is so nauseating that it is not surprising that many people want the company to leave Canada.



When Scottish Salmon Watch [visited Mowi's Ardintoul salmon farm on 2 November 2019](#) the weather conditions were benign and the waters extremely calm but the stormy conditions which may have persisted in February 2020 would have placed a premium on maritime safety. How was it that Clive Hendry "[fell overboard from a work boat](#)" and why was his life not saved?



Was his tragic death really an 'accident' or was it entirely avoidable with Mowi guilty of criminal behaviour (assisted by the MCA's lack of oversight)? Allowing Mowi to operate unchecked and without proper oversight - despite repeated complaints - would make the MCA at best negligent and at worst culpable in the death of Clive Hendry.

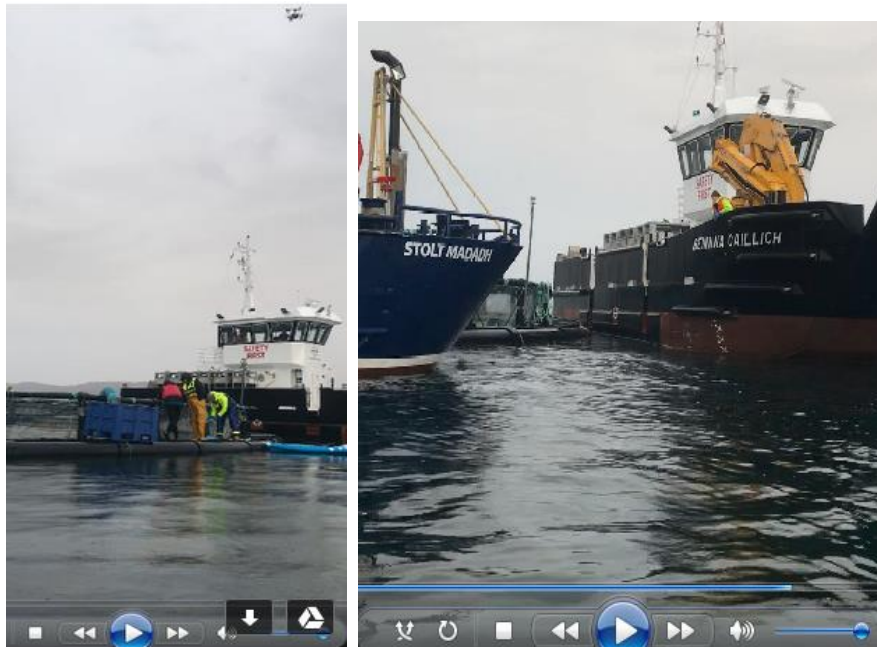
Mowi tribute to worker who died in fish farm accident

🕒 5 March 2020

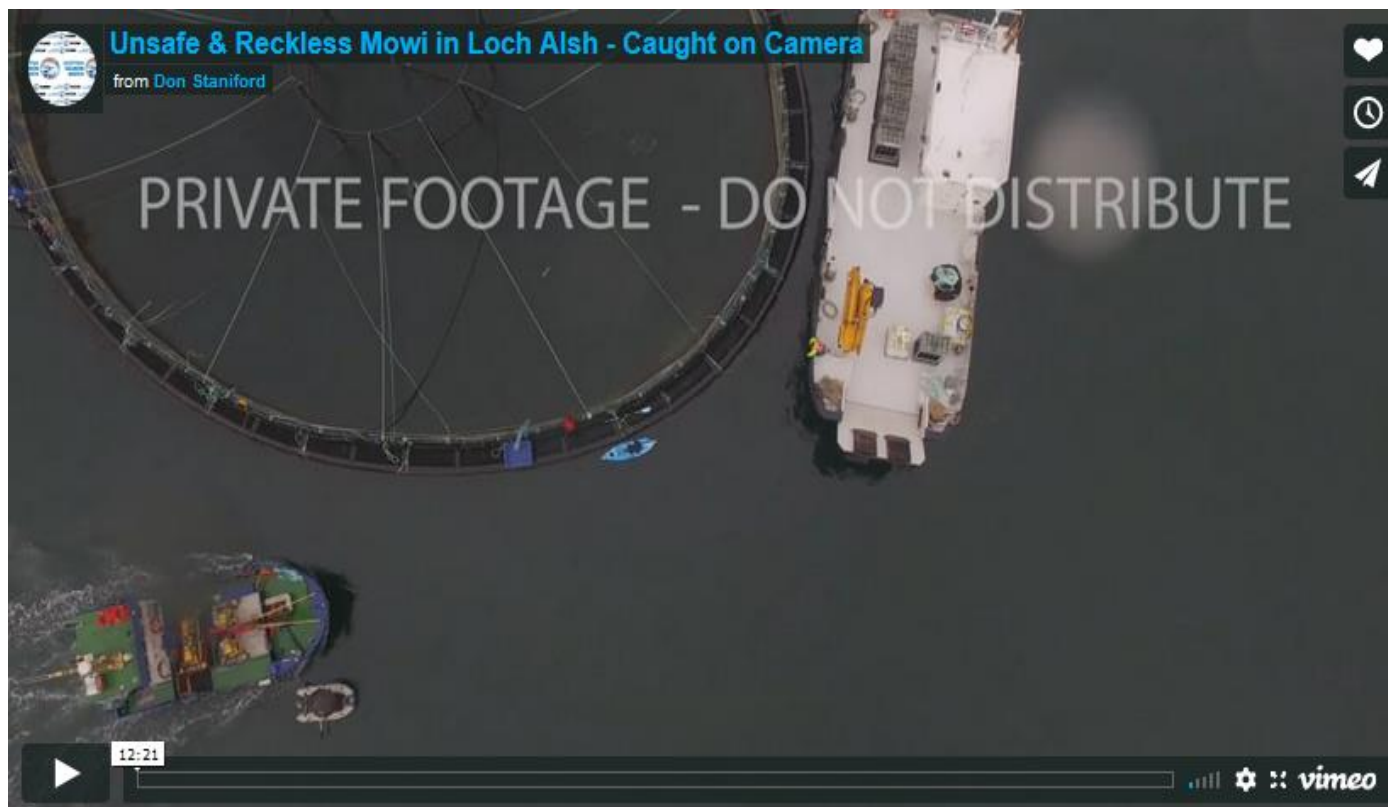
f 📧 🐦 ✉️ Share



Speaking personally, [when I visited Mowi's salmon farm on 2 November 2019](#) the intimidating and reckless behaviour of Mowi left me cold and anxious for my own safety. Despite "Safety First" emblazoned on the side of the Beinn Na Caillich workboat I felt that safety was the last thing on Mowi's mind. Mowi's menace is plain for all to see.



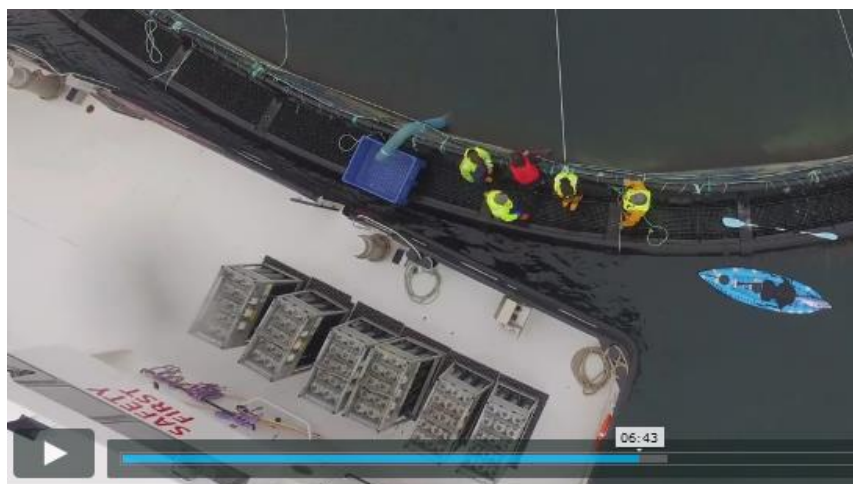
Please let me know if you would like to belatedly take up Scottish Salmon Watch's offer of watching video footage of Mowi's unsafe and reckless behaviour at the Ardintoul salmon farm.



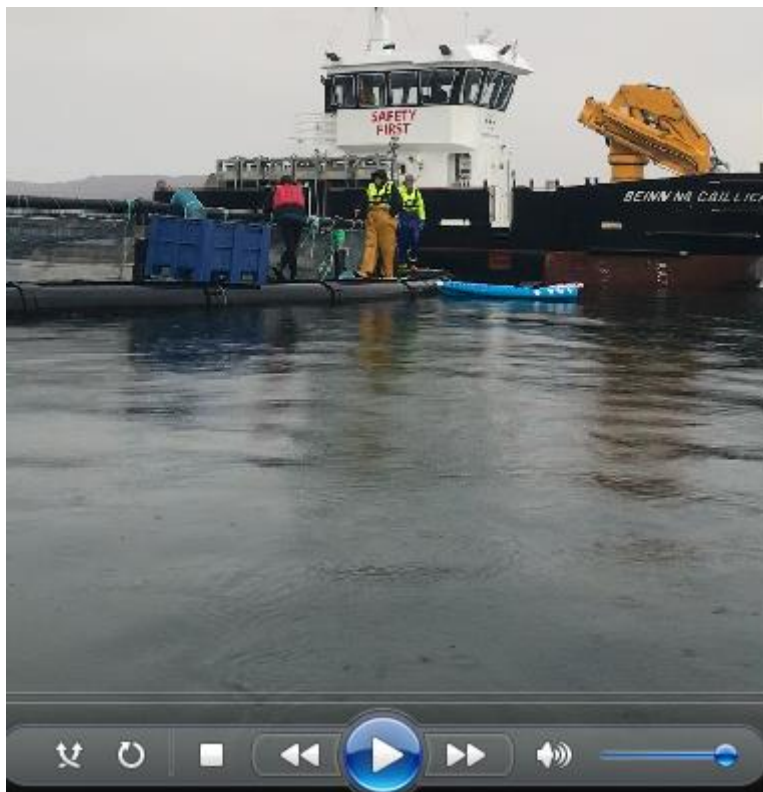
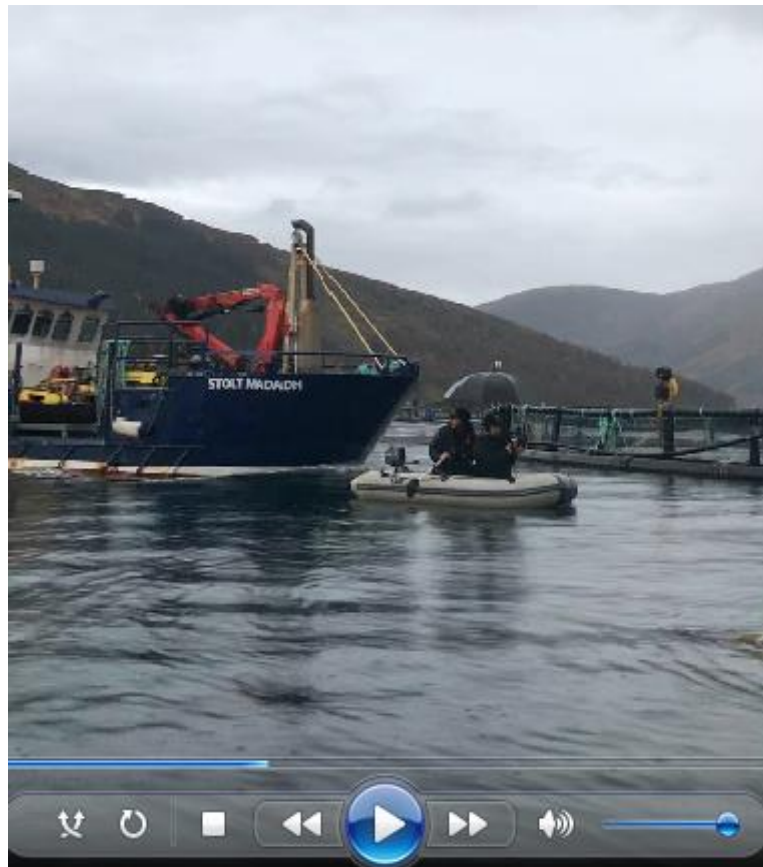
The video footage snubbed by the MCA in their "investigation" clearly shows Mowi's work boat almost crushing my kayak, unclipping it, kicking in the paddle and pushing it in the direction of [Mowi's Beinn Na Caillich workboat](#).

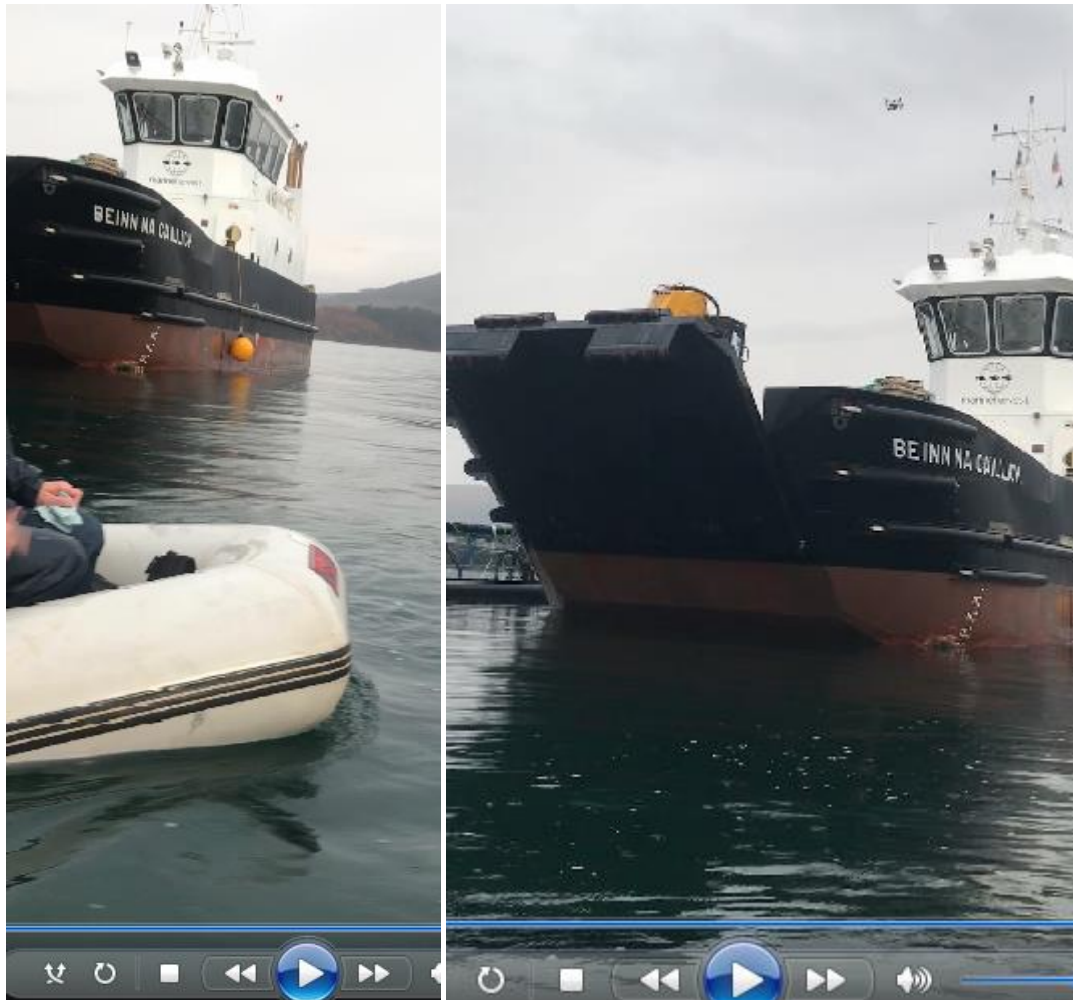


It is understood that one of the Mowi workers pictured here alongside the "Safety First" sign on the Beinn Na Caillich is [Clive Hendry who sadly died in February 2020](#).



Here's some photo stills from the video footage which the MCA has stubbornly refused to watch.





Other video footage of Scottish Salmon Watch's visit to Mowi on 2 November 2019 is [already publicly available online via Vimeo](#).



Please acknowledge receipt of this complaint.

In the spirit of public accountability and transparency this letter is copied to other MCA officials and other government agencies who according to Mowi were involved in investigating the death of Clive Hendry on 18 February 2020 as well as the [Secretary of State for Transport which oversees the Maritime & Coastguard Agency](#).

As the Ross-shire Journal [reported \(7 March 2020\)](#):



Tributes to Wester Ross fish farm worker who died after accident; Mourners pack service at Dornie Hall after death of Mowi employee



Mowi issued a tribute to Mr Hendry which said: "All of us, and especially his closest colleagues at Mowi Scotland, are devastated by the loss of Clive Hendry who died as a result of an accident at his workplace last month.

"Clive had been our colleague for 12 years and was a truly valued member of the team, and friend.

"We continue to assist all relevant authorities, including police, the Health and Safety Executive and the Maritime and Coastguard Agency, that are investigating the incident.

"Our thoughts and sincere condolences are with Clive's family and friends."

Mr Hendry is believed to have fallen from a fish farm vessel near Ardintoul after 3pm on Tuesday, February 18. Police, Kyle of Lochalsh RNLI lifeboat, Coastguard teams and the Scottish Ambulance Service responded to the incident.

Police Scotland said Mr Hendry was recovered from the water and taken to hospital in Broadford, Skye, where he was pronounced dead.

This letter of complaint has also been published today via:

["Complaint re. MOWI's reckless behaviour & subsequent fatality in Loch Alsh"](#)

If you have any questions or would like to set up a meeting to take a witness statement please do not hesitate to contact me on 07771 541826.

If you want to view the video footage as repeatedly offered to the MCA please send me your email address and I can share the files.

Scottish Salmon Watch hopes that the ongoing investigations into the death of Clive Hendry can shed some light on Mowi's work practices and provide justice if any crime has been committed. It is also hoped that MCA's investigation into this complaint will lead to improvements in the way salmon farms are policed.

Finally, Scottish Salmon Watch is still waiting patiently for a reply from you to our [letter dated 12 September 2019](#) concerning Mowi's reckless and dangerous behaviour in the Sound of Jura and Shuna Sound.

With the Summer and inspections of salmon farms approaching it is vitally important that safety around salmon farms is prioritised for all parties. The MCA's lack of action on this issue is alarming.

Yours sincerely,

Don Staniford

Director, Scottish Salmon Watch

Cc:

[Secretary of State for Transport \(Rt Hon Grant Shapps\): Grant.Shapps@dft.gov.uk](#)

[Marine Accident Investigations Branch: iso@maib.gov.uk](#)

[Scottish Ministers: scottish.ministers@gov.scot](#)

[Crown Office & Procurator Fiscal Service: Complaints@copfs.gov.uk](#)

[Health & Safety Executive: General-Account.Secretariat@hse.gov.uk](#)

[Penny Falconer, HSE: penny.falconer@hse.gov.uk](#)

[MCA Director of Maritime Operations: Richard.Parkes@mcga.gov.uk](#)

[MCA Director of Maritime Safety & Safety: Katy.Ware@mcga.gov.uk](#)

[MCA Navigation Safety: navigationsafety@mcga.gov.uk](#)

[MCA Information Assurance: InformationAssurance@mcga.gov.uk](#)

[MCA Directorate of Maritime Safety and Standards Business Unit: dmss.bu@mcga.gov.uk](#)

[MCA Customer Feedback: CustomerFeedback@mcga.gov.uk](#)

[MCA Info Line: infoline@mcga.gov.uk](#)

[Alyson McGinnigle, MCA: Alyson.McGinnigle@mcga.gov.uk](#)

[Police Scotland](#)

Appendix:

Scottish Salmon Watch's complaint dated 15 November 2019 and subsequent 'investigation' by the MCA

From: **CustomerFeedback** <CustomerFeedback@mcga.gov.uk>
Date: Fri, Apr 17, 2020 at 4:04 PM
Subject: RE: Complaint Response
To: Don Staniford <salmonfarmingkills@gmail.com>
Cc: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>
Good Afternoon Mr Staniford,

Please see below a link to our complaints process:

[MCA Complaints Procedure](#)

Kind Regards,

India



Secretariat & Business Support Co-ordinator
Maritime & Coastguard Agency | 105 Commercial Road |
Southampton | SO15 1EG

Safer Lives, Safer Ships, Cleaner Seas

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Link: <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/complaints-procedure>

Step 1

If you are not satisfied with the service from the MCA please get in touch with the person or section that you have been dealing with. They will be keen to put the matter right if they can. All our letters give the name and telephone number of the sender and usually a reference number. If you do not know how to contact us, please email us at CustomerFeedback@mcga.gov.uk

We are confident that most concerns can be addressed at this first step. If you write directly to the Chief Executive we will consider your complaint at a lower level first. If you feel that you have explored this avenue as far as you can, then please move to Step 2.

Step 2

If you remain unsatisfied, you should write, including full details of previous correspondence, to our Chief Executive at the following address, or email them at CustomerFeedback@mcga.gov.uk:

Chief Executive
Maritime and Coastguard Agency
Bay 3/30
Spring Place
105 Commercial Road
Southampton
SO15 1EG

We will make sure that your complaint is thoroughly investigated.

----- Forwarded message -----

From: **Don Staniford** <salmonfarmingkills@gmail.com>

Date: Mon, Apr 6, 2020 at 10:59 AM

Subject: Re: Complaint Response

To: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>

Alyson,

Thanks for your letter dated 6 April 2020 received by email on 31 March 2020.

Could you please pass on details of MCA's complaints procedures as I would like to follow this up.

For example, how can the MCA be satisfied and how can the MCA review be in any way thorough when the MCA did not even view the video footage offered by Scottish Salmon Watch?

Thanks,

Don

From: **Alyson McGinnigle** <Alyson.McGinnigle@mcga.gov.uk>

Date: Tue, Mar 31, 2020 at 3:24 PM

Subject: Complaint Response

To: Don Staniford <salmonfarmingkills@gmail.com>

Dear Mr Staniford

Please find attached our response letter to your recent complaint.

Thank you for your cooperation and please do not hesitate to contact me if you have any further questions relating to the response

Kind regards

Alyson

Lead Maritime

Investigator

Maritime

Investigations Team

Maritime and

Coastguard Agency

Glasgow Marine Office

| Unit 1/2 | Albex House

| 1 Marchfield Drive |

Paisley | PA3 2RB

Direct line 020 381

72719 | **Mobile** 07831

167 818|

www.dft.gov.uk/mca |



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Maritime &
Coastguard
Agency

Alyson McGinnigle
MCA
Maritime Investigations Team
Glasgow Marine Office
Albex House
1 Marchfield Drive
Paisley
Renfrewshire
PA3 2RB

Mr Don Staniford
Director
Scottish Salmon Watch

Tel: 020 381 72719

E-mail: alyson.mcginigle@mcga.gov.uk

Your ref:

Our ref: ENF865

30 April 2020

Dear Mr Staniford,

REF: Complaint re unsafe and reckless behaviour.

In response to your enquiry, I can confirm that a review into your complaint regarding unsafe and reckless behaviour surrounding Fish Farms has been undertaken and I am now in a position to advise you as to the outcome of the investigation into the allegations you have made.

The agency is satisfied that following a review of your complaint and after careful consideration of all the provided information, there is insufficient evidence to support any breach of the Merchant Shipping Act in respect to the Collision Regulations.

No further action will be taken by the MCA.

Any issues you may have concerning the licencing or working of Fish Farms in Scotland should be directed to Marine Scotland.

Yours sincerely

Alyson McGinnigle
Lead Maritime Investigator



HM Coastguard



INVESTORS
IN PEOPLE | Silver



Maritime &
Coastguard
Agency

From: **navigation safety** <navigationsafety@mcga.gov.uk>
Date: Thu, Mar 26, 2020 at 11:17 AM
Subject: RE: FOI request re. salmon farms since 1 Jan 2019
To: salmonfarmingkills@gmail.com <salmonfarmingkills@gmail.com>
Cc: InformationAssurance <InformationAssurance@mcga.gov.uk>, Directorate of Maritime Safety and Standards Business Unit <dmss.bu@mcga.gov.uk>

Dear Mr Staniford,

Thank you for your recent request for information under the Freedom of Information Act. I have attached our response letter and some email correspondence pertaining to your request. Please note, due to recent changes to MCA working arrangement following the COVID-19 outbreak, we have been unable to redact a hard copy of the email correspondence. Instead, all names, job titles, and phone numbers in the attached electronic copy have been replaced with 'X'.

We have received notification that the ICO offices are closed, meaning they are unable to collect their post. Therefore if you are not satisfied with the decisions and you wish to apply to the ICO, please use the following link which will connect to their website:

<http://ow.ly/oWiW50yU9Xb>

Best regards,

Nick Salter



Nick Salter

Navigation Safety Advisor | Navigation Safety Branch
Maritime & Coastguard Agency | c/o Falmouth Marine Office
Pendennis Point | Castle Drive | Falmouth | Cornwall | TR11 4WZ
Tel: +44 (0)20 3817 2554 | Mob: +44 (0)7766 922630
Email: nick.salter@mcga.gov.uk

Safer Lives, Safer Ships, Cleaner Seas



[Download MCA FOI reply 26 March 2020 #1 emails](#)

[Download MCA FOI reply 26 March 2020 #2 covering letter FOI 3444](#)

From: CustomerFeedback
Sent: 23 March 2020 13:21
To: X
Cc: X; X
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

I am chasing this up as there has been an FOI request regarding this letter.

Where the findings sent to Mr Staniford?

Also – Could you send any communications regarding the letter/complaint to X.

Many Thanks,

X

From: Don Staniford <salmonfarmingkills@gmail.com>
Sent: 28 February 2020 04:01
To: InformationAssurance <InformationAssurance@mcga.gov.uk>; Info Line <Infoline@mcga.gov.uk>
Subject: FOI request re. salmon farms since 1 Jan 2019

FOI Request from Scottish Salmon Watch (28 February 2020):

Please provide information relation to salmon farms since 1 January 2019.

Please include correspondence with salmon farming companies, government agencies and other information.

Please include complaints from the public and internal emails (including with other government departments and other parties) in relation to salmon farms.

This would include any correspondence, emails and discussions in relation to various letters sent by Scottish Salmon Watch:

Letter dated 21 July 2019: <https://donstaniford.typepad.com/files/letter-re-protocol-guidelines-for-filming-at-salmon-farms-21-july-2019.pdf>

Letter dated 6 August 2019: <https://donstaniford.typepad.com/my-blog/2019/08/letter-to-police-scotland-re-protocol-for-filming-salmon-farms-.html>

Letter dated 12 September 2019: <https://donstaniford.typepad.com/files/letter-to-maritime-coastguard-agency-12-september-2019.pdf>

Letter dated 15 November 2019: <https://donstaniford.typepad.com/files/hse-letter-15-nov-2019.pdf>

And it would include any discussions of various blogs relating to salmon farms including:

21 August 2019: <https://donstaniford.typepad.com/my-blog/2019/08/mowis-breaches-of-health-safety-in-loch-linnhe-.html>

15 November 2019: <https://donstaniford.typepad.com/my-blog/2019/11/caught-on-camera-mowis-breach-of-health-safety-.html>

26 February 2020: <https://donstaniford.typepad.com/my-blog/2020/02/deaths-at-mowi-the-horror-story-continues.html>

Please consider this a formal request for information 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 of Scottish Salmon Watch

From: **Don Staniford** <salmonfarmingkills@gmail.com>

Date: Fri, Jan 17, 2020 at 9:34 AM

Subject: Re: Additional Information required

To: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>

Alyson,

Here's answers to your questions. I am on 07771 541826 if you want me to expand upon them and as indicated in previous correspondence I would be happy to meet in person.

1) [Name & Address Provided]

2) I've campaigned for over 20 years against salmon farms - details online via <https://scottishsalmonwatch.org/about-us>

3) I've been visiting salmon farms to film since July 2018 and during the course of 2019 experienced intimidation from salmon farming companies and Police Scotland:

<https://donstaniford.typepad.com/my-blog/2019/09/the-mowi-menace-its-like-a-bad-movie.html>

<https://donstaniford.typepad.com/my-blog/2019/08/the-ferret-police-scotland-acted-as-private-security-for-fish-farm-claims-campaigner.html>

<https://donstaniford.typepad.com/my-blog/2019/11/caught-on-camera-mowis-breach-of-health-safety-.html>

More background via:

<https://donstaniford.typepad.com/my-blog/2019/11/fighting-mowis-legal-action-over-filming-at-salmon-farms-.html>

4) Yes - I think I've already explained this via my blog:

<https://donstaniford.typepad.com/my-blog/2019/11/caught-on-camera-mowis-breach-of-health-safety-.html>

And formal complaint: <https://donstaniford.typepad.com/files/hse-letter-15-nov-2019.pdf>

I was filming. There's more details via a blog:

<https://donstaniford.typepad.com/my-blog/2019/11/screaming-now-the-goul-at-ardintoul-a-new-horror-story-from-mowi-.html>

5) No, I've not been back but plan to revisit the site soon. You can view gruesome photos of salmon farmed at Ardintoul published by the Scottish Government via:

<https://www.dropbox.com/sh/slya8qyhl1vevo9/AAANuzeWp-wPSjYvIuloVPHNa?dl=0&preview=2016-0141-photos.pdf>

6) It is extremely disappointing that a letter dated 12 September 2019 to the Maritime & Coastguard Agency was not replied to and the situation was allowed to escalate:

<https://donstaniford.typepad.com/files/letter-to-maritime-coastguard-agency-12-september-2019.pdf>

For my part I've made repeated requests to avoid unnecessary confrontation but have received no replies from the authorities:

<https://donstaniford.typepad.com/files/letter-to-police-re-protests-6-august-2019-1.pdf>

<https://donstaniford.typepad.com/files/letter-re-protocol-guidelines-for-filming-at-salmon-farms-21-july-2019.pdf>

Moreover, over two months since [I filed the complaint on 15 November 2019](#) the Maritime & Coastguard Agency has failed to take up my offer to sharing the drone footage (as detailed [online here](#)). Would you like me to share the video footage via We Transfer?

Why has it taken the Maritime & Coastguard Agency so long to investigate this issue?

Just yesterday, Mowi's Director of Communications [wrote in Fish Farmer magazine](#): "As activists continue to sidestep the democratic process in favour of interrupting work spaces,

governments must step up to protect the health and safety of employees working within the laws of the country."

This begs the question, what is the Maritime & Coastguard Agency (in conjunction with the Health & Safety Executive, Police Scotland, the Scottish Environment Protection Agency and Scottish Government) doing to police salmon farms?



Thanks,

Don

From: **Alyson McGinnigle** <Alyson.McGinnigle@mcga.gov.uk>
Date: Thu, Jan 16, 2020 at 3:26 PM
Subject: Additional Information required
To: Don Staniford <salmonfarmingkills@gmail.com>

Good afternoon Mr Staniford

Please find attached my letter for you to respond to me at your earliest convenience

Kind regards

Alyson



Alyson McGinnigle
Lead Investigation and Enforcement Officer
Maritime & Coastguard Agency
Investigation and Enforcement Unit
Glasgow Marine Office Unit 1/2,
Albex House,
1 Marchfield Drive
Paisley, PA3 2RB
Direct: 0203 817 2719
Mobile: 07831167818



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Alyson McGinnigle
MCA Enforcement Unit
Glasgow Marine Office Unit 1
Albex House
1 Marchfield Drive
Paisley
Renfrewshire
PA3 2RB

Mr Don Staniford
Director
Scottish Salmon Watch

Tel: 020 381 72719

E-mail: alyson.mcginigle@mcga.gov.uk

Your ref:

Our ref: **ENF865**

16 January 2020

Dear Mr Staniford

REF: Complaint re unsafe and reckless behaviour

Following on from our last correspondence before Christmas regarding your complaint letter of 15th November relating to an incident on the 2nd November 2019 at Ardintoul highlighting unsafe and reckless behaviour by MOWI.

In order to obtain further information, I have some additional questions.

Please provide this information at your earliest convenience and I look forward to hearing from you in due course.

Question 1 - Your full name, address and date of birth?

Question 2 - Tell me a bit about yourself, your occupation, how long have you been doing what you do?

Question 3 - Tell me some background to your complain and what lead you to make the complaint?

Question 4 - Where you yourself at the Salmon Fish Farm at Ardintoul on the 2nd November 2019. If yes, what where you doing there that day. Please explain your day leading up to the incident.?

Question 5 - Have you been back to Ardintoul since November? If yes, please explain why and for what reason

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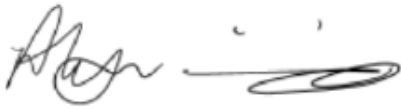


Question 6? Any additional information you believe pertinent to your complaint?

Please return this information at your earliest convenience using the above email address or postal address.

I look forward to hearing from you

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alyson McGinnigle', with a stylized flourish at the end.

Alyson McGinnigle
Enforcement Unit

From: CustomerFeedback
Sent: 15 January 2020 10:39
To: X@mcga.gov.uk; CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Cc: X@mcga.gov.uk; X@mcga.gov.uk; X@mcga.gov.uk
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

Thanks for getting back to me.

I have closed this off as a complaint but please could you cc in the customer feedback box when the findings are communicated to Mr Staniford.

Many Thanks,

X

Can you confirm if you have this as an open complaint. If so does it have to remain open as we are currently dealing with it

Kind regards

X



Maritime &
Coastguard
Agency

X

X

Maritime & Coastguard Agency
Investigation and Enforcement Unit
Glasgow Marine Office Unit 1/2,
Albex House,
1 Marchfield Drive
Paisley, PA3 2RB
Direct: X
Mobile: X

From: X@mcga.gov.uk>

Sent: 14 January 2020 11:10

To: CustomerFeedback <CustomerFeedback@mcga.gov.uk>

Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; X@mcga.gov.uk>

Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Good morning X

We have established contact with Mr Staniford regarding the complaint he made to the Infoline and in the process of obtaining further details and information from him regarding his complaint. Once that has been done the Enforcement Team will review the situation to ascertain if there has been a significant breach or not. Our findings will then be communicated to Mr Staniford in due course.

From: CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Sent: 13 January 2020 15:53
To: X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

Is there any progress on this one?

Thanks,

X

From: X@mcga.gov.uk>
Sent: 16 December 2019 14:08
To: CustomerFeedback <CustomerFeedback@mcga.gov.uk>; X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Good afternoon

Discussion are on going with a view to getting a statement from the complainant which is likely to be in the new year owing to resource and availability. Once that has been done and other facts, information etc is gathered the case will be reviewed again to see if there is enough to proceed.

Regards

X



Maritime &
Coastguard
Agency

X
X
Maritime & Coastguard Agency
Investigation and Enforcement Unit
Glasgow Marine Office Unit 1/2,
Albex House,
1 Marchfield Drive
Paisley, PA3 2RB
Direct: X
Mobile: X

From: CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Sent: 16 December 2019 13:57
To: X@mcga.gov.uk; X@mcga.gov.uk
Cc: X@mcga.gov.uk; X@mcga.gov.uk; X@mcga.gov.uk
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

Just checking up on where we are with this one and that you had received my email below.

Kind Regards,

X

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Fri, Dec 13, 2019 at 10:52 AM
Subject: Re: Meeting Request
To: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>

That's great, thank you. And let me know if you want the drone footage (I can share via We Transfer).

From: **Alyson McGinnigle** <Alyson.McGinnigle@mcga.gov.uk>
Date: Fri, Dec 13, 2019 at 10:46 AM
Subject: RE: Meeting Request
To: Don Staniford <salmonfarmingkills@gmail.com>

Thank you yes, I was looking to make sure that was the case.

We would like to take statement from you relating to your complaint, let me look at availability and a way we can get to you. It may be that a date in January due to the holiday's and resource availability.

I will look at any alternative methods of obtaining a statement also, I will be back in touch next Monday with next steps

Kind regards

Alyson



Alyson McGinnigle
Lead Investigation and Enforcement Officer
Maritime & Coastguard Agency
Investigation and Enforcement Unit
Glasgow Marine Office Unit 1/2,
Albex House,
1 Marchfield Drive
Paisley, PA3 2RB
Direct: 0203 817 2719
Mobile: 07831167818

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Fri, Dec 13, 2019 at 10:06 AM
Subject: Re: Meeting Request
To: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>

Yes - if you read my last email I already told you that!

From: **Alyson McGinnigle** <Alyson.McGinnigle@mcga.gov.uk>
Date: Fri, Dec 13, 2019 at 9:53 AM
Subject: Re: Meeting Request
To: Don Staniford <salmonfarmingkills@gmail.com>

Good morning Mr Staniford

Are you based in the Wirral, down south?

Regards
Alyson

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Fri, Dec 13, 2019 at 9:49 AM
Subject: Re: Meeting Request
To: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>

Do you have a meeting place and time?

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Tue, Dec 10, 2019 at 1:58 PM
Subject: Re: Meeting Request
To: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>

I'm on the Wirral in Merseyside which may be an issue!

I know the HSE have an office in Bootle in Liverpool - I could get over there if that helped?

From: **Alyson McGinnigle** <Alyson.McGinnigle@mcga.gov.uk>

Date: Tue, Dec 10, 2019 at 12:48 PM

Subject: RE: Meeting Request

To: Don Staniford <salmonfarmingkills@gmail.com>

Good afternoon Mr Staniford

Thank you for getting back to me and thank you for the information. I will need to take a statement from you in written/typed form which would mean I can come to you or we can arrange a suitable venue.

It can be any day between Monday and Thursday next week. Where are you based?

Regards

Alyson



Alyson McGinnigle
Lead Investigation and Enforcement Officer
Maritime & Coastguard Agency
Investigation and Enforcement Unit
Glasgow Marine Office Unit 1/2,
Albex House,
1 Marchfield Drive
Paisley, PA3 2RB
Direct: 0203 817 2719
Mobile: 07831167818

From: **Don Staniford** <salmonfarmingkills@gmail.com>

Date: Tue, Dec 10, 2019 at 12:02 AM

Subject: Re: Meeting Request

To: Alyson McGinnigle <Alyson.McGinnigle@mcga.gov.uk>

Alyson,

Thanks - I would be happy to give a statement. I am on 07771 541826 and am available most of the day (avoiding school pick ups and drop offs i.e. 9.15am to 3pm).

Please note that the complaint is in relation to Mowi's salmon farm at Ardintoul in Loch Alsh (not Ardgour as your letter states): <https://donstaniford.typepad.com/files/hse-letter-15-nov-2019.pdf>

Mowi's salmon farm at Ardgour in Loch Linnhe was the subject of a HSE investigation in August following video footage published by Scottish Salmon Watch:
<https://donstaniford.typepad.com/my-blog/2019/08/mowis-breaches-of-health-safety-in-loch-linnhe-.html>

Best fishes,

Don

From: **Alyson McGinnigle** <Alyson.McGinnigle@mcga.gov.uk>
Date: Mon, Dec 9, 2019 at 2:45 PM
Subject: Meeting Request
To: dstaniford@gaaia.org <dstaniford@gaaia.org>

Good afternoon Mr Staniford

In response to your complaint. I'd like to make arrangements with you to obtain a statement from you covering in greater detail your complaint and obtain all footage associated.

Please see the letter attached and I look forward to hearing from you in due course

Kind regards

Alyson



Alyson McGinnigle
Lead Investigation and Enforcement Officer
Maritime & Coastguard Agency
Investigation and Enforcement Unit
Glasgow Marine Office Unit 1/2,
Albex House,
1 Marchfield Drive
Paisley, PA3 2RB
Direct: 0203 817 2719
Mobile: 07831167818

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**Maritime &
Coastguard
Agency**

Don Staniford
Director
Scottish Salmon Watch

Alyson McGinnigle
MCA Enforcement Unit
Glasgow Marine Office Unit 1
Albex House
1 Marchfield Drive
Paisley
Renfrewshire
PA3 2RB

Tel: 020 381 72719

E-mail: alyson.mcginigle@mcga.gov.uk

Your ref:

Our ref: **ENF865**

09 December 2019

Dear Mr Staniford

REF: Complaint re unsafe and reckless behaviour

The Maritime and Coastguard Agency (MCA) have statutory responsibility for maritime legislation within and around the United Kingdom. I am an Investigation and Enforcement Officer with the MCA.

Regarding your complaint letter of 15th November relating to an incident on the 2nd November 2019 at Ardgour highlighting unsafe and reckless behaviour by MOWI.

In order to obtain further information from you, I'd like to arrange a date and time suitable to take a witness statement from you of the incident and to obtain the drone footage relating to the incident.

Please contact me using the above email address or telephone number to contact me to make the necessary arrangements.

I look forward to hearing from you

Yours sincerely


Alyson McGinnigle
Enforcement Unit

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HM Coastguard



INVESTORS
IN PEOPLE

Silver



SUPPORTING

SEA
VISION
UK



From: CustomerFeedback
Sent: 07 December 2019 07:04
To: X@mcga.gov.uk>; X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

I see the reference to the earlier complaint and have been in contact with X who said she had not seen the earlier complaint and this had also not been passed to the customer Feedback so this is the first time we have had sight of it.

The complaints process is that I pass onto the complaint to the relevant department and we have 10 working days to reply. The department dealing with it writes and responds to the complaint.

As this has gone over 10 working days I sent a Holding reply earlier in the week to manage expectations so this should give you a little more time.

Once you have formulated a response. Please send this onto the customer CC'ing in the customer feedback inbox.

Kind Regards,

X

From: X@mcga.gov.uk>
Sent: 04 December 2019 11:30
To: X@mcga.gov.uk>; CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X

I had a chat with X earlier. To summarise what has happened is, on the 21st November the Enforcement team received an email from Marine Scotland with the attached complaint from Scottish Salmon Watch. The letter is dated 15/11/2019.

As this was sent to Enforcement, it was logged on our system in preparation for a discussion as to whether or not it meets our threshold for investigation. It was brought to my attention a few days later that as the email received was a 'complaint' I was to contact yourself and X with the complaint in order for it to be dealt with in line with the MCA complaint process procedures. At the same time I have been making some enquiries independently of the complaint into the incident to see if there is substance to it etc that would warrant an investigation being started by Enforcement.

It appears to be that this has been passed around multiple agencies and ended up with us however, as it's a complaint should an acknowledgement be sent to the complainant? What is the complaints process?. Also, you'll see within the letter there was an earlier complaint made addressed to Brian Johnstone and sent to infoline@mcga.gov.uk which the complainant makes reference to the fact that also wasn't answered/acknowledged.

I hope this helps but If you need any further information please do not hesitate to contact me.

From: X@mcga.gov.uk>
Sent: 04 December 2019 09:47
To: CustomerFeedback <CustomerFeedback@mcga.gov.uk>; X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

Myself (from Nav Safety) and X (Enforcement) have been discussing this matter.

It's unfortunate that the enquirer response deadline was passed – there's quite a bit of history to it I understand (ref. Sept complaint directed to the OCCE), therefore, the delay may have been unavoidable.

I understand that X will be kindly leading the response back to your team with regard to this matter.

Thanks and kind regards,
X

From: CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Sent: 03 December 2019 16:25

To: X@mcga.gov.uk>; X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; Aberdeen Marine Office
<AberdeenMO@mcga.onmicrosoft.com>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

The deadline for this complaint was Today.

As this won't meet we should send an email to manage expectations.

I am still not quite sure who will be responding to this could you let me know who would be most suitable?

Again, the letter is linked below.

I will send an email to the customer today.

Kind Regards,

X

From: X@mcga.gov.uk>
Sent: 29 November 2019 06:58
To: X@mcga.gov.uk>; CustomerFeedback <CustomerFeedback@mcga.gov.uk X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; Aberdeen Marine Office
<AberdeenMO@mcga.onmicrosoft.com>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Good morning X

There does seem to be confusion. I am looking into more about the incident from an enforcement point of view. The complaint itself I believe has to be responded too within a certain time frame which is why I forward it to the relevant area to do that.

Is there standard response to complaints received within the MCA?

Regards

X

From: X@mcga.gov.uk>
Sent: 28 November 2019 11:29
To: CustomerFeedback <CustomerFeedback@mcga.gov.uk>; Enforcement Unit
<Enforcement.Unit@mcga.gov.uk>; X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; Aberdeen Marine Office
<AberdeenMO@mcga.onmicrosoft.com>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

I understand it's X, Enforcement Unit who are kindly taking this forward.

Kind regards,
X

From: CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Sent: 28 November 2019 11:25
To: X@mcga.gov.uk>; Enforcement Unit <Enforcement.Unit@mcga.gov.uk>; X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; Aberdeen Marine Office
<AberdeenMO@mcga.onmicrosoft.com>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Good Morning All,

I am a little confused as to who is putting together the response.

Please could you keep me in the loop on who will be putting the response together as the deadline for this complaint is next week 2nd December.

If you think you will need more time, please let me know and I will manage the customers expectations.

Many Thanks,

X

From: X@mcga.gov.uk>
Sent: 27 November 2019 09:54
To: Enforcement Unit <Enforcement.Unit@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; X@mcga.gov.uk>; Aberdeen Marine Office <AberdeenMO@mcga.onmicrosoft.com>; CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Good morning X,

Thanks all for taking this forward – please keep CustomerFeedback, the original harbinger of this external enquiry, informed.

Kind regards,
X



**Maritime &
Coastguard
Agency**

X
X
Maritime & Coastguard Agency
Spring Place, 105 Commercial Road, Southampton, SO15 1EG
United Kingdom
Direct: +44(0) X
Mobile: +44(0) X

Safer Lives, Safer Ships, Cleaner Seas



From: Enforcement Unit <Enforcement.Unit@mcga.gov.uk>
Sent: 27 November 2019 09:50
To: X@mcga.gov.uk>; X@mcga.gov.uk>; Enforcement Unit <Enforcement.Unit@mcga.gov.uk>; Aberdeen Marine Office <AberdeenMO@mcga.onmicrosoft.com>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Good morning X

It looks to be a multi agency matter however, enforcement will be looking into this matter further to see if there are breaches of the MSA that can be looked at and any actions that may be taken via the procurator fiscal

From: X@mcga.gov.uk>
Sent: 27 November 2019 08:04
To: X@mcga.gov.uk>; Enforcement Unit <Enforcement.Unit@mcga.gov.uk>; Aberdeen Marine Office <AberdeenMO@mcga.onmicrosoft.com>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

By the looks of it, MOWI have a number of small commercial vessels coded with one of our certifying authorities.

I would suggest that this complaint is passed onto the CA involved, the enforcement unit and the relevant marine office for determining any follow on actions.

Cheers,

X

From: X@mcga.gov.uk>
Sent: 25 November 2019 15:25
To: X@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: RE: Complaint re. unsafe & reckless behaviour by Mowi

X

Does this fall within Codes area, its not an FV.

Regards

X

From: X@mcga.gov.uk>
Sent: 25 November 2019 13:05
To: X@mcga.gov.uk>
Cc: X@mcga.gov.uk>
Subject: FW: Complaint re. unsafe & reckless behaviour by Mowi

Hi X,

PSA – and below thread.

Seems to be a bit of history here, as there's a letter to Brian dated Sept, which X also alludes to.

However, there doesn't seem to be anything from the COLREG or nav safety perspective whereby we (nav safety branch) can provide any policy guidance, confirmation or infringement.

In any case, I suppose at MCA your team may be best placed to advise CustomerFeedback, to me it appears a matter for FISG?

Hope this is suitable, please do forward if not advising the senders accordingly.

Thanks and kind regards,
X

From: CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Sent: 25 November 2019 12:27
To: Enforcement Unit <Enforcement.Unit@mcga.gov.uk>; X@mcga.gov.uk>
Cc: X@mcga.gov.uk>
Subject: FW: Complaint re. unsafe & reckless behaviour by Mowi

Good Afternoon Both,

I wondered if you could take a look at the attached complaint and see if this fits in with any of your areas?

Many Thanks,

X

From: X@mcga.gov.uk>
Sent: 18 November 2019 09:54
To: CustomerFeedback <CustomerFeedback@mcga.gov.uk>
Cc: X@mcga.gov.uk>; X@mcga.gov.uk>; X@mcga.gov.uk>
Subject: FW: Complaint re. unsafe & reckless behaviour by Mowi

Note there was a previous 'compliant' to Infoline in September that was directed to Brian.

X – I have directed this complaint to the Customer Feedback email (the correct home for Complaints, managed by X) and

All – you may like to refer to the Sept chain of correspondence

P

From: Info Line <Infoline@mcga.gov.uk>
Sent: 18 November 2019 09:48
To: X@mcga.gov.uk>
Subject: FW: Complaint re. unsafe & reckless behaviour by Mowi

X,

Email below came into Infoline yesterday.

Regards

From: Don Staniford <salmonfarmingkills@gmail.com>

Sent: 17 November 2019 13:40

To: Info Line <Infoline@mcga.gov.uk>

Cc: grant.shapps@dft.gsi.gov.uk; Contactus <Contactus@scotland.pnn.police.uk>; Marshall, Sophie <Sophie.Marshall@scotland.pnn.police.uk>; scottish.ministers@gov.scot; APHA.Scotland@apha.gsi.gov.uk; terry.ahearn@sepa.org.uk; Adrian, Alex <Alex.Adrian@crownstatescotland.com>; MS.fishhealth@gov.scot; penny.falconer@hse.gov.uk; MSP <Humza.Yousaf.msp@parliament.scot>

Subject: Complaint re. unsafe & reckless behaviour by Mowi

Please find attached a letter re. unsafe & reckless behaviour by Mowi.

The letter is online via <https://donstaniford.typepad.com/files/hse-letter-15-nov-2019.pdf>

Please note that no reply has been received thus far to Scottish Salmon Watch's letter of 12 September 2019

A reply would be much appreciated.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

On Thu, Sep 12, 2019 at 5:33 AM Don Staniford <salmonfarmingkills@gmail.com> wrote:
Here's a letter raising concerns regarding safety of salmon farms in Scotland.

Read online via [Letter to Maritime & Coastguard Agency re. Safety](#)



Download letter in full as a PDF [online here](#)

More details (including video footage) are available via [The Fish Pharm Menace - Mowi is Like a Bad Movie \(& Dick Dastardly\)!](#)

Best fishes,

Don

SCOTTISH SALMON WATCH



MORTALITIES

[Health & Safety Executive](#)
[Maritime and Coastguard Agency](#)

15 November 2019

Dear Sir/Madam,

Unsafe & Reckless Behaviour by Mowi Scotland

Please consider this a formal complaint against Mowi Scotland for unsafe and reckless behaviour on 2 November 2019 at their salmon farm at Ardintoul.

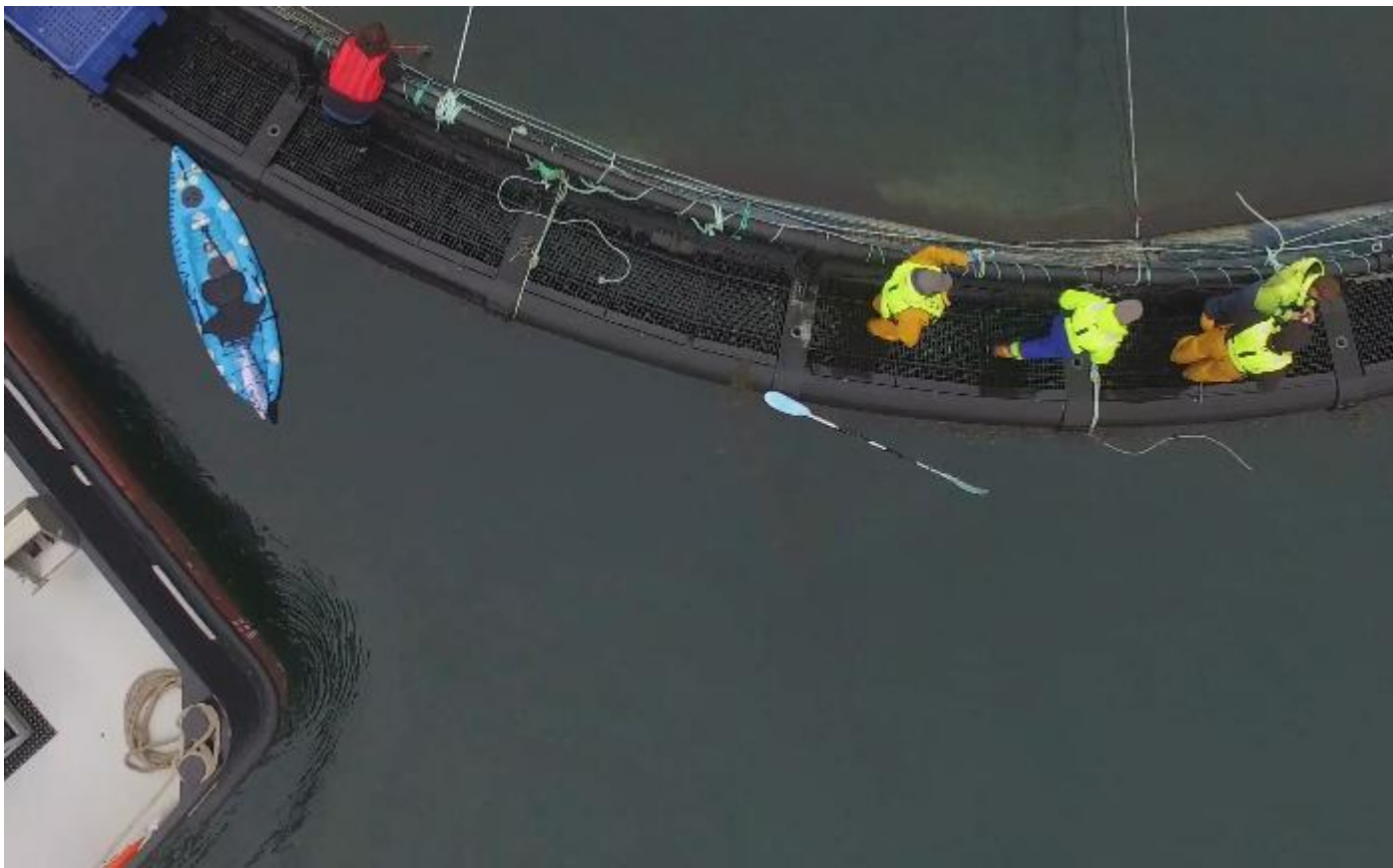
Drone footage clearly shows that Mowi endangered the health and safety of the general public during an inspection of a salmon farm in Loch Alsh 'Special Area of Conservation'.



Mowi staff deliberately rammed a kayak, drove at high speed past a small dingy, unclipped a kayak tied safely to the farm, kicked a paddle into the water and scraped a work boot down

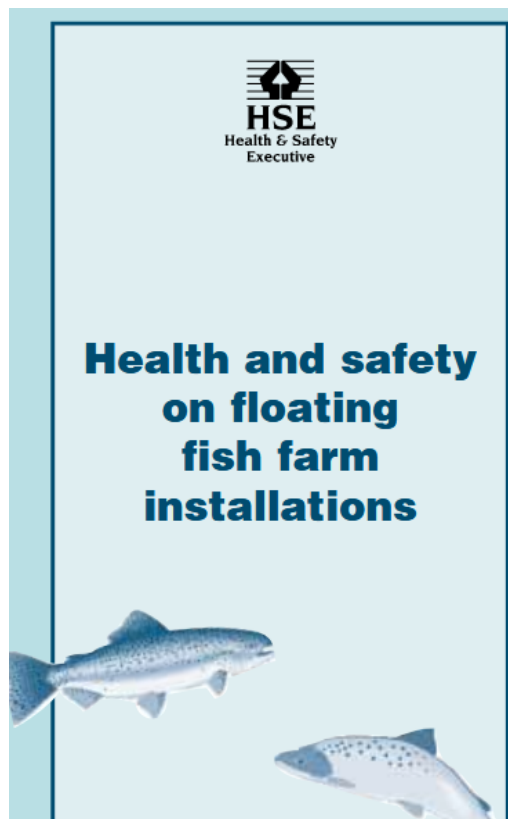
my Achilles tendon. Mowi's behaviour on 2 November 2019 at Ardgour was both reckless and dangerous.



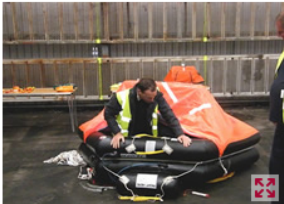


Further photos and commentary are detailed via [Caught on Camera - Mowi's Reckless Breaches of Health & Safety in Loch Alsh](#)

Scottish Salmon Watch believes that Mowi is failing to comply with [Health & Safety](#) rules and regulations.



Both the Health & Safety Executive and Maritime & Coastguard Agency [appear to have jurisdiction in this area](#).

Scotland About HSE in Scotland Who we work with Statistics SPIASH web community Events Contact HSE Scotland	Scottish Aquaculture Industry Forum Working in the marine environment is a dangerous occupation. Regulation of health and safety in the fishing, fish-farming – or, as it's known, the aquaculture industry - involves either HSE or the Maritime and Coastguard Agency (MCA). Both regulators are concerned about the number of deaths and injuries. HSE continues to investigate fatalities in the industry as do the Marine Accident Investigation Branch. There are many injuries and cases of ill health. Regulatory responsibility for activities at fish cages and associated moored structures as well as cages on land falls to HSE, whilst the MCA deals with activities on board vessels at sea which come under maritime law. Both organisations sometimes need to work together; the Scottish Aquaculture Industry Forum (SAIF) was set up to support close working relations between the enforcement bodies and with the industry itself. As well as HSE and MCA, SAIF membership includes the Northern Lighthouse Board, the Crown Estate, RNLI, Scottish Sea Farms, the Scottish Salmon Company and others One of the main functions of the SAIF is to promote good practice to achieve compliance with health and safety requirements by the industry whether they operate at sea or from at fixed structures. The SAIF have adopted HSE's model of Safety and Health Awareness Days to demonstrate practical health and safety approaches. 
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As members of the Scottish Salmon Producers Organisation, we do not feel that Mowi is adhering to the ['Code of Good Practice'](#).

HEALTH & SAFETY ON FINFISH FARMS

The health and safety of farm staff and visitors to finfish farms is of vital importance to the companies, to the industry and to the wider community. Many of the practices designed to ensure health and safety are a matter of statute. With the high level of importance attached to health and safety in aquaculture operations, reference to existing and emerging guidance and associated documentation should be sought through the [Health and Safety Executive](#) (HSE), the [Maritime and Coastguard Agency](#) (MCA) and the Environmental Health Department of the Local Authority.

Since Scottish Salmon Watch plans further unannounced site inspections and sampling near salmon farms it is hoped that a protocol can be put in place urgently to properly police surveillance of this unhealthy and unsafe industry.

In September 2019, Scottish Salmon Watch [wrote to the Maritime & Coastguard Agency](#) expressing serious concerns with respect to the reckless behaviour of Mowi (over two months later we have still not received a reply).



Brian Johnson
Chief Executive
[Maritime & Coastguard Agency](#)
info@mcga.gov.uk

12 September 2019

Dear Mr Johnson,

Navigation Concerns re. Salmon Farms Operating in Public Waters - the Fish Farm Menace & Threats to Public Safety

Scottish Salmon Watch is writing in respect of the [Maritime & Coastguard Agency's responsibility for the "safety of everybody in a vessel in UK waters" and the "environmental safety of UK coast and waters"](#). Our experiences on 1 September 2019 in the waters around Shuna raise serious concerns about safety and the reckless operations of [salmon farming giant Mowi](#) in particular who we believe ignored the ['rules of the road'](#).



Scottish Salmon Watch is concerned that Mowi's intimidation and menacing behaviour, if left unchecked, will escalate and cause further safety hazards. With more protests and sampling close to salmon farms planned for the coming months ([predicted by Mowi's Health Manager to be a "painful" time for disease](#)), Scottish Salmon Watch is worried for the safety of our kayaks operating in public and navigable waters.

In August and July 2019, Scottish Salmon Watch [wrote to the Health & Safety Executive, Police Scotland, the Cabinet Secretary for Justice and other agencies proposing guidelines for filming with respect to salmon farms](#) (thus far there has been no reply).



Police Scotland: Contactus@scotland.pnn.police.uk
 Cabinet Secretary for Justice (Humza Yousaf): scottish.ministers@gov.scot
 Animal & Plant Health Agency: APHA.Scotland@apha.gsi.gov.uk
 Scottish Government Fish Health Inspectorate: ms.fishhealth@gov.scot
 Scottish Environment Protection Agency: terry.ahearn@sepa.org.uk
 Crown Estate Scotland: Alex.Adrian@crownestatescotland.com
 Health & Safety Executive: Penny.Falconer@hse.gov.uk
 Marine Concern: mc@marineconcern.com

6 August 2019

Dear Sir/Madam,

Protocol & Guidelines for Filming Salmon Farms

Further to [Scottish Salmon Watch's letter of 21 July](#), would it be possible to draft a protocol and guidelines for filming with respect to salmon farms?

Scottish Salmon Watch is keen to ensure that specific events planned for the weekend of 31 August/1 September proceed safely and legally. It is disappointing that our letter of 21 July (re-enclosed for easy reference and available [online here](#)) has not received a single reply especially since the issue warranted recent media coverage via [The Ferret](#) (2 August).

As supporting evidence, Scottish Salmon Watch has the offending drone footage as a video file. What is the best email address to share this video evidence with you?



Yours sincerely,

Don Staniford

Director, Scottish Salmon Watch



Addendum:

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, Apr 30, 2020 at 8:11 PM
Subject: Re: FOI request re. salmon farms since 1 Jan 2019
To: navigation safety <navigationsafety@mcga.gov.uk>
Cc: InformationAssurance <InformationAssurance@mcga.gov.uk>, Directorate of Maritime Safety and Standards Business Unit <dmss.bu@mcga.gov.uk>

Nick,

To confirm (please treat this as a formal review if necessary), there is zero correspondence other than the various emails disclosed on 26 March 2020 which refer to the letter of complaint and Brian's non-reply relating to Scottish Salmon Watch's letter of complaint dated 12 September 2019 to the MCA's Chief Executive?

Namely; Scottish Salmon Watch letter to Brian Johnson dated 12 September 2019:
<https://donstaniford.typepad.com/files/letter-to-maritime-coastguard-agency-12-september-2019.pdf>

Thanks,

Don

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, Apr 30, 2020 at 8:22 PM
Subject: Re: FOI request re. salmon farms since 1 Jan 2019
To: navigation safety <navigationsafety@mcga.gov.uk>
Cc: InformationAssurance <InformationAssurance@mcga.gov.uk>, Directorate of Maritime Safety and Standards Business Unit <dmss.bu@mcga.gov.uk>

Further to FOI 3444 which was replied to on 26 March 2020 please provide information relating to the death of Clive Hendry at Mowi's Ardintoul salmon farm in Loch Alsh on 18 February 2020.

This fatality was widely reported in the media along with the statement from Mowi: "We continue to assist all relevant authorities, including police, the Health & Safety Executive and the Maritime and Coastguard Agency, that are investigating the incident"

<https://www.bbc.co.uk/news/uk-scotland-highlands-islands-51755225>
<https://www.ross-shirejournal.co.uk/news/mourners-pack-dornie-hall-at-funeral-tribute-to-mowi-fish-farm-worker-193168/>
<https://salmonbusiness.com/mowi-scotland-worker-who-died-near-kyleakin-feed-plant-named/>
<https://www.intrafish.com/people/mowi-names-worker-killed-in-salmon-farming-accident/2-1-767676>
<https://www.fishfarmingexpert.com/article/mowi-mourns-truly-valued-fish-farmer-clive/>

The Marine Accident Investigation Branch also report via 'current investigations':
<https://www.gov.uk/government/publications/marine-accident-investigation-branch-current-investigations/marine-accident-investigation-branch-current-investigations>

Corporate report

Marine Accident Investigation Branch: current investigations

Updated 23 April 2020

1. Current investigations

Vessel's name (IMO/PLN)	Accident/incident type	Date of incident	*Status of investigation
Beinn Na Caillich	Fatal accident to crewman while disembarking a 21m workboat at Ardintoul Fish Farm, Loch Alsh on the west coast of Scotland.	18/02/20	Under investigation

Please include post mortem reports, emails, letters and any other information relating to this fatality and the circumstances leading up to it.

Please consider this a formal request for information 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 of Scottish Salmon Watch