

Scottish Salmon Watch, 20 May 2020

[Secret Trials: 'Royal' Salmon Doused with Bee-Killing Insecticide Imidacloprid?](#)



- FOI reveals proposed 'field trial' of toxic neonicotinoid insecticide Imidacloprid at Mowi's Ardnish salmon farm in Loch Ailort near Fort William
- Campaigners call for immediate ban on Imidacloprid (Ectosan/BMK08)
 - Imidacloprid banned for use in terrestrial farming in 2018
 - Mowi's Royal Warrant seal under fire

Documents disclosed this week by the Scottish Environment Protection Agency via Freedom of Information ([F0191802](#)) reveal that Norwegian salmon farming giant Mowi has [proposed a field trial of Ectosan \(BMK08/Imidacloprid\) at Ardnish in Loch Ailort \[1\]](#).



MOWI[®]



Scottish Environment Protection Agency
Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire ML1 4WQ

10 March 2020

Dear 

**THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2011
ECTOSAN SEALICE TREATMENT TRIAL - ARDNISH**

At our recent liaison meeting with your colleagues held at our Ardnish site we discussed the possibility of carrying out a field trial at Ardnish involving the new medicine Ectosan. Trials carried out to date have demonstrated that the medicine shows very high levels of efficacy against sea lice with no adverse environmental impacts when the treatment is coupled with a proprietary purification system, which removes any detectable traces of medicinal residues prior to the release of the treatment water. It would be our intention to further support development studies by carrying out such a trial at Ardnish. This would also involve treating the treatment water in a scaled and equivalent purification system to remove any remaining medicine components prior to release.

As you are aware, sea lice treatment strategies have evolved from one which was based predominantly on medicinal control to a more balanced strategy, including the use of cleaner fish and physical removal, alongside the use of licensed medicines. Medicines however remain an important component of a balanced strategy and to maintain efficacy of treatment for each medicinal product and to prevent resistance, it is important that their use is rotated and that repeat treatments with the same active ingredient are minimised. However, the aquaculture industry currently has access to only a very limited number of medicinal treatments to treat salmon for the infestation of sea lice. It is therefore essential that innovation in new medicine development is supported including the need for their evaluation in carefully managed and controlled field trials.

We seek SEPA's support in carrying out such a trial involving Ectosan at our Ardnish site and I would request your advice as to how this can be carried out within the CAR regulatory framework.

Yours sincerely



Cc: [Redacted] (by email)
Mowi Scotland Limited, Farms Office, Glen Nevis Business Park, Fort William PH33 6RX
Tel: [Redacted]



Mowi Scotland Limited Registered in Scotland No. 138843

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - more commonly known as the [Controlled Activity Regulations \(CAR\)](#) - and their further amendments of [2013](#) and [2017](#) apply regulatory controls over activities which may affect Scotland's water environment (as [regulated by SEPA](#)). Last month, SEPA [relaxed the rules on the use of toxic chemicals on salmon farms in Scotland](#) but made no specific mention of Imidacloprid ([BMK08/Ectosan](#)).

Read more via:

[More toxic pesticides to be used by salmon farmers](#)

[Under the Cloak of Coronavirus: SEPA open the floodgates to lobster-killing chemicals!](#)

Scottish Salmon Watch today (20 May 2020) [wrote to Scottish Ministers, SEPA and the Scottish Parliament questioning whether field trials of Imidacloprid had already taken place in Scottish salmon farming](#). [Norwegian-owned Benchmark first unveiled 'Ectosan' in 2017 but re-branded it as BMK08 in 2019](#). In March 2020, Ectosan/BMK08 was [revealed as Imidacloprid](#) following the publication of an [interpretation request filed by Mowi Norway with the Aquaculture Stewardship Council](#).

Ardnish in Loch Ailort was the [first salmon farm in Scotland set up by Unilever in 1965](#) when the company was known as Marine Harvest (the name was changed to Mowi in 2019 [despite objections from the Mowinckel family](#)). Salmon Business described Ardnish as "the little-known cradle of the British salmon farming industry" [reporting in 2017](#) how the Duke of Edinburgh visited there in 1974 leading to farmed salmon being delivered to Buckingham Palace and a Royal Warrant adorning Mowi's fish boxes:

But Ardnish, which even to this day is the world's most visited marine farm, has long been the object of much attention.

In 1974 Prince Philip, the Duke of Edinburgh visited the site here.

"We have maintained relations with the Royal family, and we are the only ones that deliver fresh salmon to Buckingham Palace," said Corrigan with obvious pride.

During Queen Elizabeth's 60th Coronation Anniversary celebrations in 2013, Corrigan, his boss Steve Bracken and a handful of staff at Lochailort were invited as guests to Buckingham Palace in London. For the past three decades *The Royal Warrant* seal has adorned Marine Harvest's fish boxes.



"Mowi harnesses nature to produce nutritious, tasty and supreme quality food from the ocean," [claims the Royal Warrant Holders Association web-site](#) (omitting to mention Mowi's proposal to use a banned neonicotinoid insecticide in Loch Ailort). "As a result of its ongoing innovation and sustainable development it is the world's largest supplier of farmed Atlantic Salmon - satisfying one fifth of global demand."

 The ROYAL WARRANT HOLDERS Association

ABOUT US	HOW TO APPLY	SEARCH ROYAL WARRANT HOLDERS	QUEST	HISTORY	FAQS	MEMBER LOGIN
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MOWI SCOTLAND LIMITED T/A MARINE HARVEST SCOTLAND

Food & Drink

MOWI

Mowi harnesses nature to produce nutritious, tasty and supreme quality food from the ocean. As a result of its ongoing innovation and sustainable development it is the world's largest supplier of farmed Atlantic Salmon - satisfying one fifth of global demand.

Phone: 01397 701550
Email: georgina.wright@mowi.com
Website: www.mowi.com



First Floor
Admiralty Park
Admiralty Road
Rosyth
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KY11 2YW

By Appointment to:



HM The Queen

Suppliers of Fresh Scottish Salmon

Company contacts

Jayne MacKay
PA to MD/Communications
Assistant
01397 701550
jayne.mackay@mowi.com

"The European Union banned the use of neonicotinoid insecticide Imidacloprid in terrestrial farming in 2018 after scientific evidence showing risks to bees and other insects," said Don Staniford, [Director of Scottish Salmon Watch](#). "Proposing to use such a toxic chemical in salmon farming shows how morally repugnant this dirty industry is. It makes a mockery of Mowi's Royal Warrant for Her Majesty the Queen to endorse a bee-killing insecticide when [the Prince of Wales Charitable Trust has opposed the use of Imidacloprid via Waitrose's Duchy Originals](#)."

"The public has a right to know if secret trials have already taken place in Scotland and have a right to read any environmental risk assessments prior to use," continued Staniford who [today filed a FOI requesting further details about any field trials of Imidacloprid](#). "SEPA has a statutory duty to the environment and are surely not duty bound to Norwegian-owned companies such as Mowi and Benchmark who clearly intend to use Scotland as a test site to trial a dangerous chemical."

Last year, Scottish Salmon Watch [visited Mowi's Loch Ailort salmon farm at Ardnish](#) (controlled by [Norway's richest man John Fredriksen](#) - [recently ranked 20th on The Sunday Times 2020 Rich List with a wealth of £6.63 billion](#)).



"Serious questions must be asked of the involvement of Scottish Ministers and SEPA in any secret field trials of such a toxic neonicotinoid insecticide," concluded Staniford (author of ['Silent Spring of the Sea'](#)). "Has Imidacloprid already been used illegally in Scottish salmon farming without any public consultation? The use of Imidacloprid would add to Scottish salmon's lethal plume of toxic chemicals such as Azamethiphos, Deltamethrin, Emamectin benzoate, Formaldehyde/Formalin and Hydrogen Peroxide. Scotland must ban the use of neonicotinoid chemicals on salmon farms immediately and publish a public register of all toxic chemicals used in salmon farming. The Queen Bee herself - Her Majesty the Queen - must surely reconsider her royal patronage of the toxic salmon farming industry via Mowi's Royal Warrant and [RSPCA certification](#)."

Scottish Salmon Watch today (20 May 2020) wrote to the Prince of Wales [in his capacity as the Duke of Rothesay](#) asking him to visit Mowi's Ardnish facility in Loch Ailort and take a tour of the [toxic chemicals used by the salmon farming industry](#).

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The Duke of Rothesay visits Marine Harvest Scotland's Loch Leven Fish Farm

13 OCTOBER 2016



The Duke of Rothesay visited Marine Harvest Scotland's Loch Leven Fish Farm today to find out about sustainable salmon farming. His Royal Highness took a short boat ride out to see the salmon pens and toured the on shore facilities during the visit.



Contact: Don Staniford: 07771 541826 (salmonfarmingkills@gmail.com)

Media Backgrounder: Benchmark's BMK08/Ectosan Unmasked as Imidicloprid

Benchmark ([owned by Norwegian investors including FERD and Kverva - also the largest shareholder in SalMar which owns Scottish Sea Farms - and the Royal Bank of Scotland](#)) have refused to publicly name the ingredient in Ectosan ([re-branded as BMK08 in 2019](#)) [since it was first publicised in 2017](#).

In November 2019, SEPA refused a [FOI request](#) on [CleanTreat](#) (the system used in conjunction with Ectosan/BMK08/Imidicloprid [as well as other toxic chemicals such as Azamethiphos and Deltamethrin](#)) but conceded:

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

In February 2020, Scottish Salmon Watch [filed an appeal with the Scottish Information Commissioner](#) following [SEPA's refusal to disclose information on CleanTreat \(including BMK08/Ectosan\)](#). Scottish Salmon Watch asked for an internal review of another FOI refusal by SEPA in a [letter dated 21 February 2020](#). Scottish Salmon Watch also asked for an internal review of the Scottish Government's FOI refusal to disclose information on BMK08 (Ectosan) in a [letter dated 21 February 2020](#).

Last month SEPA refused [Scottish Salmon Watch's March 2020 FOI request on Imidacloprid](#) claiming in April 2020 that no documents existed. However, a FOI formal review by SEPA led to an "[unreserved apology](#)" to Scottish Salmon Watch in May 2020 for "a processing failure by the SEPA Access to Information Team resulting in the incorrect application of Regulation 10(4)(a)".

Read more via:

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

The Scottish Government refused to provide any information on Imidacloprid use in salmon farming claiming in a [letter dated 11 May 2020](#) that "there has been no release of Imidacloprid under any marine licence - as none have been issued by Marine Scotland" [2].

REASON FOR NOT PROVIDING INFORMATION

Exception applied

Under the terms of the exception at regulation 10(4)(a) of the EIRs (Information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you requested as there has been no release of Imidacloprid under any marine licence - as none have been issued by Marine Scotland.

In March 2020, Scottish Salmon Watch [called on SEPA for greater transparency with respect to BMK08/Ectosan \(Imidacloprid\)](#). "Why has SEPA met privately with Benchmark at least five times in the last 18 months and discussed secret trials with industry yet has failed to notify the public or issue a public consultation?" asked the [letter dated 17 March 2020](#) [3].

In March 2020, Scottish Salmon Watch [wrote to Scottish Ministers, SEPA and the Veterinary Medicines Directorate questioning the use of Imidacloprid](#) [4].

In December 2019, the Veterinary Medicines Directorate refused a FOI request on BMK08/Ectosan and CleanTreat citing 'commercial confidentiality'. In April 2020, the VMD refused another Scottish Salmon Watch's FOI request on Imidacloprid (Ectosan/BMK08). "There is a strong public interest in allowing parties the safe space to conclude their data gathering to achieve the finalisation of the process and the establishment of a defined data set; and that the VMD judge it is in the public interest not to hinder VMD's ongoing relationship with applicants in this process," wrote the VMD on 5 May 2020 following a FOI review request by Scottish Salmon Watch [5].

Scottish Salmon Watch only stumbled on the deeply disturbing news that Ectosan (BMK08) is Imidacloprid via a tip-off in March 2020 [pointing to a post on the Aquaculture Stewardship Council's web-site](#).

Read more via:

[The Ferret: "Fish farm companies 'bidding to use bee-harming pesticide'"](#)
[Revealed: Toxic Neonicotinoid Insecticide Used to 'CleanTreat' Lousy Salmon](#)

Exactly one year ago, [BBC Panorama reported](#) that Mowi ([who changed their name from Marine Harvest in 2019 due to negative consumer perception](#)) was one of several salmon farming companies "under investigation for possible misreporting of chemical use".



The image is a screenshot of a BBC News article. At the top, the BBC logo is on the left, and navigation links for 'Your account', 'News', 'Sport', 'Weather', 'iPlayer', and 'Sounds' are on the right. Below this is a red banner with the word 'NEWS' in white. Underneath the banner are links for 'Home', 'UK', 'World', 'Business', 'Politics', 'Tech', 'Science', 'Health', and 'Family & Education'. A sub-menu for 'Scotland' is expanded, showing links for 'Scotland Politics', 'Scotland Business', 'Edinburgh, Fife & East', and 'Glasgow & West'. The main headline of the article is 'Salmon farming giant Mowi probed over chemical use'. Below the headline, it says 'By Lucy Adams, BBC Panorama' and '© 20 May 2019'. There are social media sharing icons for Facebook, Messenger, Twitter, Email, and a 'Share' button. The article features a large photograph of a salmon farm in Scotland, showing several circular pens in the water with a boat in the foreground. A caption below the photo reads 'Mowi operates numerous fish farms in Scotland'.

The world's biggest salmon farming company is one of a number of firms under investigation for possible misreporting of chemical use.

Benchmark's Toxic Insecticide (via Bayer/Monsanto)

Imidacloprid is a [controversial neonicotinoid insecticide](#) launched by Bayer in 1991 as 'Gaucho' ([other trade names include Kohinor, Admire, Advantage, Merit, Confidor, Hachikusan, Premise, Prothor, and Winner](#)) and is [still the world's No. 1 seed-applied insecticide](#) despite [peer-reviewed scientific evidence showing lethal impacts on bee populations](#). Bayer [bought Monsanto in 2018](#) and manufacture the [carcinogenic weedkiller glysophate \(Roundup\)](#) which is the [subject of billion dollar lawsuits](#).

Norwegian Fish Farmer magazine [reported back in 2016](#) that an [international patent had been obtained in 2015](#) for the use of Imidacloprid in salmon farming [citing an investors presentation in 2014 calling the chemical D10 Aquatic Blast](#). The [Inverness-based Fish Vet Group \(owned by Benchmark\)](#) appear to have registered Ectosan as a patent in Norway [back in 2013 \(via intellectual property company Zacco Norway\)](#) under "Veterinary preparations; disinfectants; preparations for destroying vermin; pesticides".

Imidacloprid is [classified as an 'Environmental Hazard'](#) with the warning that it is "very toxic to aquatic life with long lasting effects" and "hazardous to the aquatic environment, long-term hazard". Imidacloprid has also been linked to human health impacts with a [scientific paper published in 2017 reporting](#) that it "can lead to potentially life-threatening complications and acute poisoning".

The Scottish Wildlife Trusts [called for a ban on pesticides containing Imidacloprid back in 2012](#). In December 2017, [the Rivers Trust reported](#) that "Aquatic insects are just as vulnerable to neonicotinoid insecticides as bees and flying insects..... 88% of sites in Britain were contaminated with neonicotinoids, eight rivers in England exceeded recommended chronic pollution limits, and two were acutely polluted."

In April 2018, the [European Commission \(following an assessment by the European Food Safety Authority\)](#) [banned Imidacloprid for use on outdoor crops due to risks to bees](#). "Unless the scientific evidence changes, the government will maintain these increased restrictions post-Brexit," [stated DEFRA in a press release in April 2018](#).

The Soil Association (which certify salmon farms in Scotland as 'organic') are [vehemently opposed to the use of Imidacloprid and other neonicotinoids](#).

The weight of scientific evidence on the toxicity of Imidacloprid especially in the aquatic environment is increasingly clear and alarming [6].

Secret trials of Imidacloprid in Norwegian salmon farming

Earlier this month, the Norwegian Medicines Agency (NoMA) refused to disclose information on any trials of Imidacloprid by salmon farms in Norway. "Information about clinical trials with veterinary medicinal products, performed by pharmaceutical industry, is considered to be confidential information," wrote NoMA on 29 April 2020. "According to the Norwegian act on medicinal products §30 the NoMA is not allowed to disclose information that is considered commercially sensitive. We can therefore not disclose whether permission to perform clinical trials with Imidacloprid has been granted" [7].

A [FOI request by Scottish Salmon Watch in March 2020](#) to the Norwegian Government and Norwegian Food Safety Authority (Mattilsynet) has thus far yielded no information.

Norwegian Fish Farmer magazine [reported in April 2017](#) (translated as "The Authorities Are the Bottleneck for New Drugs"):



The article cites Imidacloprid:

Slit å måtte rettferdiggjøre arbeidet

Salmo Pharma er et lite selskap som bl.a. jobber med å tilgjengeliggjøre helt nye lakselusmidler. Et av midlene, med virkemiddelet imidacloprid, ble nylig beskrevet i rapporten fra SLRC som svært effektivt. Men kampen for å få det registrert som legemiddel til laks, føles ofte som en kamp mot mer enn bare lakselusen.

Translated as:

Salmo Pharma is a small company that is working to make entirely new salmon lice available. One of the agents, using the drug imidacloprid, was recently described in the report by SLRC as very effective. But the battle to get it registered as a medicine for salmon often feels like a battle against more than just salmon lice.

Secret Trials of Imidacloprid in Scotland?

When asked by Scottish Salmon Watch for a site visit to the CleanTreat operation and specific information on BMK08 (Imidacloprid), Benchmark (who also [sell the toxic chemical Azamethiphos](#)) replied in January 2020 that it is "commercially sensitive" and that "the CleanTreat system is demobilised until further trials are planned".

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

Dear Don,

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

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

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

Kind regards,
Rachel

RACHEL ANINAKWAH
COMMUNICATIONS MANAGER

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rachel.aninakwah@bmkholdings.com
benchmarkplc.com
14 Red Lion Square, London WC1R 4QH

SEPA has been lobbied extensively to conduct field trials of [CleanTreat \(developed in Scotland at Benchmark's Ardtoe Marine Laboratory\)](#) in Scotland after being [tried successfully in Norway](#).



Benchmark's CleanTreat system is essential for the roll-out of its anti-lice treatment BMK08. Photo: Benchmark

Documents [disclosed by the Scottish Government via FOI in December 2019](#) suggest secret trials of BMK08/Ectosan/Imidacloprid may have already taken place in Scotland without public consultation and raise red flags over the discharge and disposal of chemical wastes via 'CleanTreat'.

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

A [redacted email from SEPA's office in Lochgilphead in April 2019](#) asked for "a visit to the existing vessel whilst operational" which would allow SEPA "to highlight any areas of concern early so that they could potentially be addressed/mitigated as part of the design process". Benchmark [replied in April 2019](#) that "we are re-starting trials next week" with a visit suggested in May 2019:

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

Hi [Redacted]

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

Kind Regards

[Redacted]

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



**Benchmark
Animal Health**

Bush House, Edinburgh Technopole, Edinburgh, EH26 0BB

A [redacted email in February 2019](#) from Marine Scotland 'Re: Benchmark - CleanTreat' discussed the need for further information on "the permits required in Norway for your trial there"; "more detail on the proposed activity in the marine area (i.e. - what is proposed to be deposited in the sea)" and "sensitivity of the testing to LOD etc. to understand what the output might contain".

A [redacted email marked 'Sensitive' dated December 2018](#) referred to a meeting between Benchmark and Fergus Ewing (Cabinet Secretary for Rural Economy) and "a discussion with

Benchmark on the acceptability of their CleanTreat proposal where it might involve transport from site for remote discharge of effluent water" and "the work plan element where we're tasked at looking at 'discharge zones'".

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

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

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

[FOI documents disclosed by the Scottish Government in December 2019 via FOI-19-01398 reveal that in April 2019](#), the Cabinet Secretary of Rural Economy (Fergus Ewing) met with "four key Scottish salmon producers" ([six companies - all foreign controlled - comprise 99% of Scottish salmon farming production: Mowi, Scottish Sea Farms, The Scottish Salmon Company, Grieg Seafood, Cooke Aquaculture and Loch Duart](#)) interested in the potential of 'CleanTreat'. "[Redacted] were concerned at an over-reliance on SLICE, which would inevitably lead to greater resistance to the chemical over time - there needed to be a basket of around 3 licensed anti-lice medicines in play."

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

CONFIDENTIAL

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

Meeting: 9th October 2018, 1-3.30pm, BAHL, Bush House, Edinburgh

[Redacted]

[Redacted]

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

An [email dated November 2018](#) referred to a request from Fergus Ewing (Cabinet Secretary for the Rural Economy) for information on CleanTreat stating that "the company wish to push forward with trials in Scotland (trials already happening in Norway) - and that Marine

Harvest [redacted] as partner wants to get this off the ground as soon as possible.....progress with regulators was slow and that they wished to speed things up":

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

Hi [redacted]

1. I understand [redacted] assed on Mr Ewing's request for details about outstanding CAR applications – grateful for an update please.

2. We have also had a request from Mr Ewing for information about the situation regarding the following:

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

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

Happy to discuss – by phone if appropriate

Thanks
[redacted]
[Redacted]

A [redacted email dated June 2019](#) to Marine Scotland attached a 'Confidential' document titled 'CleanTreat [redacted] Trials, Scotland 2019 Overview' (authored it appears by Benchmark's Animal Health Division in Edinburgh on 14 March 2019).

[Redacted]

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

[Redacted]

Animal Health Division
[Redacted]



Bush House, Edinburgh Technopol, Edinburgh, EH26 0BB

Benchmark Refuses to Name BMK08 (Ectosan) as Imidacloprid

In March 2020 (a few days after [The Ferret broke the news](#) that BMK08/Ectosan was actually Imidacloprid), Benchmark [issued a media statement on BMK08 \(known as Ectosan until 2019\)](#) refusing to even name Imidacloprid. "As BMK08 is in the regulatory process we are restricted in what we can say about the medicine and cannot promote the product before a Marketing Authorisation is granted," [stated Benchmark on 20 March 2020](#). "Field trials have been successfully carried out exclusively in Norway proving BMK08 is an effective and safe medicine for the treatment of sea lice on salmon" [8].

Fish Farmer [reported in February 2020](#):

Fish Farmer

Sea Lice CleanTreat

Norwegian scale up for award winning UK innovation

11 Feb 2020

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

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

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

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

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

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

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

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

Ewing and Graham Black, director



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

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

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

Marshall added: 'The Innovation Award has helped in that every-

body is saying this really works now, it's got that big stamp of approval.

'It's not a case of having to have new regulation. I think there is regulation in Scotland to deal with it but, of course, regulations are interpreted and it's about the interpretation of how you use the current regulation along with CleanTreat.'

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

The article [concluded](#):

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

Fish Farming Expert [reported in March 2020](#):

Home > News > Benchmark sea lice treatment identity revealed

Benchmark sea lice treatment identity revealed



Benchmark's CleanTreat system removes all traces of imidacloprid and lice from water before it is returned to the sea. Photo: Benchmark.

The sea lice treatment developed by Benchmark is the neonicotinoid insecticide imidacloprid, it has been revealed.

By [Pål Mugaas Jensen](#)

Aquaculture health, nutrition and genetics business Benchmark originally branded the treatment Ectosan, and more recently BMK08, but its generic name has been revealed in a question to certification body the Aquaculture Stewardship Council (ASC) about how it will interpret the chemical's use.

Mowi Norway AS and Benchmark Rationale argue that it should have a zero rating on the ASC's Parasiticide Treatment Index (PTI), given that it is not released into the environment.

Bee decline

Imidacloprid is used in agriculture and greenhouses and use of the chemical on land is alleged to be partly responsible for the decline in bee populations. But in fish farming it must be used together with a system that purifies all the water before it is returned to the sea.

Benchmark has previously said that in the last two years it has treated 35,000 tonnes of salmon in Norway with BMK08 as part of gathering documentation to apply for marketing authorisation. The drug has 99% efficiency, Benchmark said.

The Sheffield-based company has also said that it has now begun the process of applying for approval, without having said which country it is applying to.

What is imidacloprid?

- Imidacloprid is a systemic insecticide that acts as an insect neurotoxin and belongs to a class of chemicals called the neonicotinoids which act on the central nervous system of insects. The chemical works by interfering with the transmission of stimuli in the insect nervous system, resulting in the insect's paralysis and eventual death.
- Because imidacloprid binds much more strongly to insect neuron receptors than to mammal neuron receptors, this insecticide is more toxic to insects than to mammals.
- As of 1999, imidacloprid was the most widely used insecticide in the world.

Source: Wikipedia.

Read more via:

[Follow the Salmoey - the Norwegian tobacco billionaire behind the Neonicotinoid Imidacloprid](#)

[ENDS Report: "Calls for greater transparency over 'toxic' new fish farm product"](#)

[Letter to SEPA: Please Come Clean on Imidacloprid!](#)

[Letter to Scottish Ministers, SEPA & the VMD re. Imidacloprid](#)

[FOI requests on Imidacloprid to SEPA, VMD & the Scottish Government](#)

[The Ferret: "Fish farm companies 'bidding to use bee-harming pesticide'"](#)

[Revealed: Toxic Neonicotinoid Insecticide Used to 'CleanTreat' Lousy Salmon](#)

[Media coverage of Benchmark's 'CleanTreat', Ectosan and BMK08](#)

[Please Come Clean on BMK08!](#)

[Media Backgrounder: Chemically Embalmed Scottish Salmon](#)

[Sunday Times: "Official fears revealed over toxic threat of salmon trade"](#)

[Cleaning Tox-Sick Scottish Salmon](#)

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

[All is Not Well With Sick Scottish Salmon](#)

Notes to Editors:

[1]



Return to SEPA homepage

SEPA Disclosure Log

Reference	Description	Date
F0191802	Formal Review of F0191735 Information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast/CleanTreat)	18/05/2020

- Descriptions:**
 - Formal Review of F0191735 Information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast/CleanTreat)
- Informations:**
- Related documents:**
 - [Ectosan Sea Lice treatment trial Ardnish \(Loch Allort\) r](#)
 - [Ectosan Trial Ardnish r](#)
 - [F0191802 FR \(EIR\) Response r](#)
 - [F0191802 Review Officer Report](#)

From: **Access to Information Enquiries** <FOI.Mail@sepa.org.uk>
Date: Mon, May 18, 2020 at 4:25 PM
Subject: SEPA Response - [F:0191802]
To: Access to Information Enquiries <FOI.Mail@sepa.org.uk>,
Salmonfarmingkills@gmail.com <Salmonfarmingkills@gmail.com>

Dear Mr Don Staniford

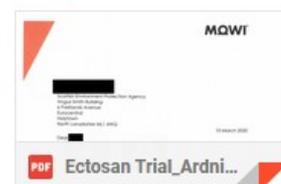
REQUEST FOR INFORMATION

Please refer to the enclosed response in relation to your request for Formal Review.

Regards

Fiona Laird
SEPA Access to Information team
Email: foi@sepa.org.uk
Tel: 01786 457700

4 Attachments





Our Ref: F0191802/
F0191735

Don Staniford
Salmonfarmingkills@gmail.com

If telephoning ask for
Fiona Laird
18 May 2020

Dear Mr Staniford,

REQUEST FOR INFORMATION – FORMAL REVIEW

This letter contains our response to your request for a Formal Review of F0191735, which has been handled under the reference number F0191802.

We confirm that we have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request was environmental information. The original request and this Formal Review have been handled under the terms of the Environmental Information (Scotland) Regulations 2004. (EIRs)

SEPA takes its obligations and responsibilities under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 very seriously. Feedback will be provided from this Review to relevant staff that where any shortcomings have been identified or lessons have been learned, these will be actioned in the handling of future requests.

The findings and outcome of this Formal Review are provided in the attached Review Officer Report.

If you are not satisfied with our response to your request for Review, you can appeal, in writing, to the Scottish Information Commissioner, within six months of date of this response.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Stirling Office
Strathallan House, Castle Business Park,
Stirling FK9 4TZ
tel 01786 457700 fax 01786 446885
www.sepa.org.uk • customer enquiries 03000 99 66 99

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
Email: enquiries@itspublicknowledge.info
www.itspublicknowledge.info/appeal

Should you wish to appeal against the Scottish Information Commissioner's decision, you have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of the decision.

Your unique reference number for this Formal Review is F0191802. Please quote this in any future contact with us about your request.

If you have any queries in the meantime please contact me.

Yours sincerely,

Fiona Laird
Access to Information Review Officer

F0191802 FORMAL REVIEW OF F0191735

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A. Original Request and Response

Timeline Related Requests

Date	Status
17/03/2020	EIR Request F0191735 received (statutory deadline 15/04/2020)
18/03/2020	EIR Request F0191735 acknowledged
23/03/2020	COVID status update
15/04/2020	EIR Request F0191735 response issued
17/04/2020	Formal Review Request: F0191802

Requested Information F0191735

Please provide information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'CleanTreat' since 2014.

Background details on this FOI request are available online here - and attached as a PDF.

Please therefore provide the information requested which may involve re-visiting previous FOI requests. Please consider this a formal request for information via the relevant FOI and Environmental Information regulations. Please provide the information electronically and/or online. Please provide a receipt of this FOI request.

Original Response F0191735

Imidacloprid

I can confirm that SEPA does not hold information relating to Imidacloprid. Under Regulation 9 of the EIRs SEPA has a duty to advise and assist. Please be advised that Imidacloprid is not included in any marine pen fish farm licences nor is it included in any freshwater fish farm licences.

BMK08/Ectosan/CleanTreat

I can confirm that SEPA does not hold any further information relating to BMK08, Ectosan, or discharges and disposals via Benchmark's 'CleanTreat' since 2014. Under Regulation 9 of the EIRs SEPA has a duty to advise and assist. Please be advised that all SEPA information in relation to BMK08, Ectosan or CleanTreat has been considered, and where appropriate released, on the SEPA disclosure log with the following reference numbers:

- F0190619
- F0190072
- F0191311
- F0191380
- F0191595
- F0191465

D10 Aquatic Blast

I can confirm that SEPA does not hold information relating to D10 Aquatic Blast.

B. Points raised by requester at Formal Review

Please consider this a formal request for a review of F0191735. Scottish Salmon Watch's FOI request dated 17 March 2020 is available online via: [link](#) SEPA's FOI refusal dated 15 April 2020 is online via: [link](#) Scottish Salmon Watch asks SEPA to revisit the blanket refusal to disclose information on Imidacloprid; namely:

Response

Imidacloprid

I can confirm that SEPA does not hold information relating to Imidacloprid. Under Regulation 9 of the EIRA SEPA has a duty to advise and assist. Please be advised that Imidacloprid is not included in any marine pen fish farm licences nor is it included in any freshwater fish farm licences.

It is simply unbelievable that "SEPA does not hold information relating to Imidacloprid". Is SEPA seriously suggesting that the first time it knew about Imidacloprid was when contacted by Rob Edwards for The Ferret's article on 17 March 2020? [link](#) And when Scottish Salmon Watch issued a press release naming BMK08/Ectosan as Imidacloprid on 17 March 2020? [link](#)

It beggars belief SEPA were not briefed by Benchmark on Imidacloprid and not told several years ago that Ectosan (re-named BMK08 in 2019) was Imidacloprid?

SEPA's FOI refusal dated 15 April 2020 indicates, wrongly as far as Scottish Salmon Watch believes, that SEPA did not know that BMK08/Ectosan was Imidacloprid. Surely SEPA were in possession of documents, data, emails and other information in relation to Imidacloprid use by Benchmark and salmon farming companies in Scotland and Norway?

Surely SEPA has information on file in relation to Imidacloprid? Surely SEPA were told verbally and discussed the matter internally either using the name Imidacloprid or the code name BMK08 or Ectosan? To deny the existence of any information at all on Imidacloprid appears unreasonable. Hence this formal review request.

Finally, SEPA's FOI refusal dated 15 April 2020 claimed that "all SEPA information in relation to BMK08, Ectosan or CleanTreat has been considered, and where appropriate, released" via various FOI requests or review requests including these in 2020.

F0191711	BMK08 & Ectosan	05/01/2020
F0191380	Discharges from Well Bores	27/01/2020
F0191445	Formal Review of F0191380 CleanTreat	04/02/2020
F0191195	Formal Review of F0191141 BMK08 and Ectosan	13/03/2020

However, is SEPA suggesting that zero information has become available since the FOI request on 7 January 2020? i.e. is SEPA seriously suggesting that Benchmark has not in contact recently in relation to BMK08/Ectosan/Imidacloprid?

If so, then SEPA is incorrect in claiming that "SEPA does not hold any further information relating to BMK08, Ectosan or discharges and disposals via Benchmark's 'CleanTreat' since 2014".

Please therefore review the FOI request and provide the information requested.

C. Scope of Formal Review F0191802

The requester contacted SEPA on 17 April 2020 seeking a Formal Review of F0191735. In line with the Environmental Information (Scotland) Regulations (EIRs) 2004 process a Formal Review was initiated. Acknowledgement of the Formal Review was provided 17 April 2020.

Formal Review F0191802 findings will address:

- The handling of the original request
- The information provided by SEPA
- The application of regulations/exceptions to the response

Review Officer Comments

- The Review Officer noted the points raised by the requester in their request for a Formal Review.
- The Review Officer noted that the scope of the Formal Review is limited to the release of recorded information under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).
- The Review Officer then considered the findings of the Formal Review.

D. Findings

1. Handling of the original request

It was reported that the requester sought information, on 17 March 2020, relating to Imidacloprid; BMK08; Ectosan; D10 Aquatic Blast; and CleanTreat. A response was provided 15 April 2020 meeting the statutory deadline. SEPA's duties under Regulation 5(1) of the EIRs to provide a response "as soon as possible and in any event no later than 20 working days" were met.

Review Officer Comments

- The Review Officer confirmed that the handling of the original request met the requirements of Regulation 5(1) of the EIRs.

2. Information Provided by SEPA

The Review officer considered the points raised by the requester at Formal Review; the original response to F0191735; interviewed SEPA staff across Aquaculture; and conducted further searches of SEPA recorded information to assess the information provided F019735.

Imidacloprid

The Review Officer's investigation confirmed that SEPA does not hold information on Imidacloprid including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020. The Review Officer confirmed that Imidacloprid is not listed on any fish farm permit.

CleanTreat

The Review Officer's investigation confirmed that SEPA does not hold any further information relating to discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020. This information already having been released under the following

reference numbers: F0190619; F0190072; F0191311 & Formal Review F0191595; and F0191380 & Formal Review F0191465. The Review Officer noted that further review of the decisions made in these request is out of scope of this Formal Review.

BMK08/Ectosan

The Review Officer's investigation reviewed two documents received by SEPA between 07 January 2020 and the date of receipt of this request, 17 March 2020, in scope of the request F0191735 relating to Ectosan/BMK08. These documents were provided to the SEPA Access to Information Team shortly before the deadline to respond to F0191735.

The Review Officer reported that the Access to Information Team raised concerns regarding the release of these documents. These concerns centred on issues of commercial confidentiality and the lack of time to consult the relevant third party. Considering these concerns the Access to Information Team should have provided a partial response to the requester highlighting that additional time was required to make a decision on these two documents and apologising for failing to fully meet the requirements of Regulation 5(1) of the EIRs.

The Access to Information Team failed to update the draft response to reflect this development resulting in the incorrect application of *Regulation 10(4)(a) – Information not held*. The Review Officer's investigation concluded that the Access to Information Team's processing of these two documents fell short of the standards a requester should expect and recommended an unreserved apology be issued to the requester.

As part of this Formal Review the Review Officer examined the two documents to make a balanced and considered release decision. The Review Officer acknowledged that the concerns of the Access to Information Team were valid and warranted consideration but that in this instance the threshold for application of *Regulation 10(5)(e) - Confidentiality of commercial or industrial information* is not met. The Review Officer recommended the release of these documents, subject to redactions for personal data.

Document	Title	Comments
Email	Ectosan Sea Lice treatment trial_Ardnish (Loch Ailort)	From MOWI to SEPA Received 10 March 2020
Attachment	Ectosan Trial_Ardnish	Letter from MOWI to SEPA

D10 Aquatic Blast

The Review Officer's investigation confirmed that SEPA does not hold information relating to D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.

Review Officer Comments

- The Review Officer confirmed that the search of SEPA recorded information was comprehensive.
- The Review Officer identified a processing failure by the SEPA Access to Information Team resulting in the incorrect application of *Regulation 10(4)(a) – Information not held* to information related to Ectosan/BMK08.

- The Review Officer recommended that an unreserved apology be issued to the requester for the processing failures that occurred during F0191735.
- The Review Officer considered and recommended the release, subject to redactions for personal data, of two documents relating to Ectosan/BMK08: [Ectosan Sea Lice treatment trial Ardnish \(Loch Ailort\)](#) and [Ectosan Trial Ardnish](#).
- The Review Officer confirmed that there is no further information relating to Imidacloprid, CleanTreat and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.

3. Application of Regulations/Exceptions

3.1 Applying Environmental Information (Scotland) Regulations 2004 - Section 39(2)

It was reported that the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 was applied due to the environmental nature of the information requested. As a result the request was handled under Environmental Information (Scotland) Regulations 2004 (EIRs). It was asserted that in this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Review Officer Comments

- The Review Officer recommended that the exception under Section 39(2) of the Freedom of Information (Scotland) Act be upheld.

3.2 Information publically available 6(1)(b)

The Review Officer noted that regulation 6(1)(b) should have been applied in providing reference to SEPA information in relation to BMK08, Ectosan or CleanTreat already released on the [SEPA disclosure log](#) under the following reference numbers: F0190619; F0190072; F0191311; F0191380; F0191595; F0191465. The text of the Environmental Information (Scotland) Regulations 2004 section 6(1) (b) is reproduced below:-

6(1) Where an applicant requests that environmental information be made available in a particular form or form at, a Scottish public authority shall comply with that request unless-

(b) the information is already publicly available and easily accessible to the applicant in another form or format.

Review Officer Comments

- The Review Officer recommended that Regulation 6(1)(b) of the Environmental Information Regulations be applied.

3.3 Information not held 10(4)(a)

As noted [above](#), the Review Officer acknowledged the incorrect application of Regulation 10(4)(a) information regarding Ectosan/BMK08; and confirmed SEPA does not hold any further information within the scope of the request regarding Imidacloprid, CleanTreat, and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020. This disclosure of the information is excepted under Regulation 10(4) (a) of the EIRs. The text of which is reproduced below;

(4) A Scottish public authority may refuse to make environmental information available to the extent that:-
(a) it does not hold that information when an applicant's request is received.

The scope of exception at Regulation 10(4)(a) of the Environmental Information (Scotland) Regulations 2004 is given in the detailed briefing prepared by the Office of the Scottish Information Commissioner which can be found [here](#).

The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.

Review Officer Comments

- The Review Officer recommended that the exception at Regulation 10(4)(a) of the Environmental Information Regulations continue to be applied to the requested information regarding Imidacloprid, CleanTreat, and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.
- The Review Officer recommended that the exception at Regulation 10(4)(a) of the Environmental Information Regulations cease to be applied to the requested information regarding Ectosan/BMK08.

E. Outcome

The Review Officer considered the points and information raised by the requester of F0191735 at request for review; the original response provided; exceptions applied; and the Office of the Scottish Information Commissioner [EIRs Exceptions Briefing](#).

The Review Officer upheld the application of Regulation 10(4)(a) made in request F0191735 relating to Imidacloprid, CleanTreat and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.

The Review Officer overturned the application of Regulation 10(4)(a) made in request F0191735 relating to Ectosan/BMK08 and released two documents, [Ectosan Sea Lice treatment trial Ardnish \(Loch Ailort\)](#) and [Ectosan Trial Ardnish](#), subject to redactions for personal data.

Please note that personal information has been redacted from the documents in accordance with Regulation 11(2) of the EIRs and Data Protection Principles. It was noted that SEPA has not withheld complete documents which contain such personal data and have released all other information within the document.

The Review Officer acknowledged that the quality of the original response to F0191735 fell short of the standards a requester should expect from SEPA. Please be assured that lessons have been learned from the handling of F0191735 and shared with the relevant members of SEPA staff.

Please accept my unreserved apology, on behalf of the agency and the Access to Information Team, for the processing failures that occurred during the handling of F0191735.

Review Officer Comments

- The Review Officer upheld the exception at Regulation 10(4)(a) of the Environmental Information Regulations applied to the requested information regarding Imidacloprid, CleanTreat, and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.
- The Review Officer overturned the exception at Regulation 10(4)(a) of the Environmental Information Regulations applied to the requested information regarding Ectosan/BMK08.
- The Review Officer released two documents relating to Ectosan/BMK08.
- The Review Officer applied the exception at Regulation 11(2) of the Environmental Information Regulations to the released information.
- The Review Officer made an unreserved apology for the processing failures that occurred during F0191735.

Summary of Findings

Scope	The Review Officer noted the points raised by the requester in their request for a Formal Review.
	The Review Officer noted that the scope of the Formal Review is limited to the release of recorded information under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).
	The Review Officer then considered the findings of the Formal Review.
Handling	The Review Officer confirmed that the handling of the original request met the requirements of Regulation 5(1) of the EIRs.
Information Provided	The Review Officer confirmed that the search of SEPA recorded information was comprehensive.
	The Review Officer identified a processing failure by the SEPA Access to Information Team resulting in the incorrect application of Regulation 10(4)(a) – Information not held to information related to Ectosan/BMK08.
	The Review Officer recommended that an unreserved apology be issued to the requester for the processing failures that occurred during F0191735.
	The Review Officer considered and recommended the release, subject to redactions for personal data, of two documents relating to Ectosan/BMK08: Ectosan Sea Lice treatment trial Ardnish (Loch Ailort) and Ectosan Trial Ardnish .
Application of Regulations & Exceptions	The Review Officer confirmed that there is no further information relating to Imidacloprid, CleanTreat and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.
	The Review Officer recommended that the exception under Section 39(2) of the Freedom of Information (Scotland) Act be upheld.
	The Review Officer recommended that Regulation 6(1)(b) of the Environmental Information Regulations be applied.
	The Review Officer recommended that the exception at Regulation 10(4)(a) of the Environmental Information Regulations continue to be applied to the requested information regarding Imidacloprid, CleanTreat, and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.
	The Review Officer recommended that the exception at Regulation 10(4)(a) of the Environmental Information Regulations cease to be applied to the requested information regarding Ectosan/BMK08.
Outcome	The Review Officer upheld the exception at Regulation 10(4)(a) of the Environmental Information Regulations applied to the requested information regarding Imidacloprid, CleanTreat, and D10 Aquatic Blast including discharges and disposals via Benchmark's 'CleanTreat' from 2014 to the date of receipt of F0191735, 17 March 2020.
	The Review Officer overturned the exception at Regulation 10(4)(a) of the Environmental Information Regulations applied to the requested information regarding Ectosan/BMK08.
	The Review Officer released two documents relating to Ectosan/BMK08.
	The Review Officer applied the exception at Regulation 11(2) of the Environmental Information Regulations to the released information.
	The Review Officer made an unreserved apology for the processing failures that occurred during F0191735.

[REDACTED]

From: [REDACTED]@mowi.com>
Sent: 10 March 2020 08:42
To: [REDACTED] TO SEPA
Cc: [REDACTED] [REDACTED] [REDACTED] CC MOWI & SEPA
Subject: Ectosan Sea Lice treatment trial_Ardnish (Loch Ailort)
Attachments: Ectosan Trial_Ardnish.pdf

Hi [REDACTED], please see the attached letter. I would be grateful for your advice as to how this can be carried out within CAR.

Best regards

[REDACTED]

[REDACTED]
Mowi Scotland Limited

Mobile: +44 [REDACTED]
DDI: +44 [REDACTED]
Mail: [REDACTED]@mowi.com

MOWI[®]



MOWI[®]

[REDACTED]
Scottish Environment Protection Agency
Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire ML1 4WQ

10 March 2020

Dear [REDACTED]

**THE WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2011
ECTOSAN SEALICE TREATMENT TRIAL - ARDNISH**

At our recent liaison meeting with your colleagues held at our Ardnish site we discussed the possibility of carrying out a field trial at Ardnish involving the new medicine Ectosan. Trials carried out to date have demonstrated that the medicine shows very high levels of efficacy against sea lice with no adverse environmental impacts when the treatment is coupled with a proprietary purification system, which removes any detectable traces of medicinal residues prior to the release of the treatment water. It would be our intention to further support development studies by carrying out such a trial at Ardnish. This would also involve treating the treatment water in a scaled and equivalent purification system to remove any remaining medicine components prior to release.

As you are aware, sea lice treatment strategies have evolved from one which was based predominantly on medicinal control to a more balanced strategy, including the use of cleaner fish and physical removal, alongside the use of licensed medicines. Medicines however remain an important component of a balanced strategy and to maintain efficacy of treatment for each medicinal product and to prevent resistance, it is important that their use is rotated and that repeat treatments with the same active ingredient are minimised. However, the aquaculture industry currently has access to only a very limited number of medicinal treatments to treat salmon for the infestation of sea lice. It is therefore essential that innovation in new medicine development is supported including the need for their evaluation in carefully managed and controlled field trials.

We seek SEPA's support in carrying out such a trial involving Ectosan at our Ardnish site and I would request your advice as to how this can be carried out within the CAR regulatory framework.

Yours sincerely



Cc: [Redacted] (by email)
Mowi Scotland Limited, Farms Office, Glen Nevis Business Park, Fort William PH33 6RX
Tel: [Redacted]



Mowi Scotland Limited Registered in Scotland No. 138843

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, Apr 16, 2020 at 8:42 PM
Subject: Review re. F0191735
To: FOI Helpdesk <FOI.Mail@sepa.org.uk>

Please consider this a formal request for a review of F0191735.

Scottish Salmon Watch's FOI request dated 17 March 2020 is available online via <https://donstaniford.typepad.com/files/foi-on-imidacloprid-to-sepa-sg-vmd-17-march-2020.pdf>

SEPA's FOI refusal dated 15 April 2020 is online via: https://www2.sepa.org.uk/disclosurelog_admin/uploads/f0191735_docf2e2d8be74_f0191735_response_r.pdf

Scottish Salmon Watch asks SEPA to revisit the blanket refusal to disclose information on Imidacloprid; namely:

Response

Imidacloprid

I can confirm that SEPA does not hold information relating to Imidacloprid. Under Regulation 9 of the EIRs SEPA has a duty to advise and assist. Please be advised that Imidacloprid is not included in any marine pen fish farm licences nor is it included in any freshwater fish farm licences.

It is simply unbelievable that "SEPA does not hold information relating to Imidacloprid".

Is SEPA seriously suggesting that the first time it knew about Imidacloprid was when contacted by Rob Edwards for The Ferret's article on 17 March 2020?

<https://theferret.scot/fish-farm-companies-bee-harming-pesticide/>

And when Scottish Salmon Watch issued a press release naming BMK08/Ectosan as Imidacloprid on 17 March 2020?

[Revealed: Toxic Neonicotinoid Insecticide Used to 'CleanTreat' Lousy Salmon](#)

It beggars belief SEPA were not briefed by Benchmark on Imidacloprid and not told several years ago that Ectosan (re-named BMK08 in 2019) was Imidacloprid?

SEPA's FOI refusal dated 15 April 2020 indicates, wrongly as far as Scottish Salmon Watch believes, that SEPA did not know that BMK08/Ectosan was Imidacloprid.

Surely SEPA were in possession of documents, data, emails and other information in relation to Imidacloprid use by Benchmark and salmon farming companies in Scotland and Norway?

Surely SEPA has information on file in relation to Imidacloprid?

Surely SEPA were told verbally and discussed the matter internally either using the name Imidacloprid or the code name BMK08 or Ectosan?

To deny the existence of any information at all on Imidacloprid appears unreasonable. Hence this formal review request.

Finally, SEPA's FOI refusal dated 15 April 2020 claimed that "all SEPA information in relation to BMK08, Ectosan or CleanTreat has been considered, and where appropriate, released" via various FOI requests or review requests including these in 2020.

F0191311	BMK08 & Ectosan	07/01/2020
F0191380	Discharges from Well Boats	27/01/2020
F0191465	Formal Review of F0191380 CleanTreat	24/02/2020
F0191595	Formal Review of F0191311 BK08 and Ectosan	13/03/2020

However, is SEPA suggesting that zero information has become available since the FOI request on 7 January 2020?

i.e. is SEPA seriously suggesting that Benchmark has not in contact recently in relation to BMK08/Ectosan/Imidacloprid?

If so, then SEPA is incorrect in claiming that "SEPA does not hold any further information relating to BMK08, Ectosan or discharges and disposals via Benchmark's 'CleanTreat' since 2014".

Please therefore review the FOI request and provide the information requested.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

From: **FOI Helpdesk** <FOI.Mail@sepa.org.uk>
Date: Wed, Apr 15, 2020 at 4:22 PM
Subject: SEPA Response - [F:0191735]
To: <Salmonfarmingkills@gmail.com>
Cc: <foi@sepa.org.uk>

Dear Mr Don Staniford

REQUEST FOR INFORMATION

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

Regards

Fiona Laird
SEPA Access to Information team
Email: foi@sepa.org.uk
Tel: 01786 457700



Don Staniford
Salmonfarmingkills@gmail.com

If telephoning ask for:
Fiona Laird

15 April 2020

Dear Don Staniford,

REQUEST FOR INFORMATION

Thank you for your request, received by SEPA on 17 March 2020.

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Please provide information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'Clean Treat' since 2014.

Background details on this FOI request are available [online here](#) - and attached as a PDF.

Please therefore provide the information requested which may involve re-visiting previous FOI requests. Please consider this a formal request for information via the relevant FOI and Environmental Information regulations. Please provide the information electronically and/or online. Please provide a receipt of this FOI request.

Response

Imidacloprid

I can confirm that SEPA does not hold information relating to Imidacloprid. Under Regulation 9 of the EIRs SEPA has a duty to advise and assist. Please be advised that Imidacloprid is not included in any marine pen fish farm licences nor is it included in any freshwater fish farm licences.

BMK08/Ectosan/CleanTreat

I can confirm that SEPA does not hold any further information relating to BMK08, Ectosan, or discharges and disposals via Benchmark's 'CleanTreat' since 2014. Under Regulation 9 of the EIRs SEPA has a duty to advise and assist. Please be advised that all SEPA information in relation to



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Stirling Office

Strathallan House, Castle Business Park,
Stirling FK9 4TZ

tel 01786 457700 fax 01786 446885

www.sepa.org.uk • customer enquiries 03000 99 66 99

BMK08, Ectosan or CleanTreat has been considered, and where appropriate released, on the [SEPA disclosure log](#) with the following reference numbers:

- F0190619
- F0190072
- F0191311
- F0191380
- F0191595
- F0191465

D10 Aquatic Blast

I can confirm that SEPA does not hold information relating to D10 Aquatic Blast.

Exceptions

Where I have confirmed that SEPA does not hold the requested information Regulation 10(4)(a) of the EIRs applies. The text of which is reproduced below;

(4) A Scottish public authority may refuse to make environmental information available to the extent that:-

(a) it does not hold that information when an applicant's request is received.

The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.

If you are not satisfied with our response, you have 40 working days from the date of this letter to request a formal review from SEPA at:

Access to Information

SEPA

Strathallan House

Castle Business Park

Stirling

FK9 4TZ

Email: foi@sepa.org.uk

If you are still not satisfied, you can appeal to the Scottish Information Commissioner.
www.itspublicknowledge.info/appeal

Your unique reference number is F0191735. Please quote this in any future contact with us about your request.

If you have any queries in the meantime, please contact me.

Yours sincerely



Fiona Laird
Access to Information Team

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Tue, Mar 17, 2020 at 12:44 PM
Subject: FOI re. Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) since 2014
To: AccesstoInformation <foi@sepa.org.uk>
Cc: Mackinnon, Alison <Alison.Mackinnon@sepa.org.uk>

Please provide information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'CleanTreat' since 2014.

Background details on this FOI request are available [online here](#) - and attached as a PDF.

Please therefore provide the information requested which may involved re-visiting previous FOI requests.

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

Please provide the information electronically and/or online.

Please provide a receipt of this FOI request.

Thanks,

Don Staniford

Director, [Scottish Salmon Watch](#)



[2]

marine scotland



Scottish Government
Riaghaltas na h-Alba
gov.scot

T :0131 244 4377
E :kate.webb@gov.scot

Don Staniford
salmonfarmingkills@gmail.com

Your ref: 202000021335
Our ref:
11 May 2020

Dear Don Staniford ,

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

Thank you for your email and letter dated 17 March 2020 requesting information from us via the relevant FOI and Environmental Information regulations.

You asked,

"Please provide information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'CleanTreat' since 2014. Background details on this FOI request are available online and attached as a PDF. Please therefore provide the information requested which may involved re-visiting previous FOI request."

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

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/Topics/marine/Licensing/marine



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

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because an exception under regulation 10(4)(a) (Information not held) of the EIRs applies to that information. The reasons why this exception applies is explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to The Director of Marine Scotland, Area 1B South, Victoria Quay, The Shore, Edinburgh, EH6 6QQ, or by emailing Directormarinescotland@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

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

ANNEX

REASON FOR NOT PROVIDING INFORMATION

Exception applied

Under the terms of the exception at regulation 10(4)(a) of the EIRs (Information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you requested with regard to discharges and disposals via Benchmark's CleanTreat system in Scotland as no discharges or disposals have taken place. The Scottish Government does not have any further information relating to meetings with Benchmark with regard to Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) since your last requests on the 23 October 2019 (FoI/19/02443) and the 5 December 2019 (FoI/19/02626). The Scottish Government does not have marine discharge licences or similar documentation for the legal disposal of Imidacloprid as none have been issued by Marine Scotland.

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

Marine Laboratory, 375 Victoria Road,
Aberdeen AB11 9DB
www.gov.scot/Topics/marine/Licensing/marine



Yours sincerely

Kate Webb

Business Casework Officer - Licensing Operations Team - Marine Planning & Policy

T :0131 244 4377
E :kate.webb@gov.scot

Don Staniford
Scottish Salmon Watch
salmonfarmingkills@gmail.com

Your ref: 202000021523
Our ref:
11 May 2020

Dear Don Staniford,

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

Thank you for your letter dated 17 March 2020 requesting information from us.

Your request

You asked,

"Could you please provide answers to the following questions:

1) How much Imidacloprid (marketed as BMK08 since 2019 - and previously known as Ectosan when first launched in 2017) has already been used in Scottish salmon farming? (please indicate where and when Imidacloprid was used and by which companies).

2) Where, when and in what quantities did the discharge and/or disposal of Imidacloprid contaminated wastes take place?"

As the information you have requested is 'environmental information' for the purposes of the

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

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

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because an exception under regulation 10(4)(a) (Information not held) of the EIRs applies to that information. The reasons why this exception applies is explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to The Director of Marine Scotland, Area 1B South, Victoria Quay, The Shore, Edinburgh, EH6 6QQ, or by emailing Directormarinescotland@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website

at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner>.

ANNEX

REASON FOR NOT PROVIDING INFORMATION

Exception applied

Under the terms of the exception at regulation 10(4)(a) of the EIRs (Information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you requested as there has been no release of Imidacloprid under any marine licence - as none have been issued by Marine Scotland.

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

Yours sincerely

Kate Webb

Business Casework Officer - Licensing Operations Team - Marine Planning & Policy

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Tue, Mar 17, 2020 at 12:45 PM
Subject: FOI re. Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) since 2014
To: <ceu@scotland.gsi.gov.uk>

Please provide information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'CleanTreat' since 2014.

Background details on this FOI request are available [online here](#) - and attached as a PDF.

Please therefore provide the information requested which may involved re-visiting previous FOI requests.

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

Please provide the information electronically and/or online.

Please provide a receipt of this FOI request.

Thanks,

Don Staniford

Director, [Scottish Salmon Watch](#)



[3]

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Tue, Mar 17, 2020 at 11:59 AM
Subject: SEPA's refusal to provide information on Imidacloprid use in salmon farming

To: Ahearn, Terry <terry.ahearn@sepa.org.uk>
Cc: Mackinnon, Alison <Alison.Mackinnon@sepa.org.uk>, Sinclair, Douglas <douglas.sinclair@sepa.org.uk>, Media <publicrelations@sepa.org.uk>, Pollard, Peter <peter.pollard@sepa.org.uk>, AccesstoInformation <foi@sepa.org.uk>, Access to Information Enquiries <FOI.Mail@sepa.org.uk>

Terry,



Terry A'Hearn
Chief Executive
Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TZ

17 March 2020

Dear Sir,

**Neonicotinoid insecticide Imidacloprid use in Scottish salmon farming
via Benchmark's BMK08 (Ectosan) & CleanTreat**

Further to Scottish Salmon Watch's [renewed FOI request earlier today on discharges and disposal of Imidacloprid, BMK08, Ectosan and CleanTreat and our appeal filed last month with the Scottish Information Commissioner](#), could you please re-consider SEPA's refusal to disclose basic information on the use of this highly toxic Neonicotinoid insecticide by the salmon farming industry in Scotland?

The news that Ectosan - [first publicised by Benchmark in 2017](#) and [re-branded as BMK08 in 2019](#) although it [first surfaced as D10 Aquatic Blast in 2014](#) - is the toxic chemical Imidacloprid ([banned in the UK in 2018 or use in terrestrial agriculture](#)) is shocking.

Letter in full [online here](#)

Including:

Why has SEPA met privately with Benchmark at least five times in the last 18 months and discussed secret trials with industry yet has failed to notify the public or issue a public consultation?

So why is SEPA protecting commercial confidentiality and industrial secrets rather than protecting the environment?

SEPA's [case history with Emamectin benzoate \(Slice\)](#) hardly inspires confidence that it has everything under control regarding Imidacloprid.

For example, why is no data publicly available for the use of Imidacloprid (and other chemicals such as Azamethiphos and Deltamethrin) at [Benchmark's FAI Aquaculture laboratory at Ardtoe](#) where [CleanTreat has been developed over the last decade?](#)

Scottish Salmon Watch cannot find any data posted via [SEPA's Scottish Pollutant Release Inventory](#) or the [Scotland's Aquaculture web-site](#).

Could you please publish details of the use of Imidacloprid by the salmon farming industry in Scotland (I don't see Imidacloprid [listed via SPRI](#) at all)?

Will SEPA be publishing a scientific dossier on environmental impacts of Imidacloprid ([as SEPA has done so via Emamectin benzoate](#))?

Will SEPA be conducting scientific studies and monitoring of impacts of Imidacloprid ([as it has done so via Emamectin benzoate](#))?

Online via [Letter on Imidacloprid to Terry A'Hearn, Chief Executive of SEPA](#) (17 March 2020)

Read more via:

[Revealed: Toxic Neonicotinoid Insecticide Used to 'CleanTreat' Lousy Salmon](#)

[The Ferret: "Fish farm companies 'bidding to use bee-harming pesticide'"](#)

Best fishes,

Don Staniford

Director of Scottish Salmon Watch

[4]

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

Date: Tue, Mar 17, 2020 at 10:01 AM

Subject: Letter re. Concerns & Questions Over Imidacloprid Use in Scottish Salmon Farming

To: <scottish.ministers@gov.scot>, Ahearn, Terry <terry.ahearn@sepa.org.uk>, <postmaster@vmd.defra.gsi.gov.uk>

Cc: Russell, Sandra <s.russell@vmd.defra.gsi.gov.uk>, <Neil.Purvis@gov.scot>, <Helen.McGregor@gov.scot>, Sinclair, Douglas <douglas.sinclair@sepa.org.uk>, Pollard,

Peter <peter.pollard@sepa.org.uk>, Media <publicrelations@sepa.org.uk>, <directormarinescotland@gov.scot>, Ruskell M (Mark), MSP <Mark.Ruskell.msp@parliament.scot>, Beamish C (Claudia), MSP <Claudia.Beamish.msp@parliament.scot>, Finnie J (John), MSP <John.Finnie.msp@parliament.scot>

Concerns & Questions Over Imidacloprid Use in Scottish Salmon Farming

Scottish Salmon Watch is [shocked to discover](#) that the use of the toxic neonicotinoid insecticide Imidacloprid ([banned for outdoor use in terrestrial farming by the European Union in 2018 due to a growing weight of scientific evidence that it is harmful to bees and other pollinators](#)) may have already been used in Scotland via Benchmark's 'CleanTreat' system via secret trials.

Read letter in full [online here](#)



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

17 March 2020

Concerns & Questions Over Imidacloprid Use in Scottish Salmon Farming

Scottish Salmon Watch is [shocked to discover](#) that the use of the toxic neonicotinoid insecticide Imidacloprid ([banned for outdoor use in terrestrial farming by the European Union in 2018 due to a growing weight of scientific evidence that it is harmful to bees and other pollinators](#)) may have already been used in Scotland via Benchmark's 'CleanTreat' system via secret trials.



Read more via :

[Revealed: Toxic Neonicotinoid Insecticide Used to 'CleanTreat' Lousy Salmon](#) (17 March 2020)

The Ferret: "[Fish farm companies 'bidding to use bee-harming pesticide'](#)" (17 March 2020)

Best fishes,

Don

[5]

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Tue, May 5, 2020 at 5:33 PM
Subject: Re: Official Sensitive – Result of ATI0645 Internal Review
To: Mike Griffiths <m.griffiths@vmd.gov.uk>

Mike,

Thanks - that's disappointing but not surprising.

Could you not disclose redacted documents detailing the date when Imidacloprid become first known in the context of salmon farming to the VMD?

Don

From: **Mike Griffiths** <m.griffiths@vmd.gov.uk>
Date: Tue, May 5, 2020 at 1:44 PM
Subject: Official Sensitive – Result of ATI0645 Internal Review
To: salmonfarmingkills@gmail.com <salmonfarmingkills@gmail.com>

Dear Mr Staniford,

Your request

Thank you for your email dated 9th April 2020. You asked the Veterinary Medicines Directorate (VMD) to carry out an internal review under the Freedom of Information Act 2000 (FOIA) of its reply dated 9th April 2020 - VMD ref: ATI0645 - in the terms set out below:

You asked for “information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'CleanTreat' since 2014.

Our reply

After careful consideration of your case, I am satisfied that the VMD acted properly in dealing with your request in accordance with the FOIA.

First, it set out clearly that the VMD considered the information relating to any new sea lice chemicals/treatments/medicines for use on salmon farms in Scotland is material that is still in the course of completion and data that are incomplete.

It then gave you a legally valid reason for not providing the information, citing the exception in regulation 12(4)(d) of the EIRs. It went on to explain that Reg 12(4)(d) relates to unfinished documents or incomplete data: and that any application to the VMD or assessment by the VMD would at this stage be unfinished.

It concluded that after careful consideration the public interest in withholding the information you requested strongly outweighed that for disclosure in this case. It explained that the VMD judged that there is a strong public interest in allowing parties the safe space to conclude their data gathering to achieve the finalisation of the process and the establishment of a defined data set; and that the VMD judge it is in the public interest not to hinder VMD's ongoing relationship with applicants in this process.

I am satisfied that this is a legally valid reason for withholding the information, that the VMD set out its position clearly; and that the VMD met its obligation to be open and transparent by setting out its case in this way.

Our Service

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. You can contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely
Mike Griffiths
Head of Business Support Division

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Thu, Apr 9, 2020 at 10:25 AM
Subject: Review request re. ATI0645
To: <ati@vmd.gov.uk>
Cc: <a.saunders@vmd.gov.uk>

Please consider this a formal request for a review of the VMD's FOI refusal via ATI0645.

Surely there are some documents which are available?

Surely you can redact names and make some information publicly available?

A blanket refusal is unreasonable especially in view of the public interest in this issue:

[ENDS Report: "Calls for greater transparency over 'toxic' new fish farm product"](#)

[Letter to SEPA: Please Come Clean on Imidacloprid!](#)

[Follow the Salmony - the Norwegian tobacco billionaire behind the Neonicotinoid Imidacloprid](#)

[The Ferret: "Fish farm companies 'bidding to use bee-harming pesticide'"](#)

[Revealed: Toxic Neonicotinoid Insecticide Used to 'CleanTreat' Lousy Salmon](#)

[Please Come Clean on BMK08!](#)

Please therefore review your refusal and provide some documents.

At the very least please itemise the documents which have been refused.

Please provide a receipt for this review request.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

From: **Andrew Saunders** <a.saunders@vmd.gov.uk>

Date: Thu, Apr 9, 2020 at 9:49 AM

Subject: Official Sensitive: Response to Freedom of Information request ATI0645

To: salmonfarmingkills@gmail.com <salmonfarmingkills@gmail.com>

Dear Don,

Thank you for your email below, dated 17th March 2020.

We are dealing with it under the Environmental Information Regulations (EIRs) 2004.

Your Request:

You asked for “information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'CleanTreat' since 2014. Background details on this FOI request are available online here - and attached as a PDF.’

Our Reply:

We acknowledge the background details that you attached to your request, and thank you for them. As with similar recent requests from yourself, we consider that information relating to any new sea lice chemicals/treatments/medicines for use on salmon farms in Scotland is material that is still in the course of completion and data that are incomplete; and that the exception in regulation 12(4)(d) of the EIRs applies. Reg 12(4)(d) relates to unfinished documents or incomplete data: any application to the VMD or assessment by the VMD would at this stage be unfinished.

We judge that there is a strong public interest in allowing parties the safe space to conclude their data gathering to achieve the finalisation of the process and the establishment of a defined data set. We also judge it is in the public interest not to hinder VMD's ongoing relationship with applicants in this process.

Information releasable to the public:

In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, we may place this request on GOV.UK, in due course. We will not place information identifying you on the GOV.UK website.

Copyright:

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the Open Government Licence. For information about the OGL and about re-using Crown Copyright information please see The National Archives website.

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the Intellectual Property Office's website.

Our Service:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint, you may request an internal review within two calendar months of the date of this e-mail. If you would like to request an internal review please write to the VMD via ati@vmd.gov.uk.

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Many thanks

Andrew Saunders
Freedom of Information Officer

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Tue, Mar 17, 2020 at 12:42 PM
Subject: FOI re. Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) since 2014
To: <postmaster@vmd.defra.gsi.gov.uk>
Cc: Sandra Russell <s.russell@vmd.gov.uk>

Please provide information on Imidacloprid (BMK08/Ectosan/D10 Aquatic Blast) including discharges and disposals via Benchmark's 'CleanTreat' since 2014.

Background details on this FOI request are available [online here](#) - and attached as a PDF.

Please therefore provide the information requested which may involved re-visiting previous FOI requests.

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

Please provide the information electronically and/or online.

Please provide a receipt of this FOI request.

Thanks,

Don Staniford

Director, [Scottish Salmon Watch](#)



[6] Imidacloprid, [according to the Material Safety Data Sheet of one of the insecticide formulations on the market](#), is "highly toxic to aquatic invertebrates" and the chemical company warns users "do not apply directly to water" and "do not contaminate water when disposing of equipment washwaters".

MATERIAL SAFETY DATA SHEET
Quali-Pro® Imidacloprid 2F Turf & Ornamental

12. ECOLOGICAL INFORMATION

ENVIRONMENTAL HAZARDS: This product is highly toxic to aquatic invertebrates. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Another [Imidacloprid formulation warns](#):

Kohinor 350 SC

Synonyms

Imidacloprid 350 SC



Signal word

Warning

Hazard Statements

H410 - Very toxic to aquatic life with long lasting effects

Precautionary Statements

P102 - Keep out of reach of children

P501 - Dispose of contents/ container to an approved waste disposal plant

A scientific paper - "[Acute Toxicity of Imidacloprid on the Developmental Stages of Common Carp *Cyprinus carpio*](#)" - published in October 2019 concluded: "The results suggest that the minimum concentration of 10 µg/L imidacloprid in the aquatic environment may have adverse effects on the embryonic and larval stages of common carp".

A scientific paper - "[Effects of insecticides, fipronil and imidacloprid, on the growth, survival, and behavior of brown shrimp *Farfantepenaeus aztecus*](#)" - published in PLOS One in October 2019 reported: "Under imidacloprid, survivorship decreased from 100% in the control to 33.33% in the 320.0 µg/L treatment..... We conclude that, at the corresponding EPA benchmark concentrations, fipronil had more lethal effects than imidacloprid, and imidacloprid had more sub-lethal effects than fipronil. Both effects are of serious concern, and we suggest monitoring is necessary in estuaries."

Marine Environment Research [reported in October 2019](#):

Imidacloprid and formulated product impacts the fatty acids and enzymatic activities in tissues of Sydney rock oysters, *Saccostrea glomerata*

Endurance E. Ewera^{a, b}, Amanda Reichelt-Brushett^a, Kirsten Benkendorff^a  

Highlights

- Imidacloprid (IMI) accumulates in the tissues of Sydney rock oysters (SRO) exposed to formulated or pure IMI.

Abstract

The use of imidacloprid (IMI) and its formulated products in agriculture is a risk to aquatic organisms due to deposition into waterways from runoff and aerial spraying. However, there is limited information on the potential effects of this pesticide on commercially important shellfish, such as oysters. We investigated the impacts of IMI and Spectrum 200SC (IMI formulation) on the activity of the enzymes Glutathione-S-transferase (GST), Catalase (CAT) and Acetylcholinesterase (AChE), in different oyster tissues including the gill, adductor muscle and digestive gland. We also investigated the condition index and fatty acid composition of the flesh of oysters after 2 weeks exposure. The concentrations of IMI in the different tissues was assessed using Liquid Chromatography-Mass Spectrometry (LC-MS) after QuEChERS extraction. Higher concentrations of IMI residues were detected in the adductor muscle of the oysters, followed by the gills and with the lowest amounts recovered from the digestive gland across all the concentrations tested. IMI and Spectrum 200SC significantly affected the gill AChE activity at 2 mg/L, but digestive gland CAT, and gill and digestive gland GST were impacted at environmentally relevant concentrations (0.01 and 0.05 mg/L). In the whole oyster, 2 weeks exposure to IMI (≥ 0.01 mg/L) resulted in a proportional increase in saturated fatty acids (SFA), altered the polyunsaturated fatty acid (PUFA) to SFA ratio and altered the omega 3 fatty acids (*n*-3) to omega 6 fatty acids (*n*-6) ratio, but there were no effects on the condition index of the oyster. Although the oysters responded differently to the formulated product, there was no consistent difference in the sublethal effects of analytical IMI and Spectrum 200SC. This study showed that exposure to IMI and Spectrum 200SC can significantly affect the biochemical processes and metabolites in oysters, with implications for food quality and safety.

The use of Imidacloprid in aquatic environments and in aquaculture is environmentally hazardous. North America Aquaculture [reported in April 2018](#):

Aquaculture North America

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Pesticide banned in oyster farming

The Washington Department of Ecology has banned a pesticide that was approved two years ago for oyster growers to kill burrowing shrimp.

The department said it made the decision after a lengthy evaluation of the environmental impacts of the pesticide, imidacloprid. The pesticide belongs to a class of chemicals called the neonicotinoids, which act on the central nervous system of insects.

The state announced Monday that it is too harmful to the ecosystem and decided to deny a request for its approval.

“The science around imidacloprid is rapidly evolving and we can’t ignore it. New findings make it clear that this pesticide is simply too risky and harmful to be used in Washington’s waters and estuaries,” state Ecology Director Maia Bellon said in a press release.

The Associated Press [reported in December 2019](#):

Oyster growers abandon push to use imidacloprid, a controversial insecticide

| Associated Press
Updated 2:46 AM EST Dec 13, 2019

LONG BEACH, Wash. (AP) — A southwest Washington oyster growers association has abandoned a drive to use a controversial insecticide that combats burrowing shrimp, a creature that can make tidelands unfit for shellfish farming.

The Seattle Times reports that in a settlement reached last week, the Willapa Grays Harbor Growers Association agreed to accept a 2018 state Ecology Department denial of the proposed use of imidacloprid and drop an appeal to the state Pollution Control Hearings Board.

The growers wanted to use the insecticide to spray up to 500 annually of the more than 12,000 acres of tidelands used for shellfish cultivation in Willapa Bay and Grays Harbor. Without the spray, the growers say they lose productive tidelands to the shrimp, which churn up sediment and can cause oysters, as well as clams, to suffocate in the muck.

Read more on the toxicity of Imidacloprid via:

["Contamination of the Aquatic Environment with Neonicotinoids and its Implication for Ecosystems"](#) (Frontiers in Environmental Science, November 2016)

["Effects of neonicotinoids and fipronil on non-target invertebrates"](#) (Environ. Sci. Pollu. Res. Int., September 2015)

[7]

From: **Tonje Høy** <tonje.hoy@legemiddelverket.no>

Date: Wed, Apr 29, 2020 at 3:58 PM

Subject: SV: Imidacloprid clinical trials approved by Norwegian Medicines Agency?

To: salmonfarmingkills@gmail.com <salmonfarmingkills@gmail.com>

Dear Mr. Staniford,

Information about clinical trials with veterinary medicinal products, performed by pharmaceutical industry, is considered to be confidential information. According to the Norwegian act on medicinal products §30 the NoMA is not allowed to disclose information that is considered commercially sensitive. We can therefore not disclose whether permission to perform clinical trials with imidacloprid has been granted.

Right of appeal

You can appeal against this decision within 3 weeks after you have received this e-mail. The right to appeal is founded on the Public Administration Act, chapter 6 (VI).

An appeal should be sent to The Norwegian Medicines Authority. If we do not take the appeal into account, the appeal is forwarded to the Ministry of Health and Care Services. Your appeal can be put forward as an e-mail/letter or using the form found on www.legemiddelverket.no. Choose the English version, and then the link "Appeal against an Administrative decision".

Kind regards

Tonje Høy, DVM, PhD

Scientific Director, Veterinary Medicine

Telephone: (+47) 922 80 497

www.noma.no



Fra: Don Staniford <salmonfarmingkills@gmail.com>

Sendt: tirsdag 21. april 2020 11:00

Til: Post <post@legemiddelverket.no>

Emne: Imidacloprid clinical trials approved by Norwegian Medicines Agency?

Has the Norwegian Medicines Agency approved clinical trials of Imidacloprid for use in salmon farming?

If so, please provide details.

More background is online via:

[Revealed: Toxic Neonicotinoid Insecticide Used to 'CleanTreat' Lousy Salmon](#)

Takk,

Don

[8]

20 MARCH 2020

BMK08 & CleanTreat®

We are aware of the recent coverage surrounding our new sea lice medicine, BMK08, and our CleanTreat® purification system. As BMK08 is in the regulatory process we are restricted in what we can say about the medicine and cannot promote the product before a Marketing Authorisation is granted. The statements below are a summary of facts and not in any way a promotion of the product.

- BMK08 is a new sea lice medicine, that will be used exclusively together with our water purification system CleanTreat®
- The medicine will only be used in closed treatment systems and the water will be purified before being returned into the sea (CleanTreat® purifies the water, find out more [here](#))
- A team of chemists on board the vessel control the system ensuring only purified water is returned to the Ocean
- The medicine has been developed under strict European Union guidelines.
- Field trials have been successfully carried out exclusively in Norway proving BMK08 is an effective and safe medicine for the treatment of sea lice on salmon.
- CleanTreat® has proven to be efficient, controlled and effective at full scale operations with BMK08

Medicine

BMK08 is a new generation of medicine developed under the strict veterinary medicinal products guidelines of the European Union (Directive 2001/82 as amended). The active ingredient is imidacloprid, as published by the [Aquaculture Stewardship Council](#) in March 2019, as part of their assessment and subsequent classification as part of their quality compliance scheme (Pesticide Treatment Index), where BMK08 used with the propriety CleanTreat® system was given a score of zero, the highest score for environmental protection and sustainability.

Closed treatment system

BMK08 has been developed to work exclusively in a closed treatment system (e.g. wellboats) where fish are treated with BMK08 in the wells of a wellboat and then separated from treatment water, rinsed to remove any residue on the surface and returned to the sea pens. All medicine is retained in the wellboat and not exposed to the environment. The treatment water is then processed in Benchmark's CleanTreat® purification system to remove the medicine and capture the medicine before returning purified water back to the sea. This is a transformative step for the industry to reduce the risk of environmental impact while helping to manage the most significant parasite in Salmon farming, sea lice.

Safety

Years of rigorous trials have been conducted to ensure BMK08 is safe for people, fish and the environment when used as a medicine for the treatment of sea lice on Salmon together with CleanTreat®. The process is regulated by the European Union guidelines and enforced by local country regulators covering the medicine and the environment. The final stage of testing after all safety requirements have been concluded, is full scale Good Clinical Practice (CVMP/VICH/595/98-FINAL) field trials. These trials have been successfully carried out exclusively in Norway proving BMK08 is an effective and safe medicine for the treatment of sea lice. BMK08 is currently in the regulatory process after which we expect to bring this new solution to the market.

Medicine removal – CleanTreat® technology

CleanTreat® is a technology developed to remove medicines from treatment water on a large scale. The process has been shown to be effective at removing several classes of medicine from water. BMK08 will only be licenced to be used with the CleanTreat® system.

During the CleanTreat® process the water is constantly tested to ensure only purified water is returned to the sea. A quality certificate will be generated for every use of the system to ensure compliance to the highest standards. Testing is carried out real time onboard the vessels and the purification process is overseen by a team of chemists.

CleanTreat® has the added benefit of removing organic material from the treatment water including sea lice and sea lice egg strings so helping to prevent resistance development against the medicine. The waste, including collected medicine, is removed and incinerated, and certification of the safe disposal of each batch will be issued.

CleanTreat® has been awarded the highest prize in Aquaculture, the Nor-Fishing Innovation award, for its advancement of environmental stewardship. Together BMK08 and CleanTreat® are a transformative step for the industry demonstrating the highest environmental and welfare credentials available.

Find out more at <http://cleantreat.no/>

