The Global Alliance Against Industrial Aquaculture, 18 June 2017

Scottish Government Overdoses on Toxic Scottish Salmon - SEPA's proposed chemical ban (along with Scotland's lobsters) is Sliced to death

Documents disclosed by the Scottish Environment Protection Agency (SEPA) via Freedom of Information (FOI) expose yet more damning details of how the Scottish Government intervened at the behest of the salmon farming industry to stave off a ban on the use of the toxic chemical Slice (Emamectin benzoate) **[1]**.

The documents disclosed by SEPA on 9 June reveal that the Scottish Government discussed "serious concerns" raised by the Scottish Salmon Producers Organisation (SSPO) in an "urgent conversation" with SEPA's Chief Executive Terry A'Hearn the night before the publication of a proposed press statement by SEPA issuing a ban on the use of Slice (Emamectin benzoate) by 2018.

Mark Ruskell MSP, environment spokesperson for the Scottish Greens, told The Sunday Herald: “The salmon farming industry appears to have used its influence at the heart of government to suppress independent scrutiny. There is an urgent need for Parliament to run an inquiry into salmon farming and the growing failure to regulate an industry which has been given free reign by ministers to expand way beyond the limits of the environment.”

Scottish Labour’s environment spokesperson, Claudia Beamish MSP, described the disclosures as “deeply concerning”.

Read more via today's Sunday Herald: "Scottish government accused of intervening to block ban on toxic pesticide"

From: Smith K (Kate)
Sent: 09 August 2016 13:56
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Mitchell A (Alastair); Higgins K (Kate); Miller D (David); Director of Marine Scotland Mailbox; Cowan WJ (Willie); Ritchie N (Neil); Haddon P (Paul); Barber J (Jill)
Subject: Scott Landsburgh SSPO

PS/ Cabinet Secretary for the Environment, Climate Change and Land Reform

Scottish Salmon Producers Organisation – concerns relating to SEPA press release about potential sea lice treatment (Slice) withdrawal following SARF report

<< File: SLICE story - 5 Aug 2016.docx >> << Message: FW: Original Call for Proposals SARF098 >>

Serious concerns have been raised today by the Scottish Salmon Producers Organisation (SSPO) in relation to a draft SEPA statement in response to the publication (tomorrow Wed 10th August) of a SARF report (SARF098) which suggests that there are detrimental impacts on the environment from the use of a sea lice chemical treatment – Slice.

The draft SEPA statement is attached and provides further information. The original call for proposals by SARF for the SARF 098 project is also attached.

There has been engagement following the initial conclusions of the SARF report between SEPA and industry and concerns over the long term use of Slice have been raised. The industry are however, now particularly concerned about the line which states;

We have informed fish farm operators of SEPA's position that, unless we see new and compelling evidence to support continued use, the ability to use Slice is likely to be phased out in 2018.

Scott Landsburgh (CEO of the Scottish Salmon Producers Organisation) has contacted Terry A'Hearn, Chief Executive of SEPA, requesting an urgent conversation. He would also like to bring this to the attention of the Cabinet Secretary urgently.

We would advise that the Cabinet Secretary discuss this issue further with Terry A'Hearn regarding handling and prior to any conversation with Mr Landsburgh, as this relates directly to SEPA activities and particularly to the proposed press release which the SSPO would like to see amended before its release (due tomorrow).

Contact details for Terry A'Hearn are 01786 457701 or Terry.A'Hearn@sepa.org.uk

The overnight u-turn by SEPA's Chief Executive in August 2016 not to ban Slice or issue a press statement - described by one Scottish Government employee as a "subsequent reflection" following "discussions last night" - runs counter to advice received by his own SEPA colleagues and raises further question marks over the credibility of Scotland's environmental watchdog.

From: Ritchie N (Neil)
Sent: 10 August 2016 12:28

To: Cabinet Secretary for the Environment, Climate Change and Land Reform; Smith K (Kate)
Cc: Mitchell A (Alastair); Higgins K (Kate); Miller D (David); Director of Marine Scotland Mailbox; Cowan WJ (Willie); Haddon P (Paul); Barber J (Jill); Burgess WG (George)
Subject: RE: URGENT: Scott Landsburgh SSPO

David

SEPA are providing us with a note on some of the Cabinet Secretary's question which we will pass on as soon as it is received (which is expected to be shortly). However following our discussions last night and his subsequent reflection has been that SEPA will not issue an article along the lines that had been initially proposed and will hold reactive lines if approached. They are continuing to be in dialogue with SSPO.

Neil

Neil Ritchie
Environmental Quality Division
Scottish Government
0131 244 7250

"The late night intervention reeks of government by intimidation and smacks of a dystopian dictatorship," said Don Staniford, Director of the Global Alliance Against Industrial Aquaculture. "That the office of the Cabinet Secretary for the Environment lobbied so strongly to protect the salmon farming industry rather than the environment unmasks the Scottish Government as a proxy for industry. Under this Government SEPA's powers have corroded away along with the chemically-embalmed lobsters littering the seabed surrounding Scotland's toxic salmon farms. The scientific evidence is so damning that it demands an immediate ban on the use of Emamectin benzoate. Merck's $1 million study due by February 2019 has bought the salmon farming industry time as well as revealed SEPA's price for betraying the marine environment. Shame on SEPA and shame on the Scottish Government."

SEPA's Dr. Hazel Macleod wrote in an email in October 2015: "We are duty bound to make a decision based on the impact on the environment and not the consequences for industry.....As naive as this may sound, I would have hoped that we would be able to reach a conclusion based on our remit and present this to SG [Scottish Government] at which point they can choose to overrule our decision based on the impact on the sector etc."

"If SEPA proposed to seek to stop the use and release of Slice, we may be subject to pressure from either the manufacturer, the industry or both to either delay or adopt another approach," warned an internal SEPA briefing paper (undated but certainly circulated before August 2016). "It may however be argued that the loss of crustacean diversity is an acceptable cost given the benefits arising from the farming of salmon. This is not an argument that should be accepted or endorsed by SEPA as that would essentially represent a 'political' decision and SEPA should not find itself in a place where we are judging between the benefits of the sector and widespread far field effects on an entire phylum of the benthos."

"The matter needs to be considered as a matter of priority as the evidence casts some doubt that SEPA's regulatory approach remains sufficient to prevent environmental harm occurring in the marine environment with possible future consequences for Scotland's crustacean shellfish sector if action is not taken," stated an internal SEPA briefing dated February 2016. "There are reputational risks if we do not act on research findings indicating our regulatory regime is not adequate to provide full protection of the environment. There are also reputational risks in removing a medicine previously relied upon by one of Scotland's most important industries."

See Note **[1]** for more details and download all the documents online here

Information obtained via FOI from the Veterinary Medicines Directorate (VMD) also reveal that a $1 million environmental impact study commissioned by chemical giant Merck is scheduled for completion in February 2019 thus buying the salmon farming industry time to find new chemical treatments **[2]**.

- On 8 August 2016, Merck's Chris Beattie (Head, Global Aquaculture Business Unit) emailed SEPA (following SEPA's request for comments on a draft article/press statement) - including:

> Because of these and other flaws, we began a dialogue with SARF, SEPA, academia and industry that led to the design of a prospective, well-controlled study that is about to launch after extensive preparation work. Benchmark sampling for this study has already taken place and we expect the full study to take up to 2 years with a total cost of close to $1m. The protocols (confidential please) for the two studies are attached. Given the flaws inherent in the SARF-commissioned research, we believe it makes eminent sense to allow this study to run its course before using definitive language to draw any conclusions about the effects of SLICE on the environment. In contrast, the draft statement erroneously cites "new evidence" to suggest that an association between SLICE and adverse environmental impact is "clearly indicated," that "robust evidence" suggests that the environment is being degraded by SLICE, and so forth, resulting in the conclusion that "SLICE is likely to be phased out in 2018" unless some "new and compelling evidence" emerges in the next two years.

Earlier this month the Sunday Herald reported:

> The Scottish Creel Fishermen's Federation has labelled pollution from fish farms as "the biggest darkness on our doorstep". The federation's national coordinator, Alistair Sinclair, accused the government of "playing fast and loose with the marine environment".

The documents disclosed by SEPA also expose how the salmon farming industry have been overdosing on the use of Slice for years. In October 2015, SEPA's Andy Rosie wrote to SEPA colleagues citing "the reckless departure from the manufacturer's specifications we have seen over several years now" and referring to "those who have been using it irresponsibly".

"Present patterns of administration of Slice at many Scottish marine fish farm sites have departed markedly from the manufacturers label instructions resulting in significant increases in both the dose applied and the length of the dosage periods, and also the frequency of individual treatments," wrote SEPA in December 2015 in a letter to salmon farming companies. "For Slice, in addition to repetitive use, we are observing routine heavy overdosing and treatments extended well beyond the standard seven days. So far for 2015 we have seen approximately 270 reported treatment, with almost 90 of these being more than seven days duration."

An internal briefing paper to SEPA's Aquaculture Strategic Management Group (undated but certainly written before August 2016) included: "The original vision for Slice was that it would be used once or twice per year but currently the reality is that it is used in many sites 5-7 times per year.....in almost all cases, higher than standard dose rates are being used, sometimes up to 11 times the dose rate".

"Resistance in sea lice to the available actives is not freely admitted by the sector but it is evident from patterns of medicine use," continued the SEPA internal briefing paper. "Operators typically declare the use of various products on multiple occasions during each two year cycle, the use of 20 of more treatments is not unusual with each active ingredient being used 5 or more times."

Data shared by SEPA with the Veterinary Medicines Directorate in March 2016 detailed "some of the heavier use sites" - including farms operated by Marine Harvest (MHS), Loch Duart (LDL), Kames and the Scottish Salmon Company (TSSC):

Here is the data from the last three cycles for some of the heavier use sites by active, by "cycle" A growth cycle is generally two years, say 20-24 months so for these data, we have combined two years worth of treatments to give the data per cycle As it says in the table, Cycle 3 is the most recent The abbreviations fore the actives are of course:

ema = emamectine benzoate
tfbz = teflubenzuron
aza = azamethiphos
cyp = cypermethrin
delt = deltamethrin

The data were compiled as at the end of November 2015

Table 1: No of Treatments by active on heavy use sites by growth cycle, Cycle 3 is most recent

			cycle 1					cycle 2					cycle 3				
Code	Site Name	Company	ema	tfbz	aza	cyp	delt	ema	tfbz	aza	cyp	delt	ema	tfbz	aza	cyp	delt
CAL1	Camas an Leim (Torridon)	MHS	4		4		7	7				5	6		8		9
CAIR1	Cairidh	MHS	5		6		11	7		6		6	6				1
ARDT1	Ardintoul	MHS	2		2		5	8		1		9	6				
DUI1	Duich	MHS	1		4		7	8		3		8	6				
BALM1	Sconser	MHS	3	1	5		5	6		2		7	8				1
EAM1	Eilean a Mhadaidh (Laxford 2)	LDL	2		4		2	2		4		9	1		6		3
MAOB1	Maol Ban	MHS	5		6		10	8		2		5	6				2
SOAY1	Soay Sound	MHS	3				2	2		2		2	5		8		6
ARD1	Eilean Ard (Laxford 3)	LDL	3		5		3	2		2		7	1		6		3
FFMC33	Shuna Castle Bay	Kames	5		1		6	4		5		8	2				4
GOUS1	Gousam	TSSC	5				5	6		6		5	3				

The prospect of an end to the salmon farming industry's toxic war on sea lice is sadly remote. "As we know, if we want to move this industry towards a more sustainable production model, it'll take time to "ween" them off chemicals (and to prevent access to the more toxic, persistent bio accumulative compounds presently being researched)," wrote SEPA's Andy Rosie in an internal email in August 2016.

A briefing for the Cabinet Secretary for the Environment, Climate Change and Land Reform (Roseanna Cunningham) dated August 2016 stated: "A new in-feed treatment is being trialled elsewhere, although SEPA does have concerns about its impact and is wary of allowing a trial in Scotland".

"Additionally there are a number of other chemicals in development at various stages (including imminent field trials that SEPA input in to," stated an internal SEPA briefing paper in September 2015.

Earlier this month (11 June 2017), GAAIA filed a FOI request with the VMD for details of any new sea lice chemicals for use in salmon farming in Scotland - including a neonicotinoid-based in-feed sea louse treatment; a "ground-breaking" sea lice treatment due to be launched by Benchmark in the coming months and Elanco's lufenuron-based treatment Imvixa **[3]**.

GAAIA also filed a FOI request (13 June 2017) with SEPA for further details on events in August 2016 surrounding the Chief Executive's apparent unilateral decision not to issue a press statement banning Slice **[4]**.

Read more background via:
Sunday Herald: "Scottish government accused of colluding with drug giant over pesticides scandal"
Sunday Herald: "Toxic pesticide ban scrapped after fish farm industry pressure"
Press Release: "Scottish Salmon Overdoses on Toxic Chemical"
Daily Mail: "The toxic chemicals in farmed salmon straight from the loch"

Press Release: "Damning Report on Toxic Salmon Farms Buried - SEPA finally acts on lobster-killing chemical"
"Crackdown on fish farm pesticides after Sunday Herald investigation"
Press Release: "Toxic Toilets: Salmon Farms Pollute Scotland's Lochs"
Front Page of Sunday Herald: "Revealed: Scandal of 45 Lochs Trashed by Pollution"
The Sunday Times: "Salmon industry toxins soar by 1000 per cent"
"Press Release: Scottish Salmon's Lethal Legacy - Ten-fold Increase in Toxic Chemical Use in Ten Years"

Contact:

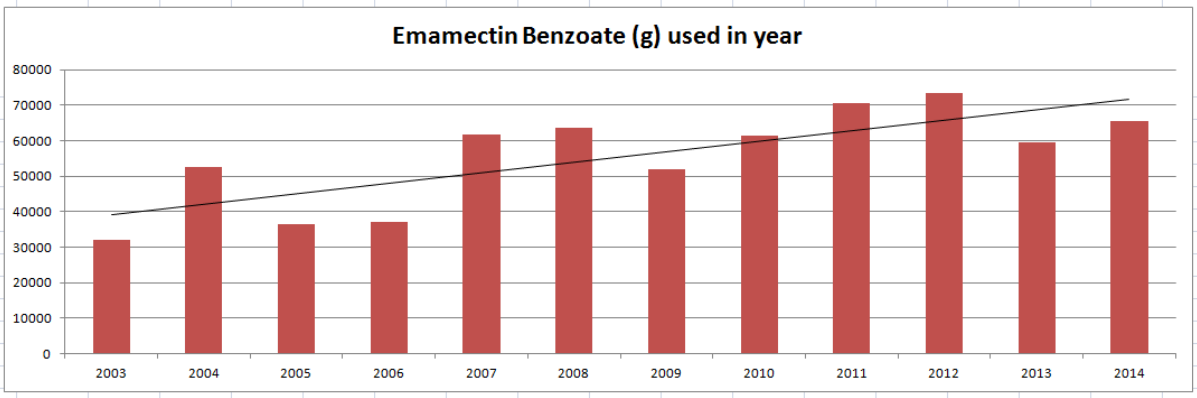
Don Staniford: 07771 541826 (dstaniford@gaaia.org)

Notes to Editors:

[1] Documents disclosed by SEPA via FOI on 9 June 2017 detail how:

- In December 2015, SEPA notified all salmon farming companies of proposed changes to the use of Slice (Emamectin benzoate). "Present patterns of administration of Slice at many Scottish marine fish farm sites have departed markedly from the manufacturers label instructions resulting in significant increases in both the dose applied and the length of the dosage periods, and also the frequency of individual treatments," wrote SEPA. "For Slice, in addition to repetitive use, we are observing routine heavy overdosing and treatments extended well beyond the standard seven days. So far for 2015 we have seen approximately 270 reported treatment, with almost 90 of these being more than seven days duration."

- Data presented by SEPA to the salmon farming industry and to the chemical giant Merck Sharp & Dohme (MSD) as manufacturer of Slice (Emamectin benzoate) detailed increasing use:



Read more details on the increased use of Slice (Emamectin benzoate) via:
The Sunday Times: "Salmon industry toxins soar by 1000 per cent"
"Press Release: Scottish Salmon's Lethal Legacy - Ten-fold Increase in Toxic Chemical Use in Ten Years"

- In January 2016, SEPA detailed "a plethora of positive/exceedance values which might be fruitful locations for a Shuna Sound/Loch Shell type study - specifically Linnhe and Sunart".

Sites that stand out are:-

ARDG1	Ardgour (Linnhe)
CAG1	Camus Glas
DUI1	Duich
FFMC04N	Port na Moine Site 2 (North)
GCD1	Glencripesdale
GORS1	Gorsten
LAXV2	Laxfirth voe East (Site 2)
SHNEM1	Mid Loch Shell / Pairc - West (A & B cage groups)
SHNEM2	Mid Loch Shell / Pairc - East (C & D cage groups)

Lochs Linnhe, Sunart and Shell could be areas of concern.

- In January 2016, SEPA wrote to Marine Harvest regarding overdosing of Slice citing their operation in Loch Shell on the Isle of Harris in particular:

As discussed, attached is the Slice use data we referred to at our meeting with MSD.

I thought it might also be of use to provide you with one example of the treatment strategies that we are seeing and which are contributing to the concerns that we expressed again today, this example is a MH site in Loch Shell and hasn't been updated since September, though I understand that a further 4 bath treatments have taken place since then, so 14 treatments in the calendar year. I'm advised that this is fairly typical of East Coast of Lewis sites in required frequencies.

You will note that there are a couple of Slice treatments well above the dose rates that were being discussed today, presumably these have not been under Dave's direct surveillance, including the first one at 285%. Again, I'm advised that dose rates of 200% plus are not uncommon.

Date	Biomass (T)	EmBe (g)	Dosing rate	AMX (g)
8 January 2015	139	109.2	285%	
23 Feb 2015	317	132.6	119%	
30 Mar 2015	400	168	120%	
17 Apr 2015				37.5
4 May 2015	670	458	195%	
3 Jun 2015				37.5
2 Jul 2015	491	187	108%	
27 Jul 2015				50
20 Aug 2015	693	291.2	120%	
16 Sep 2015 (proposed)	1000	420.0	120%	

For more background on chemical contamination of sediments please read:
Front Page of Sunday Herald: "Revealed: Scandal of 45 Lochs Trashed by Pollution"
Revealed: the dirty dozen salmon farms that contaminate lochs with pesticides
Revealed: the toxic pesticides that pollute our lochs

The latter article includes:

- In September 2015, the Veterinary Medicines Directorate (VMD) "received an environmental adverse event report from Intervet UK Ltd, the marketing authorisation holder for Slice" [Intervet UK Ltd is Merck Sharp Dohme].

- In September 2015, an internal briefing for SEPA staff marked 'Confidential' included:

4] There have been anecdotal reports to SEPA of a serious impact on commercial crustacean fisheries in sea areas, including whole sea-lochs, on a number of occasions in recent years and SEPA had these in mind, as well as a regular requirement to review the original PAMP study when putting a proposal forward to SARF to refresh the PAMP.

5] In 2014/2015 SARF carried out a refreshed PAMP study utilising the longer term sampling data (both operator submitted and SEPA data) that SEPA now holds. The results of that study indicate that use of EMB is having a notable effect on crustacean in the wider benthic environment and beyond that which was anticipated when setting our approach to its authorisation.

NOW WHAT? (e.g. What does that mean? How can the situation be interpreted?)

5] The report identifies that there is a significant reduction in the diversity and richness of crustacean at reference stations associated with sites where EMB has been administered compared to those where it has not been used. Headline figures are an average 3 fold decrease where larger amounts of EMB have been used and a 2 fold decrease where lesser amounts have been used, effects are noticeable even at the sites with the least reported use.

6] This report will be published within the next 2 months and is likely to be picked up by the media and to result in significant adverse publicity for the fish farming industry and a risk of criticism of SEPA's regulatory approach.

7] The conclusions of the report show that the continued use of EMB as is currently authorised by SEPA is untenable. An options appraisal will be drawn up for consideration by Aquaculture Strategic Management Group (ASMG) within the next month to outline possible options going forward for the continued use of EMB. The report also questions the suitability of our current methodology for deriving a suitable EQS for any sea lice chemical.

8] This report could also question the robustness and the means by which we have applied the SEPA developed EQS's when authorising this and other medicines currently authorised to treat sea lice. Additionally there are a number of other chemicals in development at various stages (including imminent field trials that SEPA input in to).

And:

12] Given its prolific use and central position in most fish farms strategy for managing sea-louse infestations and the fact that SEPA recently withdrew Policy 29 for authorisation of the only other in-feed sea louse treatment (Calicide), any restriction/removal of EMB will cause significant concern within the Aquaculture industry. We will need to engage with Industry on any revisions to our approach to licensing EMB.

13] It is likely that there will be media interest in the report and that this may be critical of SEPA's regulatory approach to date as regards the use of in-feed medicines in particular. A communications plan is being drawn up to manage this.

14] Given that the report relies entirely upon data held by SEPA it is likely that SEPA will be criticised for not identifying this effect at an earlier point in time, the reasons why this is the case will need to be considered and action taken as appropriate to ensure that we are better placed in future to do so.

- In October 2015, SEPA wrote to the VMD (in an email marked 'Confidential') summarising "some of the issues that have come to SEPA's attention regarding sea lice treatments" including:

Repeat treatments
I've attached a spreadsheet which shows the number of treatments carried out at sites over a cycle (2012 + 13 and 2013 + 14) and then shows the breakdown per year. The final column ranks the sites based on the number of treatments carried out. I've also attached below two graphics showing biomass and treatment data for individual sites which I thought might be useful. The first graph is for the number 1 ranked site and the second is for the number 9 ranked site on the "Number of treatments" spreadsheet.

In addition to increased treatment frequencies, we have seen an increase in the dosage of Slice, for example 436.8g of emamectin benzoate (218.4 kg of Slice) was used to treat 367 tonnes of fish which is a dosage of 340%. Because of the low biomass on site at the time of treatment this treatment did not breach licence conditions.

- In October 2015, SEPA's Andy Rosie wrote to SEPA colleagues citing "the reckless departure from the manufacturer's specifications we have seen over several years now" and referring to "those who have been using it irresponsibly":

Alan's work in Shuna Sound indicates our modelling appears to have underestimated the mobility of Embz residues, the Embz footprint is I think wider than predicted and may well be reaching reference sites (which are about 500m out on average). Our present risk assessment in terms of degree and extent of dispersion is therefore flawed.
The L. Seaforth and Shell data suggests these impacts may be most severe for small, sediment dwelling crustaceans, and may not be so significant to commercially important species, however, I am clear that we need to take action, the question for me is what is proportionate.

I agree with Douglas's view that the PAMP study is essentially a bit of a side-show, and on reflection, I'd prefer to justify our paper to AMT more fundamentally on our concerns about the reckless departure from the manufacturer's specifications we have seen over several years now. I'd propose we make only a passing reference to the draft PAMP report which may indicate early warning of subtle but concerning impacts may become apparent when we receive the final report.
I am therefore erring towards, a suspension "meantime" following harvesting, with sites permitted to grow out what they have in the sea, final treatments permitted only in line with manufacturers label instructions, a maximum of two treatments.
The usage data indicates there may still be reasonable efficacy at sites where frequency has been in line with label instructions (although I take the point about exceeding dosage). Those who have been using it irresponsibly will not be able to get an efficacious treatment from this approach.

- In October 2015, SEPA's Dr. Hazel Macleod wrote in an email to SEPA colleagues: "We are duty bound to make a decision based on the impact on the environment and not the consequences for industry.....As naive as this may sound, I would have hoped that we would be able to reach a conclusion based on our remit and present this to SG [Scottish Government] at which point they can choose to overrule our decision based on the impact on the sector etc. This certainly seemed to be the view at ASMG [Aquaculture Strategic Management Group]."

Dr. Macleod continued:

From an industry point of view I understand that this has the potential to impact the sector however the evidence that we have (repeat treatments and overdosing) suggests seriously reduced efficacy of Slice as a sea lice treatment (Loch Shell for example which has had 7 Slice treatments during the first half of the cycle) and a suspension may actually lead the sector down the road to innovation which would be preferable to the current approach of increasing the number, frequency, dosage and duration of treatments. Not only that but the sector relies heavily on their environmental credentials which may be questioned if they choose to continue to use Slice without investigating this properly. At the very least the way in which Slice is used now compared to the way it was authorised is a cause of concern and I am sure that this would have lead us to some challenging conclusions even without the publication of the PAMP report. For example the existing EQS is based on an AA but the repeated treatments reported to us suggest that it should be based on a MAC which would reduce the EQS by a factory of 10 or perhaps even 100 which would automatically mean that the values reported by operators are exceedances of EQS and would require us to take action.

So my view is that we should suspend the use of Slice. The suspension notice will not come into force for 28 days which will give MERK and or industry time to produce any evidence that they have that Slice is safe to use. The 28 day period would also keep pressure on all involved to progress this in a timely manner.

- In October 2015, the Scottish Aquaculture Research Forum (SARF) wrote to SEPA expressing concern "about the tenor" of SEPA's discussions with Merck:

I am writing to you on behalf of the Board of Trustees of the Scottish Aquaculture Research Forum, SARF, in connection with project SARF098.

We have been made aware of your discussions with the holders of the Marketing Authorisation for the product that has been the main focus of this project. The Board wishes to express its concerns about the tenor of these discussions, bearing in mind that the SARF098 suite of projects are not yet complete, that none of the draft documents generated by the work have yet been fully peer-reviewed, and that none of the draft documents have been approved for publication by the Board. SARF's rules on this are very clear - draft papers arising from SARF sponsored work should not be used for any purpose until the process has gone to completion..

With this in mind, the Board wishes me to seek your assurances that you will await the full approval and publication of the SARF098 Final Report before taking any further action.

We have provided the contractor with supplementary information recently made available to us on the analyses they have carried out and we are in discussion with them about possible dates for another Steering Group meeting, probably in November.

We anticipate you will respond positively to this request, and assure you that we will do our utmost to ensure that a Final Report for the SARF098 suite of projects becomes available as soon as possible.

- In October 2015, SEPA's Andy Rosie wrote to SEPA colleagues:

We need to be very happy our approach is proportionate and justified, we all know just how important this one is from a reputation standpoint (from both angles). Its a crucial time for us for many reasons which I'll not go into here.

- In October 2015, Merck wrote to SARF in a letter marked 'Confidential':

MSD takes its environmental responsibility very seriously and we are committed to supporting all SARF stakeholders in an effort to quantify and understand any potential long-term impacts of Slice® (emamectin benzoate) use. We would therefore welcome the chance to meet with SARF at your earliest convenience to discuss how MSD can support the establishment of prospective,

well-controlled studies that are designed to gain answers to the questions that have been raised by the SAMS assessment.

- An undated SARF document detailed the following 'Confidentiality Agreement':

CONFIDENTIALITY AGREEMENT

Parties:

The Scottish Aquaculture Research Forum (SARF),
SARF, PO Box 7223, Pitlochry, Perthshire PH16 9AF, Scotland ("the Administrator"), and

The Recipient

Operative provisions:

In consideration of the disclosure to it by the Administrator of information (whether or not contained in documents) relating to **any SARF project** ("the Information") for the purposes of evaluation ("the Purpose") the Recipient undertakes that it will respect and preserve the confidentiality of the Information and accordingly for a period of five years after the date of such disclosure it will not without the express prior written consent of the Administrator:

1.1 communicate or otherwise make available the Information to any third party (other than an employee of the Recipient who requires the Information in connection with his employment and then only if the employee is bound by conditions of confidentiality no less strict than those set out in this Agreement which conditions Recipient hereby agrees to enforce at the request of the Administrator);
1.2 use the Information for any investigation, research, development or manufacture, other than so far as any such activity is essential for the purpose.

The above obligations shall not apply or shall cease to apply to such of the Information as the Recipient can show to the reasonable satisfaction of the Administrator:

2.1 has become public knowledge other than through the default of the Recipient;
2.2 was already know to Recipient prior to disclosure by the Administrator;
2.3 has been received from a third party who did not acquire it in confidence from the Administrator or from someone owing a duty of confidence to the Administrator.

The above obligations shall also apply to any sample or article incorporating or derived from the Information and whether or not provided by the Administrator ("Samples").

The Recipient shall, at any time and if so requested by the Administrator, return to the Administrator (or if the Administrator so requests, destroy or erase) all Samples and all documents recording the Information or any of it or anything derived from the Information and whether or not provided by the Administrator.

PLEASE NOTE – AS THE RECIPIENT, BY ACCEPTING THE TASK OF REFEREEING SARF PROPOSAL(S) or/and REPORT(S) YOU ARE UNDERTAKING TO ABIDE BY THE PROVISIONS OF THIS CONFIDENTIALITY AGREEMENT.

- In October 2015, SEPA's Stuart Baird wrote to SEPA colleagues:

> As discussed earlier we met with MSD earlier and the paper needs to be updated to reflect that this has happened. They do not intend to withdraw slice from the market at this stage though it remains to be seen what they will come back with now that they are aware of our intentions.

- An internal briefing paper to SEPA's Aquaculture Strategic Management Group (undated but certainly written before August 2016) included:

"The original vision for Slice was that it would be used once or twice per year but currently the reality is that it is used in many sites 5-7 times per year.....in almost all cases, higher than standard dose rates are being used, sometimes up to 11 times the dose rate".

The briefing paper also included:

SEPA's regulatory approach to fish farming has been viewed favourably on a global scale and like this approach, the report and its conclusions will also be viewed at the global scale and may therefore have a significant impact on the regulatory position in other countries. The seniority of the response from MERCK, having viewed the report through SARF agreement, suggests that the report is potentially very damaging to MERCK both financially and to its reputation. Likewise, SEPA's reputation as a regulator is challenged by our response to the report.

The arena in which these products are deployed has however changed, resistance in sea lice to the available actives is not freely admitted by the sector but is evident from patterns of medicine use. Operators typically declare the use of various products on multiple occasions during each two year growth cycle, the use of 20 or more

treatments is not unusual with each active ingredient being used 5 or more times.

SEPA also pointed out:

the sea louse populations appear to
have developed resistance to all of the actives available to fish farm operators. Control of sea louse infestations is difficult to achieve and in some cases seems to involve almost continual use of Slice and other products through the growth cycle, particularly in the summer months when water temperatures and louse reproduction rates are high. Against that background it is difficult to see how SEPA could enforce a restriction on repetitive use, in practical terms it would be unenforceable. Proving that residue levels at a site had arisen from a single legitimate treatment rather than more than one such treatment would be very difficult and as SARF098 has demonstrated, the environmental consequences of even single treatments may well be substantial.

Thus we come to the option of withdrawing the product from use in Scotland, either voluntarily or enforced. For the reasons discussed above, it seems that this is the only practical means of securing the ongoing health of crustacean populations in Scottish coastal waters. It is pragmatic rather than scientific but given the likely difficulties of securing a scientific solution, and the likely implications of the ongoing use of the medicine, the pragmatic approach seems the most sensible. Should we secure the withdrawal of the product from use in Scotland then the occurrence of residues at fish farm sites will be clearly due to illegal use and a simpler matter in terms of enforcement than the scenario described in the paragraph above. It also follows the precedent set in terms of Calicide although the evidence in this case is actually more damning as we have a situation where the use and discharge of a chemical has led to widespread impact upon a substantial and important part of the marine benthos.

If SEPA proposes to seek to stop the use and release of Slice, we may be subject to pressure from either the manufacturer, the industry or both to either delay or adopt another approach – perhaps one of the other options outlined above. Having said that it seems that there has been an awareness of the wider environmental impact of its use amongst the producer and some in the Industry from work undertaken elsewhere in the world. Industry representatives seem almost resigned to the loss of the product and not to be surprised at the report conclusions. It may however be argued that the loss of crustacean diversity is an acceptable cost given the benefits arising from the farming of salmon. This is not an argument that should be accepted or endorsed by SEPA as that would essentially represent a "political" decision and SEPA should not find itself in a place where we are judging between the benefits of the sector and widespread far field effects on an entire phylum of the benthos.

In addition to the concerns over the use, and over-use of Slice, the current patterns of use of the other authorised medicines should be a matter of some disquiet to SEPA.

Moreover, the briefing paper recommended:

5 Recommendations

i) In light of the imminent publication of the SARF098 report it is recommended that SEPA put in train a process to withdraw the use and discharge of Slice at fish farm premises in Scotland;

ii) It is recommended that this be achieved by means of a review of all fish farm licences to delete conditions relating to Slice;

- In January 2016, a letter from Marine Harvest to SEPA included:

MH response to SEPA consultation on changes to regulation of Slice usage 16/01/16

Dear Andy Rosie

Thank you for the opportunity to discuss the proposed changes and the reasoning behind them, both directly with us and as part of the SSPO teleconference last week.

We recognize that you have identified concerning levels and effects of emamectin in some of the ongoing monitoring samples and would of course work very closely with SEPA in investigating these further, reducing the use of Slice generally and restricting and or completely ceasing the use of Slice on sites of concern.

As set out in Ben Hadfield's email to you on the 7th January 2016:

1. SEPA's first official correspondence of proposed reduction in consents was on or around the 18th of December 2015. We draw your attention to the fact that salmon farming has a 3-year growth cycle and that the loss of a vital and licensed medicine at such short notice will adversely affect the Industries ability to control a naturally occurring parasite and potentially impact animal welfare. The socio-economic impacts could be significant and, quite simply it is not possible for the Industry to adjust in such short timescales.

- In February 2016, an internal SEPA paper included:

SCOTTISH ENVIRONMENT PROTECTION AGENCY
Agency Management Team

Proposed Withdrawal of Permission to release Residues of the Sea Louse Medicine "Slice" from Scottish Marine Cage Fish Farms

1. Synopsis

1.1 This paper contains a recommendation from SEPA's Aquaculture Strategic Management Group (ASMG) to change SEPA's regulatory approach applying to the use of the "in-feed" sea louse medicine Slice (containing the active ingredient emamectin benzoate) at Scotland's marine cage fish farms (MCFF). The proposed change takes account of the changing use of this medicine, with many operators departing significantly from the maximum usage suggested in the manufacturer's label instructions, the patterns of use anticipated when SEPA developed its regulatory standards and good husbandry practice, both in terms of increasing dosage and in the frequency of treatments.

1.2 Investigations carried out by SEPA in Shuna Sound have also indicated that residues of Slice may be more mobile than originally thought, posing a risk that areas of accretion remote from fish farm sites may be at risk from toxic accumulations.

1.3 There is also evidence of subtle but more significant and widespread environmental impacts from the use of the product than originally predicted, according to research, sponsored by the Scottish Aquaculture Research Forum.

1.4 The matter needs to be considered as a matter of priority as the evidence casts some doubt that SEPA's regulatory approach remains sufficient to prevent environmental harm occurring in the marine environment with possible future consequences for Scotland's crustacean shellfish sector if action is not taken. In view of the significance of this decision, the ASMG seeks sign-off from SEPA's Senior Management level.

2. Risks

2.1 SEPA authorises the discharge of medicine residues to the environment from marine cage fish farms (MCFFs), and there are reputational risks if we do not act on research findings indicating our regulatory regime is not adequate to provide full protection of the environment.

2.2 There are also reputational risks in removing a medicine previously relied upon by one of Scotland's most important industries. Use of sea louse medicines play a part in reducing the risk of cross-infection from farmed to wild fish stocks and also helps to maintain the health and welfare of farmed stock. The issue needs to be carefully considered in line with SEPA's statutory purpose, and SEPA's decision and subsequent actions carefully explained to all interested parties.

2.3 The risks have been fully explored by SEPA's Aquaculture Strategic Management Group (ASMG).

The SEPA paper concluded:

7.	**Recommendations**
7.1	The AMT is asked to **note** the ASMG's assessment of the present problems with the authorisation of the use and discharge of the sea louse medicine Slice residues.
7.2	The AMT is asked to **note** that an early meeting with representatives of the Salmon Farming sector has taken place by teleconference to advise them of SEPA's concerns and listen to their views.
7.3	The AMT is asked to **note** that Aquaculture Specialists are keeping Marine Scotland colleagues appraised of the situation to ensure we can fulfil Scotland's obligations regarding our agreement with Canada, Chile, and Norway in due course.
7.4	The AMT is asked to **approve** appropriate regulatory action to effect a managed phase out of the use and discharge of Slice on Scotland's MCFFs. a. It is considered that the most effective method would be to work with the VMD to effect a modification of fish vets prescription of Slice back to the maximum dose rates and frequencies set out in the manufacturer's dosage instructions; b. SEPA will increase its level of oversight of the use of Slice by imposing, through licence variation, a requirement for all treatments to be checked and authorised by SEPA until such time as the withdrawal takes effect; c. At the same time SEPA will set a date for the complete suspension of the relevant CAR licence conditions to prevent use of Slice at all fish farms in Scotland (at present we recommend a target of 2 years to achieve this phase-out, (in any event it should not exceed 3 years);
7.5	The AMT is asked to **agree** that a media strategy be developed to provide appropriate interventions explaining SEPA's decision and actions in readiness for the publication of the SARF098 final report.

Andrew J Rosie, Head of Operations: North, Chair ASMG
Douglas Sinclair, Lead Aquaculture Specialist
Calum MacDonald, Executive Director, (Operations Portfolio)

12 February 2016

A longer version of the paper included:

3. Changing Use of Slice

3.1 Over the last 2-3 years SEPA has witnessed a significant change in the use of Slice; increases in the dosage, in terms of concentration in the feed, length of treatment period, and frequency of separate treatments. The result is a significant change in the pattern of release from fish farm cages compared to that predicted by SEPA's risk assessment when the medicine was first authorised which was based on the recommended dose and treatment regime established by the manufacturers. Although the manufacturer's instructions permit multiple treatments, the current frequency of use was not envisaged.

3.2 Slice has been the mainstay of the Scottish Salmon industry for the last 10 to 15 years, however, an over-reliance on this medicine, and departure from manufacturer's treatment instructions as detailed above has apparently led to the development of drug-resistance in sea lice infecting farmed salmon, and it may now be approaching the end of its useful life as an effective medicine.

4. Emerging Research Findings and Residue Levels

4.1 SEPA's Marine Scientists have been studying tidal dispersion patterns in Shuna Sound, Argyll using a hydrographic model. The study highlighted that residues of Slice are significantly more mobile than previously thought, migrating and accumulating in areas of sedimentation remote from the fish farms in the sound. Of particular note, residues were found to be present 18-24 months after the last reported treatment had been completed.

And:

5.6 Slice has been the medicine of choice for all salmon-farming nations around the world and in 2015 Scotland's Minister for Environment signed an agreement with her counterparts in Canada, Chile, and Norway to cooperate in promoting the growth of sustainable aquaculture. It is possible, faced with the prospect of adverse publicity arising from the changing use of the product, and the likely publication of the PAMP study report, that MSD Animal Health may choose to withdraw Slice from sale. While that is entirely a matter for them, the impact of such a decision may be limited to the Scottish market or may impact on an international scale. The ASMG consider it appropriate to share, via our Marine Scotland colleagues, details of the PAMP study to alert the relevant agencies in each of the "partner" countries.

6. Proposed Way Forward

6.1 The new evidence poses sufficient challenge to SEPA's understanding of the fate and behaviour of Slice residues to render SEPA's reliance on the present regulatory regime unsafe.

6.2 Taking account all the factors, including the importance of this medicine to the Scottish Fish Farm sector and its role in reducing risk of sea lice cross-infection of wild fish stocks, ASMG recommend that action is taken to restrict use of Slice that deviates significantly from the manufacturer's instructions as a matter of priority, and to impose a withdrawal of Slice to safeguard the wider environment and commercially important species such as prawns, crabs and lobsters while any proposal by its manufacturers to reinstate treatments is carefully considered.

- In March 2016, an email from SEPA to the VMD included:

From: Sinclair, Douglas [mailto:douglas.sinclair@sepa.org.uk]
Sent: 03 March 2016 16:10
To:
Cc: Eckford, Suzanne
Subject: RE: Brief agenda

Hi and Suzanne

Here is the data from the last three cycles for some of the heavier use sites by active, by "cycle" A growth cycle is generally two years, say 20-24 months so for these data, we have combined two years worth of treatments to give the data per cycle As it says in the table, Cycle 3 is the most recent The abbreviations fore the actives are of course:

ema = emamectine benzoate
tfbz = teflubenzuron
aza = azamethiphos
cyp = cypermethrin
delt = deltamethrin

The data were compiled as at the end of November 2015

Table 1: No of Treatments by active on heavy use sites by growth cycle, Cycle 3 is most recent

			cycle 1					cycle 2					cycle 3				
Code	Site Name	Company	ema	tfbz	aza	cyp	delt	ema	tfbz	aza	cyp	delt	ema	tfbz	aza	cyp	delt
CAL1	Camas an Leim (Torridon)	MHS	4		4		7	7				5	6		8		9
CAIR1	Cairidh	MHS	5		6		11	7		6		6	6				1
ARDT1	Ardintoul	MHS	2		2		5	8		1		9	6				
DUI1	Duich	MHS	1		4		7	8		3		8	6				
BALM1	Sconser	MHS	3	1	5		5	6		2		7	8				1
EAM1	Eilean a Mhadaidh (Laxford 2)	LDL	2		4		2	2		4		9	1		6		3
MAOB1	Maol Ban	MHS	5		6		10	8		2		5	6				2
SOAY1	Soay Sound	MHS	3				2	2		2		2	5		8		6
ARD1	Eilean Ard (Laxford 3)	LDL	3		5		3	2		2		7	1		6		3
FFMC33	Shuna Castle Bay	Kames	5		1		6	4		5		8	2				4
GOUS1	Gousam	TSSC	5				5	6		6		5	3				

- In April 2016, a SEPA 'Tactical Assessment' marked 'Confidential' included:

Aquaculture Strategic Management Group

Withdrawal of Permission to release Residues of the Sea Louse Medicine "Slice" from Scottish Marine Cage Fish Farms: Tactical Assessment

On the 5th April 2016, AMT endorsed a proposal for a phased withdrawal of permission to release residues of Slice from Marine Cage Fish Farms. This will be a high profile issue and AMT acknowledged the need for ASMG to develop a tactical paper to set out the required steps to take in achieving the withdrawal.

1 External engagement

Discussions to pass on details of SEPA's revised approach to licensing Slice need to be held with a number of external parties, on the whole these interactions will be on the basis of face-to-face meetings:

- Merck Sharp and Dohme (MSD) the owners of the product Slice - we met with MSD last year as the position regarding Slice residues became clearer to explain SEPA's growing discomfort with the product. SEPA needs to seek engagement as soon as possible with MSD, perhaps seeking (with MSD agreement) to make this a quadrilateral with the Veterinary Medicines Directorate (VMD) and Marine Scotland Science (MSS).

- The Scottish Salmon Producers' Organisation (SSPO) - SEPA wrote to the sector late in 2015 and held subsequent meetings to discuss the future of Slice with SSPO and non-SSPO member companies. Following the endorsement of the decision to withdraw, SEPA needs to engage with the sector body. This to serve two purposes: first to inform them of the decision and secondly; to seek to finesse the position and avoid if possible the industry resorting to the appeals process.

- Senior Management of Scotland's major Fish Farm Companies – many companies have written to SEPA following our meetings with SSPO and non-member companies, expressing concern over possible restrictions on use. A standard response will be required to notify them individually of SEPA's proposed approach.

- Scottish Government (SG)/Marine Scotland (MS) – MS are already aware that SEPA are considering a withdrawal however, both MS and SEPA's sponsorship division need to be kept abreast of SEPA's decision to effect this change to our licensing approach.

- The VMD – as discussed above, if MSD are willing to support their engagement, the VMD should be included in a quadrilateral, if this is not possible, separate engagement should be sought with VMD. Discussions have already occurred at a high level with VMD about SEPA's unease with Slice, they are thus aware of the situation, if not the final position SEPA is set to adopt.

- There will be further less pressing engagements that will arise, for example it may be considered to prudent discuss the change with SNH and Local Authorities

2 Communications

The withdrawal of licence conditions permitting the use of the product is likely to attract potentially strong media interest. This will need to be delicately handled and a pro-active strategy to explain SEPA's position including clear press releases, inclusion in the "News" section of the SEPA website and the development of FAQs will be beneficial rather than beginning the process of withdrawal and facing media questions.

The 'Tactical Assessment' concluded:

4 Internal engagement with SEPA staff and deployment of resource to effect the change

SEPA staff dealing with the sector need to be fully briefed on the change in licensing position for Slice and it is a significant task required to change licence conditions to reflect the coming withdrawal of the product.

- Staff briefing – as part of the comms strategy, a briefing for staff, both for their own information and for dealing with enquiries from fish farm operators, should be developed.

- Staff resourcing - there are c350 farms authorised to use Slice though not all of these are active - during 2015 there were c210 sites in production with conditions in their CAR authorisations permitting Slice use. Changing the conditions in all of these licenses will be a challenging task although in the last 1-2 years, SEPA has had to undertake variations to 1-200 licences where changes to medicines have required such variation. If appropriate template conditions are produced the possibility of turning these around in good time is reasonable. The variations should incorporate a new version of the re-treatment spreadsheet for Slice which has been developed by Oceanmod, this may require some input from modelling staff. In addition, the removal of Calicide from licences should be accomplished at the same time.

5 Conclusion

ASMG are asked to note and agree the above and provide support as required to assist in completing the withdrawal of Slice from CAR Authorisations for Marine Cage Fish Farms in Scotland.

Douglas Sinclair
12 April 2016

- In July 2016, SEPA met with Merck:

From: Sinclair, Douglas
To: Best, Jennifer; Wilson, Mhairi; Bhatti, Naveed; Baird, Stuart
Subject: Merck Slice Project
Date: 18 August 2016 11:27:40

Hi folks

In july, Jen, Stuart and I met with Merck, who own Slice, to discuss the future of the product and what they might seek to do in order to address the concerns raised in SARF 098. We were fairly dubious whether there was an easy short-term piece of work that could prove or disprove the association that is demonstrated in SARF098 but they were in discussions with SAMS and said they would come back to us to let us see what they were proposing and welcoming our input.

We have the proposal now, attached, and I'd be keen to garner views on the proposed work and in due course seek to sit down with them again to discuss. Can you let me know what you think of the proposed work set out in the paper? I'll also start to look for dates for a discussion with the company.

- On 8 August 2016, Merck's Chris Beattie (Head, Global Aquaculture Business Unit) emailed SEPA (following SEPA's request for comments on a draft article/press statement) - including:

> Because of these and other flaws, we began a dialogue with SARF, SEPA, academia and industry that led to the design of a prospective, well-controlled study that is about to launch after extensive preparation work. Benchmark sampling for this study has already taken place and we expect the full study to take up to 2 years with a total cost of close to $1m. The protocols (confidential please) for the two studies are attached. Given the flaws inherent in the SARF-commissioned research, we believe it makes eminent sense to allow this study to run its course before using definitive language to draw any conclusions about the effects of SLICE on the environment. In contrast, the draft statement erroneously cites "new evidence" to suggest that an association between SLICE and adverse environmental impact is "clearly indicated," that "robust evidence" suggests that the environment is being degraded by SLICE, and so forth, resulting in the conclusion that "SLICE is likely to be phased out in 2018" unless some "new and compelling evidence" emerges in the next two years.

And:

In short, based on the studies referenced in your document, any evidence still appears fragmentary at best making any public discussion on regulation or removal seem premature and likely to cause unnecessary media attention, a loss of scientific credibility, undue criticism of all parties involved and ultimately damage to the Scottish Fish Farming industry.

As referenced in our previous discussions, Merck takes its environmental responsibilities very seriously and that is why we have worked with the Scottish Association of Marine Sciences (SAMS SRSL) to establish a forward-looking prospective study as follows:

- A detailed Active Transport Study tracking Slice use and fate on three individual farm sites.
- To complement the Active Transport Study, SRSL will conduct a Passive Field Monitoring study. The objective will be to determine whether there is a widespread effect on the crustacean infaunal community by EMB use at a waterbody scale as has been hypothesized by the SARF study.

- All sediment samples will be independently analyzed by a third-party laboratory.

To summarize, there is much work still to be done here, and until that work is done responsibly, we respectfully submit it is premature at best to make the type of inflammatory and misleading statements that appear in the draft statement. Since first learning of the draft conclusions of the SARF report, we have striven to work proactively with all stakeholders to progress the discussion in an objective and scientific manner. We will continue to do so, and we will continue to keep SEPA informed of the progress we are making, including all relevant developments in the prospective study.

Best regards

Chris

Chris Beattie
Head, Global Aquaculture Business Unit

M
T: (+1) 973-937-5546

www.merck-animal-health.com

- On 9 August 2016, a Scottish Government email to the Cabinet Secretary for the Environment, Climate Change and Land Reform (Roseanna Cunningham) suggested an urgent phone conversation with SEPA's Chief Executive Terry A'Hearn following "serious concerns" raised by the Scottish Salmon Producers Organisation (SSPO):

From: Smith K (Kate)
Sent: 09 August 2016 13:56
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Mitchell A (Alastair); Higgins K (Kate); Miller D (David); Director of Marine Scotland Mailbox; Cowan WJ (Willie); Ritchie N (Neil); Haddon P (Paul); Barber J (Jill)
Subject: Scott Landsburgh SSPO

PS/ Cabinet Secretary for the Environment, Climate Change and Land Reform

Scottish Salmon Producers Organisation – concerns relating to SEPA press release about potential sea lice treatment (Slice) withdrawal following SARF report

<< File: SLICE story - 5 Aug 2016.docx >> << Message: FW: Original Call for Proposals SARF098 >>

Serious concerns have been raised today by the Scottish Salmon Producers Organisation (SSPO) in relation to a draft SEPA statement in response to the publication (tomorrow Wed 10th August) of a SARF report (SARF098) which suggests that there are detrimental impacts on the environment from the use of a sea lice chemical treatment – Slice.

The draft SEPA statement is attached and provides further information. The original call for proposals by SARF for the SARF 098 project is also attached.

There has been engagement following the initial conclusions of the SARF report between SEPA and industry and concerns over the long term use of Slice have been raised. The industry are however, now particularly concerned about the line which states;

We have informed fish farm operators of SEPA's position that, unless we see new and compelling evidence to support continued use, the ability to use Slice is likely to be phased out in 2018.

Scott Landsburgh (CEO of the Scottish Salmon Producers Organisation) has contacted Terry A'Hearn, Chief Executive of SEPA, requesting an urgent conversation. He would also like to bring this to the attention of the Cabinet Secretary urgently.

We would advise that the Cabinet Secretary discuss this issue further with Terry A'Hearn regarding handling and prior to any conversation with Mr Landsburgh, as this relates directly to SEPA activities and particularly to the proposed press release which the SSPO would like to see amended before its release (due tomorrow).

Contact details for Terry A'Hearn are 01786 457701 or Terry.A'Hearn@sepa.org.uk

Happy to discuss further if required.

Regards,
Kate

KATE SMITH
Aquaculture Health and Welfare
Marine Scotland – Performance, Aquaculture and Recreational Fisheries
Tel: +44 (0)131 244 6162
E-mail: kate.smith@scotland.gsi.gov.uk
Web: http://www.scotland.gov.uk/marinescotland
Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ

- On 10 August 2016, the Scottish Government reported in an internal email that "following our discussions last night and his [SEPA's Chief Executive Terry A'Hearn] subsequent reflection has been that SEPA will not issue an article":

From: Ritchie N (Neil)
Sent: 10 August 2016 12:28

To: Cabinet Secretary for the Environment, Climate Change and Land Reform; Smith K (Kate)
Cc: Mitchell A (Alastair); Higgins K (Kate); Miller D (David); Director of Marine Scotland Mailbox; Cowan WJ (Willie); Haddon P (Paul); Barber J (Jill); Burgess WG (George)
Subject: RE: URGENT: Scott Landsburgh SSPO

David

SEPA are providing us with a note on some of the Cabinet Secretary's question which we will pass on as soon as it is received (which is expected to be shortly). However following our discussions last night and his subsequent reflection has been that SEPA will not issue an article along the lines that had been initially proposed and will hold reactive lines if approached. They are continuing to be in dialogue with SSPO.

Neil

Neil Ritchie
Environmental Quality Division
Scottish Government
0131 244 7250

Read more via Sunday Herald: "Toxic pesticide ban scrapped after fish farm industry pressure"

- On 10 August 2016, SEPA's Andy Rosie wrote to SEPA colleagues (including SEPA's Chief Executive Terry A'Hearn): "My only reservation at this stage is to refer to our intent to withdraw Slice completely in a press statement now. We have plans to seek to moderate the use of Slice, bringing it back to (something like) the treatment regime originally planned, and Merck are promising to spend >£1 m (??) on researching impact. My inclination is to keep our powder dry on what might happen after that. As we know, if we want to move this industry towards a more sustainable production model, it'll take time to "ween" them off chemicals (and to prevent access to the more toxic, persistent bio accumulative compounds presently being researched). I'd suggest we simply refer to a review following the results of further research, and we don't post a date for withdrawal at this stage in a press statement, which we may subsequently require to deviate from."

- A SEPA press statement scheduled for publication in August 2016 (circulated to the salmon farming industry, Merck and the Scottish Government "inviting them to make a contribution to it with a view to having a complete article and reducing the potential for conflicting messages arising in any press coverage that follows publication of the report") included:

We are also aware and are concerned that in many cases the frequency and dose of Slice treatments have regularly exceeded what was expected when the current licence framework was developed. In most cases there is no suggestion that the treatments are breaching the licences set by SEPA but it is possible that the fate and behaviour of the medicine once it has been fed to fish differs from that which was assessed when setting the safe environmental standard. The new treatment patterns may reflect the fact that the treatment is becoming less effective, probably as sea lice become more resistant to the medicine.

Where robust evidence suggests that some part of our regulatory regime is not providing the expected and required level of environmental protection, we must take action to reduce or remove the potential for those impacts. In this case, and following careful consideration, we are intending to change the way in which Slice use is permitted by conditions in fish farm licences. This will allow continued use of the medicine but subject to tighter restrictions on use. These arrangements are likely to remain in place for a period of two years allowing the sector or the company which markets Slice to carry out further research to confirm or confound the apparent link between Slice use and unexpected distribution of residues and possible environmental effects. SEPA will also be undertaking further analysis and monitoring work during this period. If during the next two years no compelling case is made to support the continued use of the product, it is likely that the ability to use Slice will be phased out completely.

We have informed fish farm operators of SEPA's position that, unless we see new and compelling evidence to support continued use, the ability to use Slice is likely to be phased out in 2018.

[This press statement was never published - instead a watered down version was published in SEPA View on 1 March 2017 - with no reference to a ban on Slice in 2018:

More recently, SEPA proposed and part-funded a Scottish Aquaculture Research Forum (SARF) investigation into the environmental impacts of the sea louse medicine SLICE (with the active ingredient emamectin benzoate). This study, completed last August, confirmed a subtle but detectable, and unexpected, association between impacts on the marine environment and the use of SLICE, where very low concentrations of the medicine may have affected crustaceans in the seabed. Based on this new evidence, SEPA is reviewing all fish farm licences permitting the use of SLICE, tightening conditions for the medicine's use after discussions with VMD. We are beginning the issuing of these new licences this week, and this will be completed by the end of April. This restriction will remain in place while SEPA and the industry carry out further research to either confirm or confound the apparent link between SLICE use and possible environmental effects.

We are also now considering the findings of a review we commissioned of the environmental quality standards for SLICE to ensure they are up to date and provide adequate environmental protection. In this way, the impacts of sea louse medicines are monitored by SEPA on an ongoing basis, and corrective regulatory actions taken where necessary.

]

- On 10 August 2016, a 'Briefing for the Cabinet Secretary' (Roseanna Cunningham) from SEPA included:

Regulation by SEPA of the use of the sea louse medicine SLICE by Scottish fish farms

Briefing for Cabinet Secretary 10 August 2016

There are a number of methods of controlling sea lice in marine fish-farms, including the use of authorised medicines either as a bath, or an in-feed treatment such as Emamectin Benzoate (the active ingredient in SLICE). The use of these treatments is regulated by SEPA through fish farm licence conditions, set using the best available evidence, with the aim of ensuring that the residues in the environment are within independently derived safe environmental standards and environmental impacts are within acceptable levels.

Monitoring has generally not shown significant impacts on marine animals in the wider marine environment, but SEPA is aware of anecdotal claims that sea louse treatments might be having an unexpected adverse environmental impact at this scale. In response, SEPA has undertaken a more detailed study into the seabed in the Shuna Sound area, in which there are a number of fish farms which have used in-feed sea louse treatments. This study has confirmed a more extensive spread within the marine environment of low levels of the residues arising from the use of the sea louse treatment Slice, than had been expected when the medicine was first authorised, or had been predicted by detailed modelling.

SEPA also invited the Scottish Aquaculture Research Forum (SARF) to commission research to determine whether there is compelling evidence of the environmental impacts suggested by the anecdotal claims. This analysis identified a subtle but detectable, and unexpected, association between impact on the marine environment and the use of Slice.

SEPA is also aware, and are concerned, that in many cases the frequency and dose of Slice treatments have regularly exceeded what was expected when the current licence framework was developed. The new treatment patterns may reflect the fact that the treatment is becoming less effective, probably as sea lice become more resistant to the medicine.

In response to this new evidence, SEPA is intending to change the way in which SLICE is permitted, tightening restrictions on the use of the medicine. These arrangements will be continually monitored and reviewed. At the same time, the sector will carry out further research to confirm or confound the apparent link between SLICE and possible environmental effects. SEPA, itself, will also be undertaking further analysis and monitoring. The priority over will be to agree long-term viable solutions to sea lice. This will focus on a number of possible solutions and, depending on the additional research and analysis, could involve the phasing out of SLICE.

The next steps will be a good example of how SEPA's new Regulatory Strategy will be implemented.

We have informed fish farm operators of SEPA's views. We are working in partnership with the industry, including the Scottish Aquaculture Innovation Centre (which Scottish Government has supported with £11m over 5 years, to be match-funded by the industry), to explore the potential for the development of alternative means of controlling sea lice, which minimise the risk to our marine environment. The challenge of controlling sea lice in fish farms is not unique to Scotland, and the development of alternative means represents an opportunity for Scotland's aquaculture sector.

Alternative medicinal treatments are a matter for SEPA/Veterinary Medicines Directorate (VMD) in DEFRA. A new in-feed treatment is being trialled elsewhere, although SEPA does have concerns about its impact and is wary of allowing a trial in Scotland. In reality, whilst biological solutions such as cleaner-fish, and mechanical ones such as thermolicers, are now beginning to be mainstreamed, medicinal back-up is still required and SLICE is one of the very limited options, alongside hydrogen peroxide. The industry is also exploring an improved operating model which designs out much of the sea lice issue at first principles by moving to higher energy waters and utilising larger smolts which reduce the marine phase of the salmon's life and consequently reduces the potential for disease, and sea lice and interaction with wild fish.

The SEPA Chief Executive is strongly involved in these discussions with CEOs in the sector. This high-level engagement will continue to ensure the proper management of SLICE and momentum is maintained to develop alternative methods of controlling sea lice.

The SARF report has been published today. Neither SEPA nor the industry are proposing to undertake proactive communications at this stage, but SEPA has prepared for possible enquiries around the subject once the report is published. SEPA will include reference to its decision in its next Chief Executive's report to the Agency Board, on 26 September.

- In September 2016, the VMD met with Merck to discuss a follow-up study to be completed by February 2019 (information supplied by the VMD via FOI in May 2017 - read FOI reply in full via Note **[2]**).

Follow-up study in the context of the SARF report

The VMD met with the marketing authorisation holder (MAH) on 12/09/2016. At that meeting:

- we noted the findings of the SARF report but did not review it in detail – the MAH highlighted the overall conclusion that more research was required into the reported findings
- the MAH presented an overview of its proposed monitoring program.

We consider that information relating to the follow-up study relates to 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: the follow-up study is currently unfinished. The MAH and other stakeholders are aiming to complete it by February 2019. We judge that there is a strong public interest in allowing parties the safe space to conclude its data gathering to achieve the finalisation of the process and the establishment of a defined data set moving forward, with the aim of material benefits for the environment.

We also judge it is in the public interest not to hinder VMD's ongoing relationship with the external bodies it is working with in this process. It should be noted that the aim of the work is to investigate potential effects on marine benthic crustacea communities following the use of Slice – which aims to have a positive impact upon the environment. That we are releasing the information above in this reply shows our commitment to transparency and the promotion of public understanding on these issues.

- In October 2016, SEPA notified all salmon farming companies of restrictions on the use of Slice (Emamectin benzoate). "It is likely that SEPA, potentially in concert with other parties, will take forward further investigations around the possible effects of Slice upon the

environment," wrote SEPA. "It is possible that as a result of work of this type that there be further implications for the licensing of the use and release of this product at marine cage fish farms in Scotland."

- In February 2017, a SEPA internal paper (disclosed via the Initial Response of F0187415) which "requires to be submitted to the RRT under section 4.1 (a) of the RRT Constitution, namely in the opinion of the Relevant Unit Manager the proposed decision raises a highly contentious issue" included:

> Present patterns of administration of emamectin benzoate at many Scottish marine cage fish farm sites have departed markedly from the manufacturers label instructions resulting in significant increases in the dose applied (routine heavy overdosing), the length of the dosage period (treatments extending beyond the standard 7 days) and also the frequency of individual treatments (repetitive use). As the environmental risk assessment for Slice was based on the product being used in accordance with the manufacturer's label instructions, there is a risk that the licensing framework built around this eco-toxicological work may no longer provide adequate environmental protection with possible future consequences for Scotland's crustacean shellfish sector if action is not taken.
>
> The Scottish Aquaculture Research Forum (SARF) published a report SARF098: Towards Understanding of the Environmental Impact of a Sea Lice Medicine – the PAMP Suite (attached as an annex to this report), the conclusion of which is that the evidence suggests that benthic crustacea may not be adequately protected by the current regulation of emamectin benzoate use in Scottish salmon farms.
>
> Based on the above, SEPA has considered its position and proposes taking forward the changes listed below as an initial step towards mitigating these concerns.
>
> - All emamectin benzoate treatments will be restricted based on a 7-day dosing regimen of 50µg/kg/day + an optional veterinary discretion of 20% to allow for feeding hierarchy issues
> - All emamectin benzoate treatments must meet the requirements of the retreatment protocol for the product
> - All emamectin benzoate treatments will require pre-approval from SEPA
> - Biological monitoring will be required to mirror the existing residue monitoring requirements
>
> SEPA has discussed concerns over the current patterns of use of emamectin benzoate and the potential environmental impact should this be allowed to continue with the sector. In October 2016 SEPA wrote to fish farmers and industry representatives and laid out plans to vary conditions relating to emamectin benzoate in licences for fish farms issued under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). An example of one of these letters, Slice – A Revised Licencing Strategy is appended to this paper as Appendix 2.

The paper further stated:

At this time it is not proposed to set a date in the licences for the removal or suspension of the use of emamectin benzoate. In response to the findings of SARF098 the manufacturers of Slice have begun a programme of investigative monitoring at a number of fish farm sites to improve the understanding of the fate and behaviour of emamectin benzoate residues and to assess possible impacts on the invertebrate fauna.

SEPA has also commissioned a review of the Environmental Quality Standard (EQS) for emamectin benzoate in seabed sediment. This review was commissioned to establish if any new data has become available, if changes in regulation and guidance require the derivation of the Predicted No Effects Concentrations (PNEC) to be updated or whether the initial assessment in 1999 is still valid. If this review led to a tightening of the EQS, it is likely that the quantities of emamectin benzoate that could be authorised would require to be reduced resulting in less availability to fish farmers.

The evidence arising from these actions will be used to determine the future steps that SEPA should take in authorising the use of emamectin benzoate to treat sea-lice infestations.

And:

Other significant Issues

The potential impacts on the fish farming industry are significant. A restriction on the frequency and quantity of emamectin benzoate use will limit available treatment options at a time when the challenge of sea lice is high. As the use of sea lice medicines is primarily to maintain the health and welfare of farmed stocks, the sector will likely argue that any further limitation on sea lice treatment options may make it impossible to successfully operate a fish farm. In addition, it is likely that the sector and veterinary surgeons may express concern and question whether it is appropriate for SEPA to impose restrictions affecting fish health when SEPA has no remit in this area. Our proposed actions are required in order to protect the water environment as we have robust evidence that current regulatory arrangements are not providing the expected and required level of environmental protection. Prescribing practices may well be a factor in the unexpected impacts that are indicated by SARF098 resulting in a requirement for SEPA to impose the proposed additional controls. As part of our sector approach, we will continue to encourage and support efforts to develop and implement alternative sea louse treatments.

The manufacturers and distributors of the product may also be concerned with the proposed changes as restrictions on medicine use will likely impact their business albeit that the proposed restriction is in line with the product label.

SEPA has engaged with the sector and with the product owners in order to explain SEPA's proposed approach and reasons for concern. The response to this from Operators has been mixed with some indicating that the proposed change to the quantity of Slice which can be administered is reflective of good practice in integrated pest management and others expressing concern that this will unduly restrict their ability to effectively control infestations. Despite this engagement and discussion, the ramifications of the proposed changes to the way in which emamectin benzoate is licenced are wide reaching and it is possible that one or other of the above groups will challenge a decision to restrict emamectin benzoate use through appeal against the proposed variation.

The paper identified 361 salmon farm sites where the licences are to be changed - including:

Appendix 1 – Licences to be Varied

CAR Reference	Site Name	Company
CAR/L/1004062	Allt a Chois (Kishorn North Shore)	Scottish Sea Farms Ltd
WPC/N/70519	Annat Bay North	Annat Bay Marine Ltd
WPC/N/70520	Annat Bay South	Annat Bay Marine Ltd
CAR/L/1003078	An Camus	Marine Harvest (Scotland) Ltd
CAR/L/1015867	Achintraid (Kishorn Site 1)	Scottish Sea Farms Ltd
CAR/L/1004153	Kenmore Bay (Loch a Chracaich)	The Scottish Salmon Company Ltd
CAR/L/1002917	Aird Ardheslaig	The Scottish Salmon Company Ltd
CAR/L/1109999	Am Maol, Isle of Muck	Marine Harvest (Scotland) Ltd
CAR/L/1018068	Aird Point (Etive 4)	Dawnfresh Farming Ltd
CAR/L/1003894	Eilean Ard (Laxford Site 3)	Loch Duart Ltd
CAR/L/1009970	Ardgour (Linnhe)	Marine Harvest (Scotland) Ltd
CAR/L/1002353	Ardintigh (Nevis C)	Scottish Sea Farms Ltd
CAR/L/1101522	Ardmeanach	The Scottish Salmon Company Ltd
CAR/L/1002887	Ardnish	Marine Harvest (Scotland) Ltd
CAR/L/1001806	Ardintoul	Marine Harvest (Scotland) Ltd
CAR/L/1002330	Ardvourlie	The Scottish Salmon Company Ltd
CAR/L/1001808	Badcall Site 11 (Eilean Riabhach)	Loch Duart Ltd
CAR/L/1001811	Badcall Site 9 (North Rubha Geisgil)	Loch Duart Ltd
CAR/L/1001812	Badcall Site 10 (North Eilean na Bearachd)	Loch Duart Ltd
CAR/L/1002346	Sconser, Balmeanach Bay	Marine Harvest (Scotland) Ltd
CAR/L/1004208	Basta Voe North West (Kirkabister)	Cooke Aquaculture Scotland
CAR/L/1003877	Basta Voe South	Cooke Aquaculture Scotland
CAR/L/1033734	Brandy Ayre	North Atlantic Salmon Ltd
CAR/L/1034670	Bellister	Scottish Sea Farms Ltd
CAR/L/1001818	Brei Geo Offshore	Scottish Sea Farms Ltd
CAR/L/1004156	Brei Geo Inshore	Scottish Sea Farms Ltd
CAR/L/1003886	South Head of Mula (Site 3)	Cooke Aquaculture Scotland
CAR/L/1111048	Bastaness	Cooke Aquaculture Scotland
CAR/L/1004038	Boatsroom Voe	Grieg Seafood Shetland Ltd
CAR/L/1004207	Bight of Braewick	Cooke Aquaculture Scotland
CAR/L/1018469	Bight of Bellister (Site 4)	Scottish Sea Farms Ltd
CAR/L/1004225	Kirk Noust	Cooke Aquaculture Scotland
CAR/L/1003888	Bay of Meil	Cooke Aquaculture Scotland
CAR/L/1003063	Bay of Vady	Cooke Aquaculture Scotland
WPC/N/62004	Breiwick	A & P Tait
CAR/L/1002354	Brindister Voe	Grieg Seafood Shetland Ltd
CAR/L/1001809	Corry, Loch Broom	Wester Ross Fisheries Ltd
CAR/L/1011980	East of Bruna Ness	Scottish Sea Farms Ltd
CAR/L/1023846	Bay of Tuquoy	The Scottish Salmon Company Ltd
WPC/N/70534	Buddascord	Muckle Roe Ltd
CAR/L/1004205	Bunya Sand	Cooke Aquaculture Scotland
CAR/L/1001783	Bunavoneader Inner (Ardhasaig)	Marine Harvest (Scotland) Ltd
CAR/L/1003059	West of Burwick	Grieg Seafood Shetland Ltd
CAR/L/1005095	Burrastow	Cooke Aquaculture Scotland

[2]

From: Lewsey, David [mailto:d.lewsey@vmd.defra.gsi.gov.uk]
Sent: 16 May 2017 16:58
To: Don Staniford
Subject: RE: VMD ref: ATI452

Dear Don

Thank you for your email dated 22 March 2017.

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

Your Request

You asked us to provide information following publication of the SARF report in August 2016 and to include any 'reassessment' of the use of SLICE in the context of the SARF report.

You also asked us to include any discussions and information on residues of Emamectin in farmed salmon since August 2016 – as I said in my reply of 19 April: "I have spoken with my colleagues in the VMD's Residues Team and they have confirmed that they do not hold any information about discussions and information on residues of Emamectin in farmed salmon since August 2016 - they haven't had any residues reported to the team and therefore had no discussions about them.

Our Reply

Information on the VMD's view of the SARF report following its publication

The VMD concluded that although the findings of the SARF suggest significant impact on benthic fauna, both within Acceptable Zone of Effects and at reference stations, some flaws in analysis (due to the nature of the data available to researchers) exist, including:

- the difficulty in unpicking the impact of biomass from that of emamectin
- that emamectin use is used as a proxy for sediment concentrations

- that sampling techniques for benthic flora were variable and (potentially) inappropriate.

However, there is sufficient concern to re-examine the outcomes and seek more harmonised and recent data to corroborate - or not - the modelled simulated correlation presented in the report. This is why all parties are getting additional data on environmental impact as below.

We are withholding the few internal communications we have that have led us to our conclusions above under regulation 12(4)(e). The Information Commissioner (ICO), who is the independent regulator for requests made under the EIRs, in their published guidance accepts that a public authority needs a safe space to develop ideas, debate live issues, and reach decisions away from external interference and distraction. The ICO recognises the need for a safe space will be strongest when the issue is still live, that disclosure of internal discussions would inhibit free and frank discussions in the future, and that the loss of frankness and candour would damage the quality of advice and lead to poorer decision making.

Information on the VMD's requests to other member states in the context of the SARF report

As part of a greater Ecopharmacovigilance system, the VMD sent out non urgent information (NUI) requests to other member states that authorise Slice. The Committee for Veterinary Medicinal Products (CVMP) Pharmacovigilance Working Party noted these NUIs. The Norwegian authorities said that they had received no reports of environmental effects from this product. However they were aware through reports from other sources about concerns with sea-lice treatments in general but had similar problems with linking the environmental issues with the product specifically. No other member states had issues or concerns with this product.

Follow-up study in the context of the SARF report

The VMD met with the marketing authorisation holder (MAH) on 12/09/2016. At that meeting:

- we noted the findings of the SARF report but did not review it in detail – the MAH highlighted the overall conclusion that more research was required into the reported findings
- the MAH presented an overview of its proposed monitoring program.

We consider that information relating to the follow-up study relates to 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: the follow-up study is currently unfinished. The MAH and other stakeholders are aiming to complete it by February 2019. We judge that there is a strong public interest in allowing parties the safe space to conclude its data gathering to achieve the finalisation of the process and the establishment of a defined data set moving forward, with the aim of material benefits for the environment.

We also judge it is in the public interest not to hinder VMD's ongoing relationship with the external bodies it is working with in this process. It should be noted that the aim of the work is to investigate potential effects on marine benthic crustacea communities following the use of Slice – which aims to have a positive impact upon the environment. That we are releasing the information above in this reply shows our commitment to transparency and the promotion of public understanding on these issues.

Information on the VMD's 'reassessment' of the use of SLICE in the context of the SARF report.

Reg 12(4)(a) applies here: we do not hold this information. As I explain above the MAH is undertaking a follow-up study that when completed we anticipate will form part of the VMD's then 'reassessment' of the use of SLICE in the context of the SARF report.

Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the ICO takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, we have not conducted a public interest test in this case.

Information releasable to the public

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

Copyright

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.defra.gsi.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

David Lewsey
Freedom of Information Officer
VMD

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 19 April 2017 16:03
To: Lewsey, David
Subject: RE: VMD ref: ATI452

Thanks - I look forward to a reply in full soon.

Don

From: Lewsey, David [mailto:d.lewsey@vmd.defra.gsi.gov.uk]
Sent: 19 April 2017 15:48
To: salmonfarmingkills@gmail.com
Subject: RE: VMD ref: ATI452

Dear Don

Thank you for your request, below, for information about:

- "any 'reassessment' of the use of SLICE in the context of the SARF report" and

- "any discussions and information on residues of Emamectin in farmed salmon since August 2016"

which we received on 22 March 2017. As you know, we are handling your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Any discussions and information on residues of Emamectin in farmed salmon since August 2016.

I have spoken with my colleagues in the VMD's Residues Team and they have confirmed that they do not hold any information about discussions and information on residues of

Emamectin in farmed salmon since August 2016 - they haven't had any residues reported to the team and therefore had no discussions about them.

If you are unhappy with the service you have received in relation to this part of 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.defra.gsi.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

Any 'reassessment' of the use of SLICE in the context of the SARF report

On this part of your request I am writing to advise you that we need to extend the time limit for responding. The EIRs allow us 20 working days after receipt of your request to respond. However, it is occasionally necessary to extend the 20-working-day time limit for issuing a response. The EIRs allow for an extension of up to 20 additional working days because of the complexity of your request and the volume of information that you have requested. In this case, I regret that we must extend the time limit for responding by not more than 20 working days – we will aim for sooner if we can.

If you are unhappy with the service you have received on this part of your request please write to the VMD via ati@vmd.defra.gsi.gov.uk.

If you have any queries about this letter, please contact me.

Many thanks

David Lewsey

Freedom of Information Officer

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 23 March 2017 10:52
To: Lewsey, David
Subject: RE: VMD ref: ATI452

Thanks - received. I look forward to a response.

From: Lewsey, David [mailto:d.lewsey@vmd.defra.gsi.gov.uk]
Sent: 23 March 2017 09:52
To: Don Staniford
Subject: VMD ref: ATI452

Dear Don

Thank you for your email below, dated 22 March 2017.

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

As required by the legislation, we aim to answer your request within 20 working days following the date we received it.

If for any reason we are unable to meet this deadline we will keep you fully informed of the reasons for this.

Please could you confirm you have received this e-mail and if you have any queries please contact me quoting ATI452.

Many thanks

David Lewsey

Freedom of Information Officer

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 22 March 2017 16:35
To: Lewsey, David
Subject: RE: FOI re. PAMP-2 - VMD ref: ATI444

David,

Is this all the information?

Are you seriously suggesting that an email dated 11 August 2016 alerting the VMD to the publication of the SARF report is the latest information?

Surely, the VMD made comments and had discussions following the publication of the report?

The VMD's email of 3 November 2015 includes:

"It is imperative that the VMD has access to such data as the aforementioned draft SARF report, in order to determine whether the benefit:risk balance of the VMPs involved requires reassessment".

Surely the VMD, upon publication of the SARF report (which led SEPA to reassess their position on Emamectin) led to a reassessment by the VMD?

If the VMD did not consider discussions or information following publication of the SARF report in August 2016 as part of this FOI request, please treat this as a new FOI request.

i.e. please provide information following publication of the SARF report in August 2016.

Please include any 'reassessment' of the use of SLICE in the context of the SARF report and the damning conclusions on the impacts of Emamectin.

Please also include any discussions and information on residues of Emamectin in farmed salmon since August 2016.

Thanks,

Don

From: Lewsey, David [mailto:d.lewsey@vmd.defra.gsi.gov.uk]
Sent: 22 March 2017 15:16
To: Don Staniford
Subject: RE: FOI re. PAMP-2 - VMD ref: ATI444

Dear Don

Thank you for your email below, dated 1 March 2017.

We are dealing with it under the Freedom of Information Act 2000 (FOIA).

Your Request

You asked us for information on PAMP-2 which was published by SARF in August 2016: http://www.sarf.org.uk/cms-assets/documents/251503-644637.sarf098---whole-document-aug2016.pdf

You asked for:

- correspondence, discussions, presentations, draft copies of papers, reports and any other information relating to PAMP-2.
- financial information in terms of how much the project cost and who paid.
- information relating to any media statements, discussions with SSPO and SEPA and other Government agencies relating to the publication of PAMP-2 in August 2016.

You sent us, as examples, documents you obtained from SEPA.

Our Reply

The FOIA gives you an entitlement to information rather than documents and it is in this context that we want to be as open as possible in answering your request. The Act itself also requires us to help people obtain the information they are looking for.

The VMD does not hold any financial information in terms of how much the project cost and who paid; nor any information relating to discussions with SSPO and other Government agencies relating to the publication of PAMP-2 in August 2016.

Regarding the provision of correspondence, discussions, presentations, draft copies of papers, reports, nor any information relating to any media statements, discussions with SEPA and any other information relating to PAMP-2: I have included in an annex, below, the text of the only information in this category relating to PAMP-2 that the VMD holds – in the form of emails.

We have not released the names of junior officials cited in these emails – only the names of the Senior Civil Servants involved - Peter Borriello, our CEO and Marie-Odile Hendrickx, our Director of Authorisations. Disclosure of the junior names would breach the first data protection principle and fail to meet any of the relevant conditions set out in Schedule 2 of the Data Protection Act 1998. The First Principle in the DPA requires that disclosure must be fair and lawful, and, in particular, personal data shall not be processed unless at least one of the conditions in Schedule 2 is satisfied. The people concerned would not have expected their names to be disclosed to the public and so disclosure would not be "fair" in the manner contemplated by the DPA. Furthermore, disclosure would not satisfy any of the conditions for data processing set out in Schedule 2 of the DPA. In particular, we do not consider that there is a legitimate interest in disclosure in this case.

Information releasable to the public

Information we disclose in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, we may place this information disclosed to you 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.

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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

David Lewsey
Freedom of Information Officer
VMD

ANNEX

Email string – earliest email first:

From: VMD *[Redacted under section 40 of the FOIA]*

Sent: 03 November 2015 14:07
To: SEPA *[Redacted under section 40 of the FOIA]*

Cc: *[Redacted under section 40 of the FOIA]"*

Subject: SARF report on emamectin benzoate

[Redacted under section 40 of the FOIA]

Many thanks for your time on the phone yesterday. For clarity, I would like to follow up on some of the points we discussed.

As reported, the Marketing Authorisation holder (Intervet UK Ltd) for the product Slice, which contains emamectin benzoate, has made the VMD aware of the draft SARF report which presents the case that emamectin benzoate use has had a detrimental impact on the benthic community surrounding fish farms. However, we have not been provided with a copy of the SARF report or any peer review comments on the report that have been made to date. The VMD fully appreciates the sensitive nature of the report and also understands that the report is still undergoing peer review and is therefore not likely to be finalised for at least another 3 weeks.

However, as the UK is the National Competent Authority for the authorisation and oversight of veterinary medicinal products, we are responsible for ensuring the safety and efficacy of such products, which includes monitoring and taking action on reports of adverse effects from veterinary medicines. Therefore, it is imperative that the VMD has access to such data as the aforementioned draft SARF report, in order to determine whether the benefit:risk balance of the VMPs involved requires reassessment. We can assure you that we deal with large amounts of confidential data and routinely share such confidential data between national authorities (including SEPA). We have previously seen SARF reports (which were not finalised) without any issues so I feel a precedent has been set to confirm the trust

between our organisations. If you require further assurance on our commitment to confidentiality, we would be happy to provide this.

While I appreciate that you feel unable to make a unilateral decision on whether to release the document to the VMD without a discussion with the SARF steering group, I would note that should access to the report not be forthcoming, the VMD will seek to raise this issue at a senior level. I look forward to hearing the outcome of your meeting on Friday.

Kind regards,

[Redacted under section 40 of the FOIA]

Safety Assessor

Veterinary Medicines Directorate

From: VMD *[Redacted under section 40 of the FOIA]*

Sent: Tuesday, November 10, 2015 2:02 PM
To: SEPA *[Redacted under section 40 of the FOIA]*

Cc: *[Redacted under section 40 of the FOIA]*

Subject: RE: SARF report on emamectin benzoate

[Redacted under section 40 of the FOIA]

I just wondered if you had an update on whether the VMD have been granted access to the SARF report on emamectin benzoate.

Kind regards,

[Redacted under section 40 of the FOIA]

From: SARF *[Redacted under section 40 of the FOIA]*

Sent: 11 November 2015 12:09
To: VMD *[Redacted under section 40 of the FOIA]*

Cc: *[Redacted under section 40 of the FOIA]*

Subject: RE: SARF report on emamectin benzoate

[Redacted under section 40 of the FOIA]

I have asked the SARF Chairman about this. Unfortunately he *[is away – personal details redacted under section 40 of the FOIA]* but we will be meeting on Monday next week, and this is one of the topics we will cover. I will reply formally after that.

[Redacted under section 40 of the FOIA]

[Redacted under section 40 of the FOIA]

Scottish Aquaculture Research Forum (SARF)

From: VMD *[Redacted under section 40 of the FOIA]*

Sent: 17 November 2015 13:06
To: *SARF [Redacted under section 40 of the FOIA]*

Subject: RE: SARF report on emamectin benzoate

[Redacted under section 40 of the FOIA]

Sorry to push but wondered if you had any feedback from yesterday's meeting regarding access to the SARF report.

Many thanks,

[Redacted under section 40 of the FOIA]

***"From:** SEPA [Redacted under section 40 of the FOIA]@sepa.org.uk]*
***Sent:** 17 December 2015 09:28*
***To:** Hendrickx, Marie-Odile*
***Subject:** SARF Report On Emamectin Benzoate*

Dear Ms Hendrickx

I write following your recent request to SEPA for access to a report on the environmental impact of Slice.

As you are aware, this is a draft report of a research project let by the Scottish Aquaculture Research Forum (SARF). The work is ongoing and it is possible that the final conclusions of the research will not reflect those set out in the draft report.

SEPA has considerable interest in the outcome of this project not least because of our role in the environmental regulation of Slice, a role which at least partially mirrors your own interests. SEPA however did not receive a copy of this draft report because of our role as environmental regulator but because we sit on the Board of Directors of SARF and indeed on the SARF steering group directing this project. SEPA is however not the "owner" of this report, this fact, and because as a Director of SARF we are bound by the policies, custom and practice of the Forum precludes us from providing a copy of the report to you.

SEPA suggests that should you wish to pursue your interest in the draft report you should approach SARF for a copy of the draft because as the funding body for this research and the owner of the work the responsibility lies with SARF to determine whether or not it can be released.

I hope you understand our position regarding this draft research report and that SEPA and your organisation can continue to work constructively in connection with medicine licensing for aquaculture, building on the strong relationships that have been forged over the years.

Kind regards

[Redacted under section 40 of the FOIA]"

*"**From:** [Redacted under section 40 of the FOIA]*
***Sent:** 16 February 2016 10:41*
***To:** [Redacted under section 40 of the FOIA]; Hendrickx, Marie-Odile; [Redacted under section 40 of the FOIA]*
***Cc:** [Redacted under section 40 of the FOIA] ; Borriello, Peter; [Redacted under section 40 of the FOIA]*
***Subject:** Slice - upcoming publication of SARF report and next steps*

Dear All

- *We now expect the SARF report to be published around 8 March – we will not see this beforehand*

In addition we will need to consider comms management and our response to any queries that arise from publication of the SARF report.

Many thanks

[Redacted under section 40 of the FOIA]

[Redacted under section 40 of the FOIA]
Pharmaceuticals and Feed Additives Team | Veterinary Medicines Directorate"

*"**From:** [Redacted under section 40 of the FOIA]*
***Sent:** 11 August 2016 15:18*
***To:** Hendrickx, Marie-Odile*
***Cc:** [Redacted under section 40 of the FOIA]*
***Subject:** FW: Slice 2 mg/g Premix for Medicated Feeding Stuff MA no: 01708/4580*
***Importance:** High*

FYI – the SARF report has now been published, as MSD have flagged to us. Assessors and I are looking through it.

Thanks

[Redacted under section 40 of the FOIA]

From: Lewsey, David
Sent: 03 March 2017 08:54
To: 'Don Staniford'
Subject: RE: FOI re. PAMP-2 - VMD ref: ATI444

Dear Don

Thank you for your email below, dated 1 March 2017.

We are dealing with it under the Freedom of Information Act 2000.

As required by the legislation, we aim to answer your request within 20 working days following the date we received it.

If for any reason we are unable to meet this deadline we will keep you fully informed of the reasons for this.

Please could you confirm you have received this e-mail and if you have any queries please contact me quoting ATI444.

Many thanks

David Lewsey

Freedom of Information Officer

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 01 March 2017 23:08
To: ATI
Cc: Lewsey, David
Subject: FOI re. PAMP-2

Please provide information on PAMP-2 which was published by SARF in August 2016: http://www.sarf.org.uk/cms-assets/documents/251503-644637.sarf098---whole-document-aug2016.pdf

Please provide correspondence, discussions, presentations, draft copies of papers, reports and any other information relating to PAMP-2.

Please include financial information in terms of how much the project cost and who paid.

In particular, please provide information relating to any media statements, discussions with SSPO and SEPA and other Government agencies relating to the publication of PAMP-2 in August 2016.

For example, the following documents (obtained from SEPA earlier today via F0I87330) appear to suggest (in the absence of any criticism via SEPA View in August 2016 as suggested) that SEPA were lobbied successfully not to comment publicly on PAMP-2:

Please also note the announcement of SEPA's new Sector Plan for Aquaculture published earlier today via SEPA View: http://www.sepaview.com/2017/03/our-sector-plan-approach/

This included:

Please include information on the "discussions with VMD" as detailed above by SEPA.

Please include information on any other discussions on PAMP-2 which we understand from the SARF report published in August 2016 started in 2013:

More details are on the SAMS web-site: http://www.sams.ac.uk/kenny-black/pamp

I remember PAMP all too well since I leaked a copy of a draft report in 2002 which was featured by New Scientist: https://www.newscientist.com/article/mg17423401-900-big-catch/

And the Sunday Herald: http://www.robedwards.com/2002/04/fish_farmers_bl.html

Please consider this a request for information under the relevant Freedom of Information and Environmental Information Regulations including both the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (as well as any other new or other UK regulations which may be appropriate).

Please provide this information electronically.

Please acknowledge receipt of this FOI request.

Many thanks and I look forward to a response shortly.

Don

Don Staniford

Director, Global Alliance Against Industrial Aquaculture (GAAIA):
http://www.salmonfarmingkills.com

[3]

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 11 June 2017 18:01
To: 'ati@vmd.defra.gsi.gov.uk'
Cc: 'Lewsey, David'
Subject: FOI re. new chemical treatments for sea lice on salmon farms

Please provide information on any new sea lice chemicals/treatments/medicines for use on salmon farms in Scotland i.e. over and above the licensed chemicals Salmosan (Azamethiphos), Excis (Cypermethrin), Calicide (Teflubenzuron), Alphamax (Deltamethrin) and Slice (Emamectin benzoate).

Please include details of any discussions, trials, commercial applications, pre-application data, correspondence with scientists and chemical companies and any other information pertaining to new sea lice chemicals/treatments/medicines for use on salmon farms in Scotland since 1 January 2016.

In particular, please include any information relating to neonicotinoid-based treatments and a "ground-breaking" sea lice treatment due to be launched by Benchmark in the coming months (as detailed by the following three articles enclosed below):

The Fish Site, 2 June 2017

Patent sought for neonicotinoid-based sea louse treatment

Details of an application for a patent concerning a neonicotinoid-based in-feed sea louse treatment have been recently published in the US.

The treatment has been developed by two Canada-based scientists – John O'Halloran and John Terence Drost – and is set to be administered orally, via medicated feeds, to salmon ranging from 50 g to 5 kg. Trials conducted by the scientists have shown it to be effective against both Lepeophtheirus and Caligus lice species, although the principle target is *Lepeophtheirus salmonis*. According to the patent application, salmon can be safely harvested and consumed within 21-25 days after treatment, or when the neonicotinoid residue in the fish is below 0.02 parts per million.

Although the patent is still pending, independent research into the possible efficacy of noenicitinoids against sea lice has also been promising. Indeed, a paper published in the Journal of Fish Diseases last year by Aaen and Horsberg, from the Sea Lice Research Centre at the NMBU School of Veterinary Science, showed the nicotinic (neuronal) acetylcholine receptor (nAChR) to be a suitable target for compounds such as neonicotinoids.

These compounds consist of seven separate insecticides – imidacloprid, thiacloprid, thiamethoxam, acetamiprid, nitenpyram, clothianidin and dinotefuran – and are used to combat pest organisms
on a wide range of crops, as well as parasites on animals. In Australia and New Zealand, products containing compounds from this group are available for use on sheep; otherwise, companion animals are the main consumers of these substances.

A prominent feature of neonicotinoids is their specificity to invertebrate nAChR compared to vertebrate
nAChR and this group of compounds is reported to induce toxic effects on crustaceans when distributed in extremely low concentrations.

Despite this, neonicotinoids are not without controversy, as their use as pesticides on crops has been linked to a steep decline in bee numbers, while their relatively long persistence in aquatic environments could, the scientists suggest, complicate their use as antiparasitic compounds. Nevertheless their trials showed that imidacloprid – which is the compound included in the current patent application – was highly effective against *L. salmonis*. Exposing lice to imidacloprid for 30 minutes at a concentration of 50 mg L(-1), or for 24 hours at 5 mg L(-1) generated a high level of immobilization.

Although another neonicotinoid, nitenpyram, did not yield a similar effect, the researchers concluded that the nicotinic acetylcholine receptor was a sensitive target for novel salmon lice medicines.

http://www.thefishsite.com/fishnews/29152/patent-sought-for-neonicotinoidbased-sea-louse-treatment/

The Fish Site, 24 May 2017

New sea louse treatment nears commercial launch

A “ground-breaking” sea lice treatment is due to be launched by Benchmark in the coming months, according to a trading report released by the group today.

A statement from the aquaculture biotechnology and food chain sustainability business reveals: “Good progress was made towards the commercial field trials launch of a ground-breaking sea lice treatment”.

The group expects significant revenues from this product in the second half of the year and beyond. This will be welcomed following the challenging first half for Benchmark’s principle delousing agent, Salmosan, sales of which were dented by an industry focus on non-medicinal delousing methods.

Highlights of the half year up to 31st March 2017 include the group signing a joint venture agreement to provide genetics, health and knowledge services to the world’s third largest salmon producer, SalMar ASA; construction of their new salmon egg production facility in Norway – in a bid to underpin the Breeding and Genetics division’s market leading position in the sector – continuing on schedule; and progress being made by the group’s Advanced

Animal Nutrition division towards the goal of delivering a 100 per cent live replacement for feeding juvenile shrimp, a key to unlocking future growth potential for the industry.

The group's new state-of-the-art vaccine manufacturing facility in Braintree is being commissioned and first commercial batches are expected in H2.

Commenting on trading, Benchmark's CEO, Malcolm Pye, said: "The agreement with SalMar is an example of the value we can deliver to our customers by aggregating leading technologies to provide integrated solutions to the issues faced by the food production industry. There are a number of technologies in the later stages of development that we are particularly excited about, and we look forward to delivering these, through our distribution networks, including into the significant Asian and Latin American shrimp and tilapia markets."

The group is seeking to grow sales and market share in developing markets, including China, for its Breeding and Genetics and Advanced Animal Nutrition divisions, and is progressing towards establishing strategic relationships in those regions. Further progress has been made with the development of the group-wide customer account management programme, which will promote the full benefit of Benchmark's integrated technology solutions in aquaculture.

The long-term drivers of growth in the company's sectors, which include the growing global demand for aquaculture products and an ever-increasing pressure to limit the use of antibiotics in the food chain, remain strong, with increasing momentum and interest in the aquaculture market. The company continues to focus on delivery of its strategy to deploy leading technologies drawn from across the group, through established distribution channels, into long-term growth markets.

Benchmark expects to announce its interim results for the six months to 31 March 2017 during the week commencing 26 June 2017.

http://www.thefishsite.com/fishnews/29129/new-sea-louse-treatment-nears-commercial-launch/

Fish Update, 22 June 2016

Benchmark claims sea lice breakthrough

by Jenny Hjul

BENCHMARK Animal Health has developed a new treatment to combat sea lice that it claims has achieved 100 per cent success in field trials.

'Salmosan Vet All-in-One' is a treatment utilising the synergy between low salinity water and Salmosan Vet to achieve maximum efficacy against sea lice and improve fish welfare by minimising stress.

A low level of salinity is achieved when salmon held in the marine environment are introduced into freshwater treatment units such as well boats.

The Salmosan Vet All in One programme can be used to treat all stages of multi-resistant sea lice, with field trials demonstrating treatment efficacy up to 100 per cent.

Work to date has demonstrated the optimum regime is a bath treatment consisting of three hours in low salinity water, with Salmosan Vet added for the final 60 minutes (total treatment time being three hours).

Benchmark says it is important for producers to adhere to this three-hour treatment time as shorter periods will result in reduced efficacy and are likely to contribute to the development of resistance to both freshwater and azamethiphos.

Shorter treatment times have shown some effect on some stages of sea lice in laboratory trials. However, these results have not been reproduced under commercial field conditions and are unlikely to kill juvenile stages of sea lice.

Tank trials and subsequent commercial treatments using the three-hour Salmosan Vet All-in-One program have killed all stages of lice, said Benchmark.

Lice populations previously showing resistance to azamethiphos were successfully treated with up to 100 per cent clearance using this programme.

Salmosan Vet All-in-One substantially reduces the time the fish need to spend in a low salinity water treatment, therefore reducing stress on the fish and allowing more efficient use of treatment facilities.

Benchmark say that Salmosan Vet must always be used at the label indicated dose – 0.2mg Salmosan Vet per litre water for 60 minutes.

‘We have achieved some extremely positive results with this programme and our technical support team has gained some valuable experience regarding water quality parameters (e.g. oxygen, carbon dioxide and ammonia),’ the firm said today.

‘It is vital that these are managed properly and extra vigilance is needed when holding fish for extended treatment periods.

‘We would encourage all producers to discuss this with us before deploying it on their farms.’

https://www.fishupdate.com/benchmark-claims-sea-lice-breakthrough/

Please also include information relating to Elanco's lufenuron-based treatment Imvixa.

Fish Farming Expert reported on 24 November 2016:

"Fish Farming Expert reported last week that its bid for approval in the UK has been rejected..... However, they were more evasive about the possibility of being granted approval in Scotland, telling kyst.no: “The UK salmon market is a very important market for Elanco. We are committed to providing our aquaculture customers in Scotland with the best tools to face the challenge of sea lice, giving them confidence in achieving success in sea lice control.

To do so, we will continue to collaborate with the VMD and the SEPA to provide comprehensive and appropriate regulatory data for our product developments."

Fish Farming Expert reported on 14 November 2016:

"the manufacturer of a least one new in-feed product, [Elanco] has stopped trying to get licencing for their product [lufenuron-based Imvixa] in the UK

Please also note the following (from a Briefing for the Cabinet Secretary dated 10 August 2016 - obtained via FOI from the Scottish Government):

Please therefore include any information relating to the "new in-feed treatment" referred to above.

Please consider this a request for information under the relevant Freedom of Information and Environmental Information Regulations including both the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (as well as any other new or other regulations which may be appropriate).

Please provide this information electronically.

Please acknowledge receipt of this FOI request.

Many thanks and I look forward to a response shortly.

Don

Don Staniford

Director, Global Alliance Against Industrial Aquaculture (GAAIA):
http://www.salmonfarmingkills.com

[4]

From: Don Staniford [mailto:salmonfarmingkills@gmail.com]
Sent: 13 June 2017 09:07
To: 'AccesstoInformation'
Subject: FOI on "discussions" in August 2016 & related correspondence re. SEPA's proposal to ban Slice & draft article/press statement

Please provide information relating to "discussions" between the Scottish Government and SEPA in August 2016 (in the specific context of SEPA's proposal to ban Slice and draft article/press statement).

The following email dated 10 August 2016 obtained via SEPA's F0187415 (Final Response document #45) disclosed on 9 June 2017 refers to "discussions last night and his subsequent reflection has been that SEPA will not issue an article along the lines that had been initially proposed and will hold reactive lines if approached" ("His" is understood to refer to SEPA's Chief Executive Terry A'Hearn):

On 9 August 2016, a Scottish Government email addressed to the Cabinet Secretary for the Environment, Climate Change and Land Reform (Roseanna Cunningham); Special Adviser to the First Minister at The Scottish Government (David Miller); the Director of Marine Scotland and other Scottish Government staff suggested an "urgent conversation" with SEPA's Chief Executive Terry A'Hearn following "serious concerns" raised by the Scottish Salmon Producers Organisation (SSPO) - the email below was obtained from SEPA via F0187415 - Final Response document #45 - disclosed on 9 June 2017):

Another email from the Private Secretary of the Cabinet Secretary for the Environment, Climate Change and Land Reform (David Johnston) dated after 5pm on 9 August 2016 suggested a conversation between Roseanna Cunningham and Terry A'Hearn "tomorrow morning" (i.e. 10 August 2016) but said that "we are struggling to get in contact with his office to confirm a time":

Please therefore provide information on any meetings and/or phone conversations between the Scottish Government (in particular the Cabinet Secretary for the Environment, Climate Change and Land Reform) and SEPA (in particular SEPA's Chief Executive Terry A'Hearn) in August 2016 (in particular on 9 and 10 August 2016).

For example, please detail where the "discussions" took place (e.g. on phone, in the Scottish Parliament etc); who was present on the phone call/in the meeting; what was discussed and when the "discussions" took place.

Please provide copies of any emails, Minutes, phone logs, internal briefings, Briefings for the Cabinet Secretary, press lines, "subsequent reflection" and other information relating to the above during August 2016.

In particular, please include any briefings/emails to and from the First Minister, emails to and from the Cabinet Secretary for the Environment, Climate Change and Land Reform (Roseanna Cunningham), emails to and from the Private Secretary of the Cabinet Secretary for the Environment, Climate Change and Land Reform (David Johnston), emails to and from the Special Adviser to the First Minister at The Scottish Government (David Miller), emails to and from the Director of Marine Scotland and emails to and from the Chief Executive of SEPA Terry A'Hearn as well as other SEPA Board members and SEPA's Agency Management Team.

From the following Briefing for Cabinet Secretary dated in the afternoon of 10 August 2016 it is clear that following the "discussions" with SEPA's Chief Executive during the night of 9 August 2016 (and/or during the morning of 10 August 2016) that SEPA had now decided not to issue a press statement and were not proposing to undertake proactive communications:

Please therefore provide a copy of the Chief Executive's report to the Agency Board on 26 September 2016 together with drafts, correspondence, emails and other information relating to Terry A'Hearn's discussions on 9 and/or 10 August 2016 and "subsequent reflection" (i.e. decision not to publish a press statement/SEPA View article).

SEPA's proposed press statement/article was not published in August 2016 - here's a copy in full of the 'Confidential Draft' (obtained via SEPA's 0187415 - Initial Response - posted online on 9 June 2017):

This 'Confidential Draft' was never published by SEPA - it seems from the emails detailed above that this followed direct intervention/lobbying from the Scottish Government and the Cabinet Secretary for the Environment, Climate Change and Land Reform (Roseanna Cunningham) in particular who appears to have been acting as a shill for the SSPO.

Instead, SEPA published the following watered-down version on 1 March 2017 via SEPA View:

In particular, you will notice that the line which the SSPO expressed urgent, serious and particular concerns to the Cabinet Secretary for the Environment, Climate Change and Land Reform about during August 2016 is now missing:

For background details of this issue read:

Sunday Herald: "Scottish government accused of colluding with drug giant over pesticides scandal"
Sunday Herald: "Toxic pesticide ban scrapped after fish farm industry pressure"
Press Release: "Damning Report on Toxic Salmon Farms Buried - SEPA finally acts on lobster-killing chemical"
"Crackdown on fish farm pesticides after Sunday Herald investigation"
Press Release: "Toxic Toilets: Salmon Farms Pollute Scotland's Lochs"
Front Page of Sunday Herald: "Revealed: Scandal of 45 Lochs Trashed by Pollution"

Please consider this a request for information under the relevant Freedom of Information and Environmental Information Regulations including both the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (as well as any other new or other regulations which may be appropriate).

Please provide this information electronically.

Please acknowledge receipt of this FOI request.

Many thanks and I look forward to a response shortly.

Don

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