

Appeal by Scottish Salmon Watch re. SEPA's F0191198



Full name:

Donald Charles Staniford

Contact phone number:

07771 541826

Email address:

salmonfarmingkills@gmail.com

If you are making the request on behalf of someone else or an organisation, their name:

Scottish Salmon Watch

How you would like us to contact you:

Email or phone

The name of the authority you made your request to:

Scottish Environment Protection Agency

The date you made your request:

23 October 2019

Did the authority respond to your request? The date of the authority's response (if one was provided):

11 November 2019

Why you asked the authority for a review:
Because SEPA refused to provide information

Did the authority carry out a review and respond to you? The date of the authority's response (if one was provided):
13 December 2019 (online via <https://donstaniford.typepad.com/files/sepa-cleantreat-refusal-review-13-dec-2019.pdf>)

On 19 December 2019 Scottish Salmon Watch wrote to SEPA asking them to re-look at their review reply in light of information disclosed (in relation to a carbon copy FOI) by the Scottish Government

On 31 January 2020 SEPA replied disclosing some further information (effectively the same as the Scottish Government).

Some background via:
[Press Release: Cleaning Tox-Sick Scottish Salmon](#) (29 December 2019)
[CleanTreat FOI Disclosures by the Scottish Government to Scottish Salmon Watch](#)

Documents attached in the Appendix and in email to follow.

About your application

Why you are unhappy with the way the authority responded to your request for review.

Scottish Salmon Watch argues that SEPA's review refusal [dated 13 December 2019](#) wrongly concluded that commercial confidentiality took precedence over public disclosure:

B. - Commercial interests – Regulation 10(5)(e) of the EIRs – Question 6

Regulation 10(5)(e) states that a Scottish public authority may refuse to make environmental information available to the extent that its disclosure would, or would be likely to, prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest.

The Formal Review Officer outlined the scope of exception at Regulation 10(5) (e) of the Environmental Information (Scotland) Regulations 2004.

The relevant section of the briefing prepared by the Office of the Scottish Information Commissioner was also consulted - <http://itspublicknowledge.info/Law/EIRs/EIRsExceptions.aspx>

The Formal Review Officer reported on the tests set down by the Scottish Information Commissioner on the application of Regulation 10(5) (e) of the EIRs. It was confirmed that details of the specified treatment were not publicly available and that they were commercial in nature.

Feedback had been sought from the third party who confirmed that disclosure of information would cause substantial prejudice to their commercial interests.

In the specific circumstances of this request, SEPA considers that the release of the correspondence and documentation would cause a substantial prejudice to the commercial undertaking and economic interest. SEPA therefore contends that the public interest in the release of the information is outweighed by the public interest in maintaining the exception under the terms of Regulation 10(5)(e) of the EIRs

Recommendation that information relating to the requested information should continue to be withheld, at this time, under the terms of Regulation 10(5) (e) of the Environmental Information (Scotland) Regulations 2004, after the application of the Public Interest Test, as noted above.

Scottish Salmon Watch believes that there is a clear public interest in disclosure as well as a growing public interest in this issue. For example, The Sunday Times reported on 29 December 2019: "[Official fears revealed over toxic threat of salmon trade](#)".

Scottish Salmon Watch considers such a refusal by SEPA is unreasonable and does not see an overriding public interest in protecting commercial or industrial information. The public interest is surely served best by disclosing specific details on CleanTreat (including the active ingredients in BMK08 & Ectosan - the subject of another FOI to SEPA and the Scottish Government which have been refused). Secret trials [took place two decades ago in Scotland in relation to Calicide \(Teflubenzuron\)](#) and that [did not end well](#).

The public case for disclosure is much stronger than the case for protecting commercial confidentiality. It is obvious that Benchmark (as the manufacturer of the CleanTreat system) is a company which wants to maximise investment, profit and economic returns by delaying disclosure.

However, SEPA's duty is not to the shareholders of Benchmark but to the Scottish environment and the Scottish public whose livelihoods may be impacted by the Norwegian and other foreign investors controlling Benchmark.

Benchmark's [largest shareholders are listed \(as of 29 October 2019\) as:](#)

Significant Shareholders as notified to the Company

SIGNIFICANT SHAREHOLDERS	% OF ISSUED SHARE CAPITAL
FERD AS	25.98
Kverva Finans AS	14.14
Lansdowne Partners	9.23
JNE Partners LLP	6.91
The Royal Bank of Scotland Group plc	5.80
Harwood Capital	4.13

Shareholders		
Name	Equities	%
Ferd Invest AS	144,951,523	25.9%
Gustav Witzøe	79,015,188	14.1%
Lansdowne Partners (UK) LLP	55,081,579	9.86%
MSD Partners Europe LLP	38,613,000	6.91%
RBS Collective Investment Funds Ltd.	38,133,401	6.83%
Woodford Investment Management Ltd.	27,853,491	4.99%
Harwood Capital LLP	23,136,493	4.14%
Malcolm David Foster Pye	15,145,686	2.71%
Roland James Bonney	15,145,686	2.71%
Hargreave Hale Ltd.	14,425,000	2.58%

Share capital and substantial shareholdings

The Company's issued share capital, together with details of movements during the year, are shown in Note 25 accompanying the financial statements. The Company has one class of ordinary share which carries no right to fixed income. Each ordinary share carries the right to one vote at general meetings of the Company.

As at 23 January 2019 the Company has been notified of the following substantial shareholdings under Rule 5 of the UKLA's Disclosure and Transparency Rules:

	% of Issued share capital
FERD AS	26.00
Invesco Limited	16.17
Woodford Investment Management Limited	12.45
Lansdowne Partners International Limited, Lansdowne Partners Limited and Lansdowne Partners (UK) LLP	9.88
The Royal Bank of Scotland Group plc (Herge Holding B.V.)	6.84
Harwood Capital LLP (as investment adviser/manager), Oryx International Growth Fund Limited, North Atlantic Smaller Companies Investment Trust PLC, and Harwood Capital LLP for private clients	4.15

Indeed, it is wholly evident that Benchmark has actively sought public and private investment in CleanTreat through published media reports and press comments.

For example, here's Benchmark's promotion of CleanTreat (including BMK08 & Ectosan) to the general public and investors via media reports and published investor updates (you could find more via Googling):

Undercurrent News [reported](#) (2 December 2019):

The screenshot shows the top portion of a news article on the Undercurrent News website. The header features the site's logo, 'undercurrentnews', with the tagline 'seafood business news from beneath the surface'. Navigation links for 'HOME', 'PRICES', 'SPECIES', 'COMPANIES', 'DOWNSTREAM', 'UPSTREAM', 'BLOGS', 'JOBS', and 'REPORTS' are visible. Below the header, there are category tags for 'WHITEFISH', 'R&D', and 'AQUATECH'. The main headline reads: 'Benchmark: 'Breakthrough' salmon lice treatment combo could be available by end of 2020'. The author is identified as 'By Dan Gibson' with a timestamp of 'Dec. 2, 2019 10:17 GMT'. Below the text is a photograph of two workers in safety gear standing on a metal walkway between large white cylindrical tanks. The tanks are labeled 'CleanTreat by Benchmark'. Below the photo, a caption states: 'Benchmark's CleanTreat system won the aquaculture innovation award at AquaNor 2019, and is set for commercial release next year. Credit: Benchmark Holdings'.

The screenshot shows a news snippet from Undercurrent News. The header includes the 'ucn' logo and navigation links for 'HOME', 'PRICES', 'SPECIES', 'COMPANIES', 'DOWNSTREAM', and 'UPSTREAM'. The main text of the snippet reads: 'UK animal health and genetics services provider Benchmark Holdings has set a rough guideline for the full commercial release of its anticipated sea lice treatment product, with the regulatory process 'progressing towards approval in late calendar year 2020'.'

The product candidate, named BMK08, has continued to show around 99% effectiveness as well as "excellent animal welfare and environmental credentials" in tests, Benchmark said in its Q4 financial update.

"There is increasing recognition in the industry of the breakthrough nature of our solution and growing interest from customers while the regulatory approval process is progressing according to plan," the firm said.

Nevertheless, revenues from commercial-scale field trials were lower than in 2018, as the program of

trials for BMK08 draws to a close.

Meanwhile, the company's CleanTreat system, which won the Aquaculture Innovation award at [AquaNor 2019](#), is also planned to move from trial mode to full commercial release next year.

CleanTreat, a water purification system, removes organic material and medicines from salmon treatment water before releasing the water back to the sea. In this way, Benchmark hopes it can remove treatment-resistant sea lice from farms, preventing them from spreading and building resistance among other lice.

"During the year the group made good progress towards the launch of product candidate BMK08 which, together with its co-dependant technology CleanTreat, has the potential to be transformational for the industry, delivering a solution with zero environmental impact to one of the industry's biggest challenges," said executive chairman Peter George in the firm's update.

"The company is considering the optimal strategy to take CleanTreat from trial to commercial-scale given its importance to product candidate BMK08 and its broader industry-wide applications," George added, "including alternative funding strategies with support from its major shareholders".

In Chile this year Benchmark claims to have seen increased sales of its existing sea lice treatment, Salmosan, which it said is indicative of the potential demand for BMK08.

Fish Farming Expert [reported](#) in October 2018:

Two-year wait for 'next generation' lice treatment

A new lice treatment developed by UK-based aquaculture genetics, health and nutrition company Benchmark is unlikely to be available before the end of 2020 or early 2021.

By [Daniella Balin](#)

Ectosan has proven to be 100% effective in commercial trials in Norway, but Benchmark has warned it will take time to secure the patents or authorisations for it. It is waiting to complete regulatory procedures.

The chemical, which Benchmark describes as its "next generation" lice treatment, is used on wellboats in conjunction with the company's CleanTreat filtration system, which removes any detectable trace of medication from the treatment water before it is discharged into the sea, generating zero impact.

New molecule

Benchmark chief executive Malcolm Pye, visiting Chile for the Aquasur trade show, told Fish Farming Expert's Chilean sister site, [Salmonexpert.cl](#), that Ectosan is a product that includes a new molecule and innovative technology.

Pye said Benchmark is in the process of patenting Ectosan in Norway and globally. "We still have work to do regarding patents and authorisations," he explained.

A clean break

- CleanTreat was developed by Benchmark Animal Health at its Ardtoe Marine Laboratory in Scotland.
- It uses a unique purification system to compound and solidify the chemicals used in bath treatments. These solids can then be incinerated at a specialist processing plant.
- So far CleanTreat has been trialled with a number of sea lice treatments compounds including pyrethroids, deltamethrin, azamethiphos, as well as Ectosan.

The CleanTreat system, which is available now, cannot be used with hydrogen peroxide but is suitable for all other currently available bath treatments used against sea lice, as well as several additional chemical classes.

According to Benchmark, the system is working well in field trials and will be available imminently for use with other chemicals. Benchmark is continuing to optimise its performance in terms of speed and efficiency.

Pye continued: “Our intention is that there will be no impacts on the sea after performing antiparasitic treatments on the fish.

“This is a step that the industry has wanted to take some time, to move away from carrying out treatments and discharging water containing antiparasitic products in the open sea.”

Benchmark's [submission to the Scottish Parliament's salmon farming inquiry in 2018](#) included:

Purification systems- systems which remove therapeutants from treatment water prior to discharge - have been proposed as a solution to this environmental challenge. Benchmark's CleanTreat® system - developed by our team in Scotland - is the culmination of many years of research and investment and is the first of its kind to be used in aquaculture.

CleanTreat® ensures the safe use of compounds in the marine environment by removing therapeutants in discharge water following treatment to undetectable levels. CleanTreat® will be used in conjunction with Benchmark's next generation sea lice treatment, which is currently undergoing field trials in Norway. This represents a transformational change in the battle against one of the industry's greatest challenges, and a big step towards a future where no medicinal residues are discharged directly into the oceans. CleanTreat® can be used on well boats, tankers and platforms, is effective against most available bath treatments for sea lice and prevents treated lice from going back into the environment so that they do not contribute to resistance. More information can be found here:

<http://www.benchmarkplc.com/articles/cleantreat-by-benchmark/>

The Fish Site [reported](#) in March 2018:

Innovative treatment system gets an upgrade



by Rob Fletcher
22 March 2018, at 12:00pm

A new vessel which has been modified and fitted with an increased capacity for the use of Benchmark's CleanTreat system set sail for Norway from Scotland this week.



It's the second vessel to be fitted with the pioneering system, which allows a range of chemical bath treatments to be used to treat farmed fish infected with ectoparasites such as sea lice without any chemical residues being discharged into the water. And the new vessel has capacity up to 1200m³ per hour, allowing it to clean the water used for treatments in a 3000m³ wellboat in under three hours, a marked improvement on the speed of the previous CleanTreat vessel.



John Marshall, head of Benchmark Animal Health, which developed the system at their Ardtoe Marine Laboratory, explained the latest updates at this week's [Fish Vet Society conference](#), near Edinburgh.

CleanTreat is, he explained, "suitable for all currently available bath treatments used against sea lice, other than hydrogen peroxide" and uses a unique purification system to compound and solidify the chemicals used in the treatments. These solids, he added, can then be incinerated at one of the world's three specialist processing plants for these operations.

It has, so far, been trialled with a number of sea lice treatments compounds including pyrethroids, deltamethrin, azamethiphos, and Benchmark's new trial bath treatment.

However, he also believes that – as the treatment water is processed through CleanTreat's unique triple purification system before being released back into the sea clean and free of medicinal residues – the system could open up a very wide range of treatment options.

"There are at least two new products it could bring to market and I think it could open the door to other products not yet considered – perhaps from other areas, depending on regulations," he said.

Fish Farming Expert [reported](#) in December 2017:

New lice bath '100% effective' and pollution-free

Aquaculture health, nutrition, and genetics business Benchmark has announced that a new bath treatment has proved 100% effective against sea lice in commercial trials in Norway.

By [Gareth Moore](#)

The treatment, Ectosan, which has been developed by the UK-based company, was delivered through the company's CleanTreat filtering system - which removes any detectable traces of medicine from treatment water before it is discharged into the sea - meaning that the treatments had no environmental impact.

Benchmark believes that Ectosan can eventually achieve worldwide sales of £40-50 million annually. It will continue field trials in key markets through 2018 and 2019.

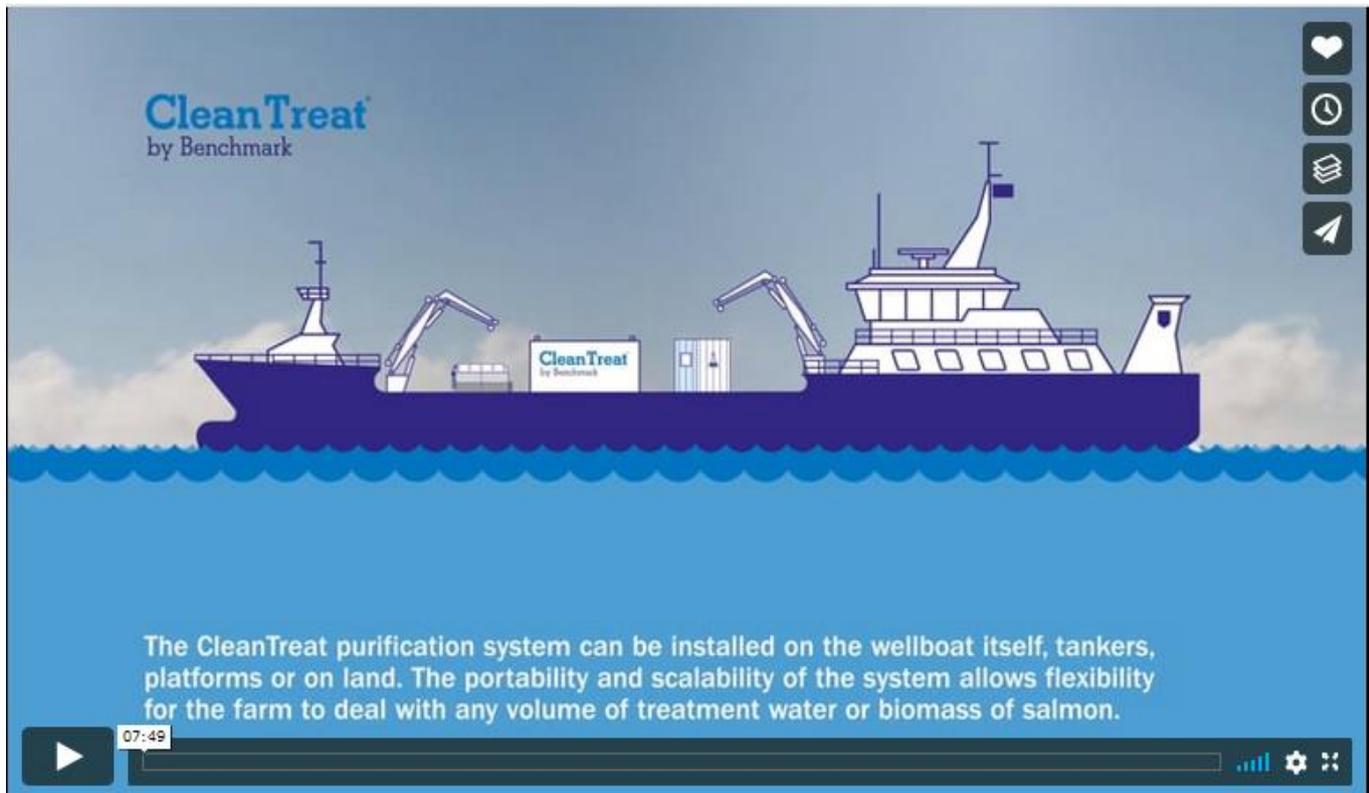
Transformational change

Chief executive Malcolm Pye said: "This is major breakthrough for Benchmark and the salmon industry. The combination of our next generation sea lice treatment, together with CleanTreat represents a transformational change in the battle against one of the industry's greatest challenges, and a big step towards a future where no medicinal residues are discharged directly into the oceans.

"Given its significance to the industry and interest expressed by our customers, we expect to see substantial demand for the treatment and look forward to providing the treatment more widely upon regulatory approval."

Benchmark would not comment further on Ectosan or how it works.

The company launched CleanTreat at Aqua Nor in Trondheim in August. A Benchmark spokesperson said: "CleanTreat can also be used with other bath treatments. Essentially CleanTreat could transform the salmon industry in terms of reducing environmental impact. There isn't another system like it, it's the first of its kind."



Proactive Investors [reported \(20 December 2019\)](#):

UK ▾ **proactive** Watch MyProactive 🔍

News Topics Insights Research Companies BeProactive Events Sign in

Health view Benchmark Holdings PLC

Pharma & Biotech

Benchmark heartened by progress towards launch of BMK08 in otherwise challenging year

Revenue from continuing operations of £37.0mln was 10% above the prior year (2018: £33.6mln) driven by strong growth in the Genetics division

Most read

Finance

John Harrington
08:22 Fri 20 Dec 2019

“During the year the company made good progress towards the launch of BMK08 which, together with its co-dependent technology CleanTreat, has the potential to be transformational for the industry, delivering a solution with strong environmental and animal welfare credentials,” said Peter George, the executive chairman of Benchmark.

The Fish Site [reported \(30 January 2020\)](#):

Benchmark seeks millions more for novel sea lice treatments

← BREEDING & GENETICS

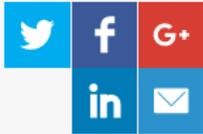
← SEA LICE

← HEALTH



by The Fish Site
30 January 2020, at 8:54am

Benchmark has targeted raising £43 million in order to scale up and speed up the commercialisation of its novel sea lice treatment system CleanTreat.



The aquaculture health, nutrition and genetics business, has announced this morning that it has conditionally raised £36.4 million by way of a placing at an issue price of 40p per ordinary share and intends to raise up to a further £6.6 million by way of an open offer to qualifying shareholders at an issue price of 40p per ordinary share.



Benchmark hopes to raise £19 million to speed up the commercialisation of CleanTreat

The company has earmarked £19 million to fund the commercial development of CleanTreat, which removes medicinal residues from treatment water, in order to support the launch of its novel sea lice medication, which is currently known as BMK08. The group is preparing to launch the two systems in the first half of 2021, subject to receipt of regulatory approval for the treatment product.

Over the last 24 months, over 35,000 tonnes of salmon in Norway have been treated with BMK08 in combination with CleanTreat - with the former achieving approximately 99 percent efficacy,

Benchmark's directors believe there is demonstrable and growing interest from customers for the product and estimates that the BMK08 / CleanTreat solution could reach peak annual sales of £50 million in Norway alone and £75 million globally.

The directors have said that they "strongly believe" that raising the extra funds "represents the optimal scale-up strategy for CleanTreat ahead of the anticipated BMK08 regulatory approval" by increasing its speed to market, delivering a higher expected return-on-investment and maximising value for Benchmark shareholders by retaining full ownership of CleanTreat.

Peter George, executive chairman of [Benchmark](#), commented: "We are preparing to launch BMK08, our novel medicinal treatment to combat sea lice, one of the main biological challenges in salmon farming. This requires scaling up CleanTreat, our proprietary system that removes medicinal residues from treatment water, and which is integral to the delivery of BMK08. Having reviewed a number of funding options, we strongly believe that an equity raise is the optimal funding strategy to deliver this scale."

Intrafish [reported \(30 January 2020\)](#):



[Aquaculture](#) [Fisheries](#) [Processing](#) [Markets](#) [Feed](#) [Opinion](#)

Aquaculture biotech group Benchmark raises \$50 million to launch new sealice treatment

Some directors have subscribed to buy shares in the offering.

30 January 2020 9:00 GMT *UPDATED 30 January 2020 13:28 GMT*
By Demi Korben

Aquaculture biotechnology firm Benchmark secured £36.4 million (€43 million/\$47 million) in a stock offer to support the launch of its new products.



The biggest farmed salmon escapes of 2019

[Read more](#)



Scottish salmon farmers are spending 47% less on medicines thanks to sealice-eating cleanerfish

[Read more](#)

The UK-based company also intends to raise an additional £6.6 million (€7.7 million/\$8.5 million) through an open offer to support product launches.

The sale price of the London-listed stock was £0.40 (€0.47/\$0.52) per ordinary share. The company did not disclose who bought shares through the offer, however, some unnamed directors expected to buy shares in the private placement.

The company intends to use a big chunk of the raised capital to fund the development of its CleanTreat system, which removes medicinal residues from treatment water.

This comes prior to the commercial delivery of BMK08, the company's new sealice treatment.

Another part of the raised money -- £16 million (€19 million/\$21 million) -- will be secured for a general increase in working capital in the group.

RELATED NEWS

BioMar CEO Carlos Diaz: This year's strategic initiatives 'will surprise the market'

[Feed](#)
7 January 2020 23:41 GMT

Benchmark shares take 10% plunge after disappointing 2019 performance

[Finance](#)
20 December 2019 11:15 GMT

Year in Review: 2019 saw flood of seafood management shakeups

[Marketplace](#)
12 December 2019 21:12 GMT

Private equity-backed company moving forward with Canada's first lumpfish hatchery

[Aquaculture](#)
12 December 2019 23:13 GMT



Don Staniford
@TheGAAIA

Benchmark plans share issue to fund CleanTreat scale-up fishfarmingexpert.com/article/benchm...
[@ewangkennedy](#) [@SalmonFeedlots](#) [@ScottishEPA](#)
[@WeAreBenchmark](#) What is BMK08?



Benchmark plans share issue to fund lice solution scale-up - FishFarmingExpert.c...
Aquaculture health, nutrition and genetics business Benchmark Holdings has revealed plans to raise a net sum of £41.5 million through share issues.
fishfarmingexpert.com

4:22 PM · Jan 30, 2020 · [Twitter Web App](#)

Proactive Investors [reported \(5 February 2020\)](#):



Andrew Scott

12:29 Wed 05 Feb 2020

Benchmark team discuss £43mln raise and commercial development of CleanTreat



Most read

Finance

RBS unveils :
dividend gift
name chang
Group

4 days, 23 hours ago

Mining

Benchmark Holdings PLC's (LON:BMK) Peter George and Septima Maguire discuss with Proactive's Andrew Scott some of the detail around their planned £43mln fundraise which is being carried out by way of a share placing and open offer.

The raise is being done to fund the commercial development of its CleanTreat system.

It's a proprietary system that removes medicinal residues from treatment water and which is integral to the commercial delivery of product candidate BMK08, the company's novel sea lice treatment for sea lice.

Insider Media [reported \(17 February 2020\)](#):



Stephen Farrell
Digital Staff Writer



BENCHMARK HOLDINGS RAISES £6.6M

© 17 Feb 2020 [Yorkshire](#) [Deals](#)



Benchmark Holdings, the Sheffield-based aquaculture health, nutrition and genetics business, has conditionally raised £6.6m through an open offer.

In January, the listed company [conditionally secured £36.4m](#) through a placing and announced plans to raise further funding through an open offer.

Benchmark has now conditionally raised total gross proceeds of £6.6m through the open offer, with gross proceeds from the fundraising totalling £43m.

The funding will be used to fund the commercial development of Benchmark's CleanTreat system, which removes medicinal residues from treatment water, and support the launch of its BMK08 sea lice treatment.

It will also provide additional working capital to fund the continuing business and strategy until a programme of planned disposals, set to raise up to £35m, is completed.

Peter George, executive chairman of Benchmark, said: "We are pleased to have raised the full amount envisaged under the open offer.

"The proceeds of the open offer and placing will in part be used to scale up CleanTreat as we prepare to launch BMK08, our novel medicinal treatment to combat sea lice, one of the main biological challenges in salmon farming. We are excited about the opportunity we now have to deliver Benchmark's enormous potential."

Morningstar [reported \(17 February 2020\)](#):

News

Benchmark Raises GBP6.6 Million In Share Open Offer

(Alliance News) - Benchmark Holdings PLC on Monday said it has raised GBP6.6 million through a ...

Alliance News | 17 February, 2020 | 1:19PM

[Email](#) [Facebook](#) [Twitter](#) [LinkedIn](#) [RSS](#) [AAA](#)

(Alliance News) - Benchmark Holdings PLC on Monday said it has raised GBP6.6 million through a share open offer, part of a GBP43 million overall fundraise by the company.

In January, the aquaculture health, nutrition and genetics firm said it had raised GBP36.4 million through the placing of 91 million shares at 40 pence each. Following the placing, it announced a share open offer at the same price.

The stock was trading 1.2% lower at 42.00 pence each in London on Monday.

The company received applications from qualifying shareholders for a total of 30.7 million open offer shares.

Benchmark said that the net amount realised from its fundraising will be used to scale-up development of its CleanTreat system for aquaculture as well as to provide additional working capital.

"We are pleased to have raised the full amount envisaged under the open offer. The proceeds of the open offer and placing will in part be used to scale up CleanTreat as we prepare to launch BMK08, our novel medicinal treatment to combat sea lice, one of the main biological challenges in salmon farming," said Benchmark Chair Peter George.

The Fish Site [reported \(17 February 2020\)](#):

Benchmark raises £43 million for sea lice treatments

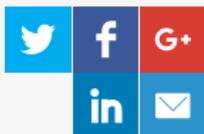
SEA LICE

HEALTH



by The Fish Site
17 February 2020, at 12:54pm

Benchmark Holdings, the aquaculture health, nutrition and genetics business, has raised £43 million, as it seeks to scale up its CleanTreat sea lice treatment system.



A statement released by the company today explains that their recent open share offer raised £6.6 million, while the rest has been conditionally raised by a share placing.



Peter George, executive chairman of [Benchmark](#), commented: "We are pleased to have raised the full amount envisaged under the open offer. The proceeds of the open offer and placing will in part be used to scale up CleanTreat as we prepare to launch BMK08, our novel medicinal treatment to combat sea lice, one of the main biological challenges in salmon farming. We are excited about the opportunity we now have to deliver Benchmark's enormous potential."

The CleanTreat system has shown promising results in trials in Norway - where it has been used to treat over 30,000 tonnes of salmon - but it has not yet been approved for full scale commercial use.

Undercurrent News [reported \(18 February 2020\)](#):

undercurrentnews
seafood business news from beneath the surface

HOME , PRICES , SPECIES , COMPANIES , DOWNSTREAM , UPSTREAM , BLOGS , JOBS ,

COMPANIES ATLANTIC SALMON AQUATECH

Benchmark raises £43m to scale up sea lice treatment

By Undercurrent News Feb. 18, 2020 09:43 GMT



 Benchmark's CleanTreat system won the aquaculture innovation award at AquaNor 2019, and is set for commercial release next year. Credit: Benchmark Holdings

The UK aquaculture health, nutrition and genetics service Benchmark Holdings has raised a sum of £43 million (\$55.8m) in order to scale up its sea lice treatment system, it announced in a press release.

According to Benchmark, the company issued an open offer and a placing on the London stock exchange, at an issue price of £0.40 per ordinary share.

The open offer, announced Jan. 30, formally closed on Feb. 13, selling 30.6m open offer shares and 91m placing shares. These are subject to "passing the relevant resolutions at the general meeting to be held later today," Benchmark said.

The money raised will now be used by Benchmark to scale up its CleanTreat system, which uses wellboats to provide medicine to salmon while removing sea lice in a contained system. The company plans to use this in conjunction with its upcoming medicinal treatment, BMK08, to limit the release of residue and resistant sea lice back into the sea.

Seafood Source [reported \(18 February 2020\)](#):



NEWS ▾

E-RESOURCES ▾

SUPPLIER DIRECTORY

SEAFOOD HANDBOOK

Benchmark raises USD 8.6 million through share open offer

By Jason Holland
February 18, 2020

SHARE    



**Benchmark
Holdings plc**

Sheffield, United Kingdom-based aquaculture health, nutrition, and genetics business Benchmark Holdings PLC has conditionally raised total gross proceeds of GBP 6.6 million (USD 8.6 million, EUR 7.9 million) through an open offer announced on 30 January 2020, representing the full amount proposed.

In an advisory posted through the London Stock Exchange, Benchmark also said that the company has conditionally raised total gross proceeds of GBP 43 million (USD 56.1 million, EUR 51.7 million) by way of the placing and the open offer.

The open offer and placing issue price was GBP 0.40 (USD 0.52, EUR 0.48) per ordinary share.

By the open offer's closing at 11 a.m. on 13 February, valid acceptances from qualifying shareholders in respect of 30,691,713 open offer shares had been received, including applications for 25,054,237 open offer shares under the excess application facility.

Admission of the 16,440,766 open offer shares (and the 91,000,000 placing shares) is subject to passing the relevant resolutions at the general meeting.

"We are pleased to have raised the full amount envisaged under the open offer," Benchmark Executive Chairman Peter George said. "The proceeds of the open offer and placing will in part be used to scale up CleanTreat as we prepare to launch BMK08, our novel medicinal treatment to combat sea lice, one of the main biological challenges in salmon farming. We are excited about the opportunity we now have to deliver Benchmark's enormous potential."

For the year through 30 September, 2019, Benchmark made a pretax loss of GBP 73.3 million (USD 95.6 million, EUR 88.2 million) from continuing operations, compared with a loss of GBP 8.4 million (USD 11 million, EUR 10.1 million) for the previous 12 months. Revenues from continuing operations for the year slipped 3 percent to GBP 127.3 million (USD 166 million, EUR 153.2 million), with adjusted earnings before interest, tax, depreciation, and amortization and impairment (EBITDA) of GBP 12.1 million (USD 15.8 million, EUR 14.6 million), down 37 percent year-on-year.

The public interest is surely better served by disclosure rather than the dubious excuse of protecting commercial interests.

Surely SEPA should be placing environmental protection ahead of the protection of economic interests?

It seems that SEPA, by aiding and abetting privacy, are effectively promoting rogue/insider trading. Benchmark, by failing to publicly disclose basic information on CleanTreat (including BMK08 & Ectosan) are guilty of potentially misleading investors and the public alike.

Surely the public has a right to know what the CleanTreat process entails; how CleanTreat is going to be used and what chemicals are going to be discharged/disposed of? Only then, with full disclosure, can investors and the public make a wholly informed decision as to the acceptability of CleanTreat. SEPA surely has no jurisdiction blocking public scrutiny.

SEPA's refusal letter dated 11 November 2019 stated that "the public interest would not be served by the release of the information at this time".

SEPA holds a small amount of correspondence. This information is excepted under Regulation 10(5)(f) of the EIRs. The text of which is reproduced below;

(5) A Scottish public authority may refuse a request to make environmental information available to the extent that its disclosure would, or would likely to prejudice substantially-

(f) the interests of the person who provided the information where that person-

(i) was not under, and could not have been put under, any legal obligation to supply the information;

(ii) did not supply it in circumstances such that it could, apart from these Regulations, be made available; and

(iii) has not consented to its disclosure

The release of the information in question would be likely to prejudice substantially the third party. The Public Interest Test was carried out in relation to the information to be withheld under Regulation 10(5)(f) of the EIRs. In this case, we recognise that Regulation 10(2)(b) requires SEPA to apply a presumption favour of disclosure. The public interest in favour of disclosure is outweighed by that in favour of withholding. Requests for such information are considered by SEPA on a case by case basis. In this case, it was determined that the public interest would not be served by the release of the information at this time.

Scottish Salmon Watch strongly disagrees and believes that the time is now to release the information. If the information is not disclosed before CleanTreat (and BMK08 & Ectosan) are officially approved and in operation around Scotland it will be too late for the public (as well as investors) to make informed decisions including objections.

In conclusion, SEPA's refusal to disclose information on CleanTreat (including in relation to BMK08 & Ectosan - which may be one of the same but it is impossible to know since basic information has been kept secret) is unreasonable and undemocratic. Please reverse SEPA's refusal and force SEPA to come clean on CleanTreat.

Appendix:

From: **Access to Information Enquiries** <FOI.Mail@sepa.org.uk>

Date: Fri, Jan 31, 2020 at 3:54 PM

Subject: RE: FORMAL REVIEW RESPONSE - F0191198 - FOLLOW UP RESPONSE 20200131

To: Don Staniford <salmonfarmingkills@gmail.com>

Dear Don

Apologies – I had not planned to take until the end of January to respond to you.

I attach:

- An annotated version of the document you provided on 19 December 2019
- Information held by SEPA that has been disclosed by Scottish Government. The information is redacted, as required.
- A supplementary Annex 1 document updating the outcome of the Formal Review.

Best regards

Alison

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

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

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

Regards,

Valerie Purves
SEPA Access to Information Team
Email: foi@sepa.org.uk
Tel: 01786 457700

From: Don Staniford <salmonfarmingkills@gmail.com>
Sent: 19 December 2019 20:23
To: Goodheir, Jennifer <Jennifer.Goodheir@sepa.org.uk>
Cc: Access to Information Enquiries <FOI.Mail@sepa.org.uk>; Mackinnon, Alison <Alison.Mackinnon@sepa.org.uk>
Subject: Re: FORMAL REVIEW RESPONSE - F0191198

In the spirit of avoiding a time-consuming appeal to the Scottish Information Commissioner do you think SEPA could re-consider its refusal to disclose information on CleanTreat via F0191198?

SEPA's blanket refusal contrasts markedly with FOI disclosures on CleanTreat by the Scottish Government which although imperfect and substantially redacted do at least provide specific information.

In fact, the Scottish Government has even disclosed information relating to SEPA including emails and letters to and from SEPA via [FOI-19-02443](#) (19 December 2019); [FOI/19/01398](#) (3 July 2019) and [FOI-18-00985](#) (23 April 2018). Please see attached Appendix for specific details.

Finally, SEPA should be aware of the recent ruling in November 2019 by the Scottish Information Commissioner ([Decision 160-2019](#)) which forced Scottish Ministers to disclose information on the provenance of 'Scottish' salmon. "In all the circumstances, the Commissioner cannot accept that disclosure of the withheld information in this case would have the effect suggested by the Ministers i.e. that disclosure would, or would be likely to, prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest," concluded the Scottish Information Commissioner.

Scottish Salmon Watch sincerely hopes that another appeal is not necessary in this case. I am not holding my breath but I look forward to SEPA re-visiting this review and disclosing the information requested ASAP.

As ever, I am happy to discuss this matter informally via 07771 541826.

Best fishes for 2020 and Merry Fishmas,

Don

Director, Scottish Salmon Watch

Appendix: FOI Disclosures by the Scottish Government on CleanTreat

Via [FOI-19-02443](#) disclosed today (19 December 2019):

[#1: Letter from the SSPO to SEPA copied to Scottish Ministers](#)

SEPA was lobbied by the Scottish Salmon Producers Organisation (SSPO) to conduct field trials of CleanTreat in Scotland after being "trialled successfully in Norway":

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



30 May 2019

Mr T A'Hearn
SEPA
Strathallan House
Castle Business Park
Stirling
FK9 4TZ

By Email

Dear Terry,

[Redacted]



In this context, you undertook to look again at the potential for trials of novel lice treatment methods and the barriers in the way of Scottish trials for the CleanTreat innovation which the developers believe has no environmental impact at sea. The novel approach has been trialled in Norway successfully and now requires field trials in Scotland. It has the potential to reduce other medicinal treatment methods for lice significantly and reduce environmental impact from farms. We understand that there have been discussions with the company involved though no progress has been made to take forward trials in Scotland. If you required further information on the detail of the issue, we can provide it, though your team have worked with [Redacted] at Marine Scotland and the company involved directly already.

[Redacted]

I am copying this letter to Roseanna Cunningham, Cabinet Secretary for Cabinet Secretary for Environment, Climate Change and Land Reform and Fergus Ewing, Cabinet Secretary for the Rural Economy.

I look forward to your early response.

Yours sincerely,

[Redacted]

Julie Hesketh-Laird
Chief Executive

c.c. Roseanna.Cunningham.msp@parliament.scot
Fergus.Ewing.msp@parliament.scot

Scottish Salmon Producers Organisation
83 Princes Street, Edinburgh, EH2 2ER
enquiries@scottishsalmon.co.uk
www.scottishsalmon.co.uk @SSPOsays
Reg. No. SC152347

[#2: Redacted letter dated 3 October 2019 from the SSPO to SEPA copied to Scottish Ministers](#)

From: [Redacted] @gov.scot> On Behalf Of Cabinet Secretary for the Rural Economy
Sent: 03 October 2019 13:00
To: [Redacted] @gov.scot>
Cc: Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>; Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECCLR@gov.scot>; Minister for Rural Affairs and the Natural Environment <MinisterRANE@gov.scot>; [Redacted] @gov.scot>; DG Economy <DGEconomy@gov.scot>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted] gov.scot>; [Redacted]
[Redacted] @gov.scot>; [Redacted] @gov.scot>
Subject: Letter from the CEO of the SSPO

[Redacted]

To be aware of the attached correspondence that Mr Ewing and Ms Cunningham have been copied.

Kind regards

[Redacted]

Cabinet Secretary for the Rural Economy
[Redacted]

From: [Redacted] <[\[Redacted\]@scottishsalmon.co.uk](mailto:[Redacted]@scottishsalmon.co.uk)>
Sent: 03 October 2019 12:12

To: ComplaintsAdministrator@sepa.org.uk
Cc: ComplaintsAdministrator@sepa.org.uk; Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECCLR@gov.scot>; Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>; [Redacted] <[\[Redacted\]@sepa.org.uk](mailto:[Redacted]@sepa.org.uk)>; [Redacted] <[\[Redacted\]@sepa.org.uk](mailto:[Redacted]@sepa.org.uk)>; [Redacted] <[\[Redacted\]@scottishsalmon.co.uk](mailto:[Redacted]@scottishsalmon.co.uk)>; [Redacted] <[\[Redacted\]@sepa.org.uk](mailto:[Redacted]@sepa.org.uk)>; [Redacted] <[\[Redacted\]@sepa.org.uk](mailto:[Redacted]@sepa.org.uk)>
Subject: Letter from the CEO of the SSPO

Dear Sirs,

[Redacted]

Julie

Julie Hesketh-Laird
Chief Executive
Scottish Salmon Producers' Organisation

83 Princes Street, Edinburgh, EH2 2ER
07843 170483
0131 202 6211
jhesketh-laird@scottishsalmon.co.uk
www.scottishsalmon.co.uk

Twitter: @JulieHL



[#11: Email from SEPA to Benchmark re. visit to CleanTreat wellboat on 30 September 2019](#)

From: [Redacted] <[Redacted]@SEPA.org.uk>
Sent: 25 September 2019 11:53
To: [Redacted] <[Redacted]@bmkanimalhealth.com>; [Redacted] <[Redacted]@vmd.defra.gsi.gov.uk>; [Redacted] <[Redacted]@gov.scot>
Cc: [Redacted] <[Redacted]@bmkanimalhealth.com>; [Redacted] <[Redacted]@bmkanimalhealth.com>
Subject: RE: URGENT- Clean Treat visit opportunity

Morning [Redacted]

I can make 9am on Monday, I think it is important to flag a couple of points. We would expect to follow this up with a visit to the warehouse with relevant staff (our chemists), however having spoken to [Redacted] whilst a visit to the lab in a warehouse would be worthwhile it would obviously be much better to see the lab in situ on the vessel.

Given the above and the fact that [Redacted] can no longer make it, would it be possible to include [Redacted] on the visit? We understand that a chemist won't be available on the day, but still think [Redacted] seeing the lab in situ would be of benefit.

Thanks

[Redacted]

[Redacted]

Scottish Environment Protection Agency, Regulatory Services North, West Highland and Argyll Team, Kilbrandon House, Manse Brae, Lochgilphead, PA31 8QX
t: [Redacted] m: [Redacted] e: [Redacted] <[Redacted]@sepa.org.uk> web: www.sepa.org.uk

Via [FOI/19/01398](https://www.foi.gov.uk/19/01398) (3 July 2019):

[Part 1:](#)

CONFIDENTIAL

Use of [Redacted] and Clean Treat in the UK- Meeting 2

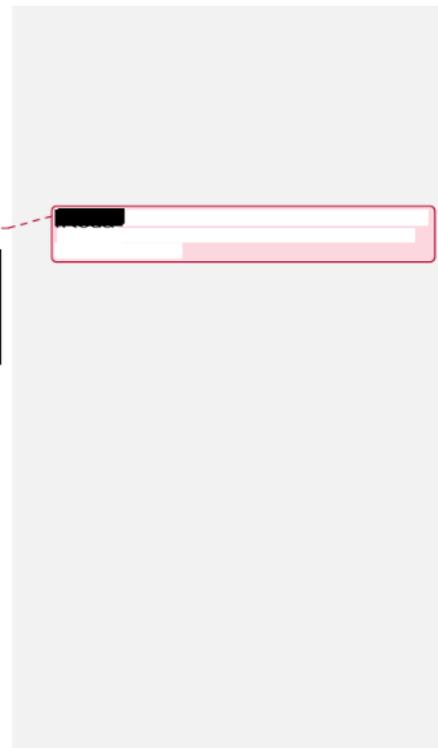
Meeting Location: 11th April 2019, 3.15-4.00pm, SEPA Offices, Stirling

Attendees:

Benchmark AH	SEPA	MS	VMD
[Redacted]	[Redacted]	[Redacted]	[Redacted]

-
-
-
-
-
-

[Redacted]



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

Hi [Redacted]

1. I understand [Redacted] assed on Mr Ewing's request for details about outstanding CAR applications – grateful for an update please.
2. We have also had a request from Mr Ewing for information about the situation regarding the following:

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

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

Happy to discuss – by phone if appropriate

Thanks

[Redacted]

Environmental Quality and Circular Economy Division - Environment and Forestry Directorate -
Scottish Government
[Redacted]

[Part 2:](#)

From: [Redacted] (MARLAB)
Sent: 29 May 2019 11:42
To: [Redacted]
Subject: RE: Benchmark CleanTreat

Hi [Redacted],

Back in the office now!

We met with Benchmark a few weeks ago. SEPA and the VMD were also in attendance.

The position was that they would need to satisfy sepa's concerns as part of any marine licence application prior to the handover of the licensing role to SEPA. After which it seems likely to be SEPA's process entirely. They do seem to be in discussion with SEPA still. [Redacted]

[Redacted] As part of the meeting, Benchmark advised they would draft a 'white paper' to help explain what their plans were [Redacted]. This has not yet been received and we will be writing to benchmark, finalising the meeting minutes and reminding them of their offer of the white paper, probably today.

Hope this helps,

[Redacted]
[Redacted]

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

Hi [Redacted]

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

Kind Regards

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



Bush House, Edinburgh Technopole, Edinburgh, EH26 0BB

From: [Redacted]
Sent: 23 April 2019 14:49
To: [Redacted]

Cc: [Redacted]
Subject: RE: Meeting - Thursday 11 April 2019 1430 - 1630h

Hi [Redacted]

Thanks for your time a couple of weeks ago. On reflection given your proposals are likely to involve commissioning a new or repurposing an existing vessel, it is important that we have the opportunity to feed in to or comment on any designs (particularly in reference to any potential process controls). As raised at the meeting our current understanding of the treatment and transfer process of your operations in Norway is fairly limited, for us to provide appropriate input we really need to have a clear understanding of the existing process. I think a visit to the existing vessel whilst operational would really help us develop that understanding. This would then allow us to highlight any areas of concern early so that they could potentially be addressed/mitigated as part of the design process.

I know there was an action from the meeting, but it would be good to know if that is going to be possible and if so, when and what limit there might be in numbers?

Kind regards

1

[Redacted]

Scottish Environment Protection Agency, Regulatory Services North, West Highland and Argyll Team, Kilbrandon House, Manse Brae, Lochgilphead, PA31 8QX

[Redacted]

web: www.sepa.org.uk

From:[Redacted]
Sent: 26 March 2019 14:12
To:[Redacted]

2

[Redacted]

Subject: Meeting - Thursday 11 April 2019 1430 - 1630h

Dear All

Thank you for completing the doodle poll, apologies that this date and time may not suit everyone, but as always it has proved difficult to find a slot. A number of us will be attending another meeting that day in Stirling on Thursday the 11th and so this looked like the best option. However to allow attendance at both we were hoping that you would be open to holding the meeting in Stirling. I have booked a meeting room at our SEPA Stirling Office, Strathallan House Castle Business Park Stirling FK9 4TZ. Parking is available at the Castlevue Park and Ride a 5 minute walk from the office. The office is linked to the Stirling Rail Station via the Park and Ride Bus <https://my.stirling.gov.uk/roads-transport-streets/parking-car-parks/park-ride/>.

Apologies [Redacted] but if you forwarded the invite to colleagues I don't have their email addresses so please pass this information along. Please confirm your attendance ideally by return. Should attendance in person not be possible we would be able to provide teleconferencing with live document sharing facilities.

Regards

[Redacted]

Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TZ

Tel:[Redacted]
[Redacted]

From: [Redacted]
Sent: 07 December 2018 11:28
To: [Redacted]
Cc: [Redacted]

Subject: RE: For information only - Outcome of meetings on 28 November - mortality disposal + Benchmark cleantreat
Attachments: Cab Sec brief - benchmark - Dec 2018.docx

█ – thanks. Happy in large part, but I've suggested downplaying the references to wellboat discharge licensing moving to SEPA as it shouldn't affect consideration of this proposal under the current system (and any suggestion that it might may well be seized on).

Regards, █

Via [FOI-18-00985](#) (23 April 2018):

From: [Redacted]
Sent: 13 December 2017 14:01
To: [Redacted]
Cc: [Redacted]
Subject: RE: Ectosan sea lice treatment

Hi [Redacted]

Thanks for the Ectosan press release.

I note that Benchmark describe Ectosan as a follow on product to Salmosan. There's no publicly available on active ingredients, but I wonder if it's also azamethiphos-based, with the associated regulatory controls and need to avoid sea lice resistance, etc?

Regarding CleanTreat, this water purification system was presented at a SSPO meeting last week – again, no details provided on how the tech works, which made some of the audience a bit sceptical. Interestingly, it was mentioned that the shipping container-based modules would need to be multiplied up to enable treatment of commercial scale water volumes. As I understood things, this would in turn need a secondary vessel alongside the well boat. Finally, it was mentioned that initial discussion have been had with SEPA, but no indication as to how advanced these are.

I hope this is of some help!

Best regards,

[Redacted]

[Redacted]

[Redacted]

Scottish Aquaculture Innovation Centre

(t)[Redacted] (m)[Redacted] (w) scottishaquaculture.com Connect+Collaborate

On Fri, Dec 13, 2019 at 4:38 PM Goodheir, Jennifer <Jennifer.Goodheir@sepa.org.uk> wrote:

Dear Mr Staniford

FORMAL REVIEW RESPONSE

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

Regards

Jennifer Goodheir on behalf of
SEPA Access to Information team

Email: foi@sepa.org.uk

Tel: 01786 457700

Via: <https://donstaniford.typepad.com/files/sepa-cleantreat-refusal-review-13-dec-2019.pdf>

Annex 1 – F0191198 - Formal Review – Findings and Formal Review Outcome

Question	Original response (F0190091)	Points raised by enquirer at Formal Review	Findings presented to Review Group	Outcome of Formal Review (F0191198)										
<p>[1.] Please provide information on the discharge of salmon farming well boats since 1 January 2018.</p> <p>[2] Please include details, maps, photos, grid references, licences and any other information relating to where, when, what and how salmon farming well boats discharge their effluents.</p> <p>[3.] For example, there is apparently a marked/ designated area off Oban where discharges take place. Please provide information relating to any designated places around Scotland where salmon farming well boats are permitted to discharge effluents.</p> <p>[4.] Please provide</p>	<p>Questions [1] – [5]</p> <p>We confirm that SEPA does not hold the requested information in 1-5 above. This information is therefore excepted under Regulation 10(4)(a) of the EIRs. The text of which is reproduced below;</p> <p>(4) A Scottish public authority may refuse to make environmental information available to the extent that: (a) it does not hold that information when an applicant's request is received.</p> <p>The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.</p> <p>Under the terms of Regulation 9 of the EIRs, SEPA has a duty to provide advice and assistance, we advise that well boats are licenced by Marine Scotland. In accordance with Regulation 14(1)(b) of the EIRs, we advise you to contact Marine Scotland directly for this information. The contact details are: Marine Scotland Mailpoint 11 1B South Victoria Quay, Edinburgh, EH6 6QQ marinescotland@gov.scot https://www.gov.scot/about/contact-information/how-to-request-information/</p>	<p>Please consider this a formal request for a review of F.0191091.</p> <p>Could you please double-check your response which seems clearly inadequate and incomplete?</p> <p>[Questions 1-5]</p> <p>Scottish Salmon Watch has huge difficulty in believing that SEPA does not have information in relation to points 1-5.</p> <p>For example, in the Scotland's Aquaculture database which Scottish Salmon Watch understands that SEPA has responsibility for it states that "NB This dataset does not include treatments carried out on wellboats. The full annual SPRI data returns inclusive of wellboat information can be found here": http://aquaculture.scotland.gov.uk/data/fish_farms_monthly_biomass_and_treatment_reports.aspx</p> <p>Sadly, SPRI data for 2018 is still not available (which is shocking in itself): https://www.sepa.org.uk/environment/environmental-data/spri/</p> <p>However, SEPA has surely inputted and accessed well boat data for 2017 (and perhaps for some or all of 2018) from Marine Scotland or other parties since 1 January 2018.</p> <p>More specifically, there would surely be correspondence with Marine Scotland, the Scottish Government and other parties in relation to well boat data as presented via Scotland's Aquaculture and/or the SPRI.</p> <p>Hence, please double-check your records and response to Scottish Salmon Watch's FOI dated 23 October 2019 which, inter alia, asked for:</p> <p>Please provide information in relation to what quantities of effluent are discharged - including any data on discharges of toxic chemicals, diseased waters and other materials.</p> <p>Please include any correspondence, emails, Cabinet Briefings, data, sampling results, testing and other information relating to salmon farming well boat discharges since 1 January 2018.</p> <p>[Question 6]</p> <p>Finally, in relation to SEPA's refusal to provide information on Benchmark's CleanTreat which SEPA admits to possessing "a</p>	<p>1. Scope of Formal Review</p> <p>The enquirer contacted SEPA on 11 November 2019 seeking a Formal Review of SEPA's failure to release information held by SEPA in a response to the request for information originally received on 23 October 2019.</p> <p>The issues considered in this Formal Review are outlined in the table below:</p> <table border="1"> <thead> <tr> <th>Question</th> <th>Issues considered in the Formal Review</th> </tr> </thead> <tbody> <tr> <td>Response to Questions 1 - 5</td> <td> <ul style="list-style-type: none"> Whether regulation 10(4)(a) of the EIRs is applicable to the withheld information. Thereafter consider releasability of withheld information. </td> </tr> <tr> <td>Response to Question 6</td> <td> <ul style="list-style-type: none"> Whether regulation 10(5)(f) of the EIRs is applicable to the withheld information. Thereafter consider releasability of withheld information. </td> </tr> </tbody> </table> <p>2. Handling of the original request</p> <p>The Formal Review Officer reported that the original request contained six questions.</p> <p>Questions [1]-[5] related to information relating to wellboat discharges. Question [6] sought information on the CleanTreat treatment system.</p> <p>The response was sent to the enquirer on 11 November 2019.</p> <p>3. Findings</p> <table border="1"> <thead> <tr> <th>Issue</th> <th>Findings</th> </tr> </thead> <tbody> <tr> <td>1. Whether regulation 10(4)(a) of the EIRs is applicable to the withheld information – Questions [1] – [5].</td> <td> <ul style="list-style-type: none"> The scope of regulation 10(4)(a) of the EIRs was considered in relation to the withheld information. Questions [1], [4] and [5] The Formal Review Officer reported that feedback was sought from colleagues regarding data on wellboat discharges submitted for SPRI. It was confirmed that SEPA does hold data on wellboat discharges for 2018 submitted by Marine Scotland for inclusion in SPRI. </td> </tr> </tbody> </table>	Question	Issues considered in the Formal Review	Response to Questions 1 - 5	<ul style="list-style-type: none"> Whether regulation 10(4)(a) of the EIRs is applicable to the withheld information. Thereafter consider releasability of withheld information. 	Response to Question 6	<ul style="list-style-type: none"> Whether regulation 10(5)(f) of the EIRs is applicable to the withheld information. Thereafter consider releasability of withheld information. 	Issue	Findings	1. Whether regulation 10(4)(a) of the EIRs is applicable to the withheld information – Questions [1] – [5].	<ul style="list-style-type: none"> The scope of regulation 10(4)(a) of the EIRs was considered in relation to the withheld information. Questions [1], [4] and [5] The Formal Review Officer reported that feedback was sought from colleagues regarding data on wellboat discharges submitted for SPRI. It was confirmed that SEPA does hold data on wellboat discharges for 2018 submitted by Marine Scotland for inclusion in SPRI. 	<p>The Group noted the points raised by the Enquirer in his request for a Formal Review.</p> <p>The Group then considered the findings of the Formal Review.</p>
Question	Issues considered in the Formal Review													
Response to Questions 1 - 5	<ul style="list-style-type: none"> Whether regulation 10(4)(a) of the EIRs is applicable to the withheld information. Thereafter consider releasability of withheld information. 													
Response to Question 6	<ul style="list-style-type: none"> Whether regulation 10(5)(f) of the EIRs is applicable to the withheld information. Thereafter consider releasability of withheld information. 													
Issue	Findings													
1. Whether regulation 10(4)(a) of the EIRs is applicable to the withheld information – Questions [1] – [5].	<ul style="list-style-type: none"> The scope of regulation 10(4)(a) of the EIRs was considered in relation to the withheld information. Questions [1], [4] and [5] The Formal Review Officer reported that feedback was sought from colleagues regarding data on wellboat discharges submitted for SPRI. It was confirmed that SEPA does hold data on wellboat discharges for 2018 submitted by Marine Scotland for inclusion in SPRI. 													

Annex 1 – F0191198 - Formal Review – Findings and Formal Review Outcome

Question	Original response (F0190091)	Points raised by enquirer at Formal Review	Findings presented to Review Group	Outcome of Formal Review (F0191198)
<p>information in relation to what quantities of effluent are discharged - including any data on discharges of toxic chemicals, diseased waters and other materials.</p> <p>[5.] Please include any correspondence e. emails, Cabinet Briefings, data, sampling results, testing and other information relating to salmon farming well boat discharges since 1 January 2018</p> <p>[6] Please include any information relating to CleanTreat and the treatment of well boats discharges including details of any meetings and correspondence with Benchmark and other</p>	<p>[6.] SEPA holds a small amount of correspondence. This information is excepted under Regulation 10(5)(f) of the EIRs. The text of which is reproduced below;</p> <p>(5) A Scottish public authority may refuse a request to make environmental information available to the extent that its disclosure would, or would likely to prejudice substantially-</p>	<p>small amount of correspondence", Scottish Salmon Watch asks SEPA to reconsider your refusal.</p> <p>SEPA admits to meeting Benchmark at least five times in 2018 and 2019:</p> <p>Please redact the names of the individuals by all means but refusing to disclose any information on those meetings files in the face of Freedom of Information. SEPA is a publicly funded agency and surely it must be held publicly accountable. Please therefore provide the information requested.</p>	<p>It was confirmed that when the 2018 data was received from Marine Scotland the azamethiphos and deltamethrin figures were extracted, matched to the SPRI ID and CAR licence and then collated in the spreadsheet MCGF-WellboatTreatments-2018, which was sent to the SPRI team.</p> <p>The Marine Scotland data includes details of discharges relating to specified Marine Scotland licences.</p> <p>The data collated by SEPA for inclusion in SPRI includes consolidated data on discharges in relation to specified CAR licences.</p> <p>Recommendation that the exception under the terms of Regulation 10(4)(a) should not be upheld in relation to Questions [1], [4] and [5], as SEPA holds information.</p> <p>Three items are released with this response.</p> <p>Questions [2] and [3]</p> <p>The Formal Review Officer sought feedback on whether SEPA holds detailed information on the location of permitted wellboat discharges.</p> <p>It was confirmed that SEPA does not hold the requested information.</p> <p>The Formal Review Officer noted that Marine Scotland publishes details of licence applications and granted licences on their website at http://marine.gov.scot/mslot-all-application-and-project-documentation. Licences can be located by site name or licence number.</p> <p>It was noted that the SPRI data returns contain site names and licence numbers which could be</p>	<p>The Group agreed with the recommendation that exception under the terms of Regulation 10(4) (a) should not be upheld in relation to Questions [1], [4] and [5], as SEPA holds information.</p> <p>The Group noted that three items are released with this response.</p> <p>The Group agreed with the recommendation that the exception under the terms of Regulation 10(4) (a) should be upheld in relation to Questions</p>

Annex 1 – F0191198 - Formal Review – Findings and Formal Review Outcome

Question	Original response [F0190091]	Points raised by enquirer at Formal Review	Findings presented to Review Group	Outcome of Formal Review (F0191198)
companies. Please include information relating to "high level talks to facilitate trials of [CleanTreat] system in Scotland".	<p>(f) the interests of the person who provided the information where that person- (i) was not under, and could not have been put under, any legal obligation to supply the information; (ii) did not supply it in circumstances such that it could, apart from these Regulations, be made available; and (iii) has not consented to its disclosure</p> <p>The release of the information in question would be likely to prejudice substantially the third party. The Public Interest Test was carried out in relation to the information to be withheld under Regulation 10(5)(f) of the EIRs. In this case, we recognise that Regulation 10(2)(b) requires SEPA to apply a presumption favour of disclosure. The public interest in favour of disclosure is outweighed by that in favour of withholding. Requests for such information are considered by SEPA on a case by case basis. In this case, it was determined that the public interest would not be served by the release of the information at this time.</p> <p>We confirm that SEPA has attended meetings with Benchmark on 9 October 2018, 11 April 2019, 30 May 2019, 20 September 2019 and 30 September 2019</p>		<p>used as the basis of a search of the Marine Scotland licence website.</p> <ul style="list-style-type: none"> Recommendation that the exception under the terms of Regulation 10(4)(a) should be upheld in relation to Questions [2] and [3], as SEPA does not hold the requested information. See further detail below. <p>2. Consideration of the applicability of the exception under the terms of regulation 10(5)(f) to the withheld information – Question [6].</p> <ul style="list-style-type: none"> The Formal Review Officer reported that the content of the collated information had been reviewed. It was noted that the information included correspondence received by SEPA, sent by SEPA and internal correspondence. Recommendation that the exception under the terms of Regulation 10(5)(f) should not be upheld in relation to Question [6]. <p>3. Consideration of the applicability of the exception under the terms of regulation 10(5)(e) to the withheld information</p> <ul style="list-style-type: none"> The Formal Review Officer reported that 57 items had been collated in relation to Question [6]. Feedback was sought from colleagues as to the nature of the collated information. Feedback was sought and received from relevant third parties and considered during the Formal Review. Recommendation that the exception at regulation 10(5)(e) of the EIRs should be applied to the collated information held by SEPA and that the information would continue to be withheld. See further detail below. <p><i>Information withheld and not released with this response</i></p> <p>We have identified information and documents that cannot be released into the public domain at this time. The table below outlines the types of information and the exception that is being applied. Further information on the</p>	<p>[2] and [3], as SEPA does not hold the requested information.</p> <p>The Group agreed with the recommendation that exception under the terms of Regulation 10(5)(f) should not be upheld in relation to Question [6].</p> <p>The Group agreed with the recommendation that the exception at regulation 10(5) (e) of the EIRs should be applied to the collated information held by SEPA in relation to Question [6] and that the information would continue to be withheld.</p>

Annex 1 – F0191198 - Formal Review – Findings and Formal Review Outcome

Question	Original response [F0190091]	Points raised by enquirer at Formal Review	Findings presented to Review Group	Outcome of Formal Review (F0191198)									
			<p>reasons for withholding the information is provided below, with details of each exception.</p> <table border="1"> <thead> <tr> <th>Type of information</th> <th>Number of documents</th> <th>Outcome</th> </tr> </thead> <tbody> <tr> <td>A. Information relating to wellboat discharges - Questions [2] and [3].</td> <td>N/A</td> <td>Information not held Withheld under regulation 10(4)(a) of the EIRs</td> </tr> <tr> <td>B. Information relating to Cleantreat – Question [6].</td> <td>57</td> <td>Withheld in full under regulation 10(5)(e) of the EIRs</td> </tr> </tbody> </table> <p>Application of exceptions under the terms of the EIRs</p> <p>A. - Application of Regulation 10(4)(a) - Information not held – Questions [2] and [3].</p> <p>This disclosure of the information is excepted under Regulation 10(4) (a) of the EIRs. The text of which is reproduced below;</p> <p>(4) A Scottish public authority may refuse to make environmental information available to the extent that-</p> <p>(a) it does not hold that information when an applicant's request is received.</p> <p>The Formal Review Officer outlined the scope of exception at Regulation 10(4)(a) of the Environmental Information (Scotland) Regulations 2004.</p> <p>The detailed briefing prepared by the Office of the Scottish Information Commissioner was also consulted - http://itspublicknowledge.info/Law/FOISA-EIRsGuidance/EIRsexceptionbriefings/Regulation10(4)(a)Informationnotheld.aspx.</p> <p>The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.</p> <p>Recommendation that the exception under the terms of Regulation 10(4)(a) of the EIRs should be applied to the information requested in Questions [2] and [3].</p> <p>B. - Commercial interests – Regulation 10(5)(e) of the EIRs – Question [6]</p> <p>Regulation 10(5)(e) states that a Scottish public authority may refuse to make environmental information available to the extent that its disclosure would, or would be likely to, prejudice substantially the confidentiality of commercial or</p>	Type of information	Number of documents	Outcome	A. Information relating to wellboat discharges - Questions [2] and [3].	N/A	Information not held Withheld under regulation 10(4)(a) of the EIRs	B. Information relating to Cleantreat – Question [6].	57	Withheld in full under regulation 10(5)(e) of the EIRs	
Type of information	Number of documents	Outcome											
A. Information relating to wellboat discharges - Questions [2] and [3].	N/A	Information not held Withheld under regulation 10(4)(a) of the EIRs											
B. Information relating to Cleantreat – Question [6].	57	Withheld in full under regulation 10(5)(e) of the EIRs											

Annex 1 – F0191198 - Formal Review – Findings and Formal Review Outcome

Question	Original response [F0190091]	Points raised by enquirer at Formal Review	Findings presented to Review Group	Outcome of Formal Review (F0191198)
			<p>industrial information where such confidentiality is provided for by law to protect a legitimate economic interest.</p> <p>The Formal Review Officer outlined the scope of exception at Regulation 10(5) (e) of the Environmental Information (Scotland) Regulations 2004.</p> <p>The relevant section of the briefing prepared by the Office of the Scottish Information Commissioner was also consulted - http://tspublicknowledge.info/Law/EIRs/EIRsExceptions.aspx</p> <p>The Formal Review Officer reported on the tests set down by the Scottish Information Commissioner on the application of Regulation 10(5) (e) of the EIRs. It was confirmed that details of the specified treatment were not publicly available and that they were commercial in nature.</p> <p>Feedback had been sought from the third party who confirmed that disclosure of information would cause substantial prejudice to their commercial interests.</p> <p>In the specific circumstances of this request, SEPA considers that the release of the correspondence and documentation would cause a substantial prejudice to the commercial undertaking and economic interest. SEPA therefore contends that the public interest in the release of the information is outweighed by the public interest in maintaining the exception under the terms of Regulation 10(5)(e) of the EIRs</p> <p>Recommendation that information relating to the requested information should continue to be withheld, at this time, under the terms of Regulation 10(5) (e) of the Environmental Information (Scotland) Regulations 2004, after the application of the Public Interest Test, as noted above.</p>	

From: Access to Information Enquiries <FOI.Mail@sepa.org.uk>

Date: Tuesday, December 10, 2019

Subject: ACCESS TO INFORMATION FORMAL REVIEW - F0191198 [F0191091]

To: Don Staniford <salmonfarmingkills@gmail.com>

Hi Don

I am currently working on your Formal Review of your request on wellboat discharges and Cleantreat.

- I have located the SPRI wellboat data for 2018 and am now liaising with colleagues to ensure that we have traced all information held by SEPA on wellboat discharges before I finalise our response to Questions [1] – [5].
- I am also reviewing the information withheld by SEPA relating to Cleantreat

Our response was due to be sent you today. However I am not yet in a position to finalise the response as I am awaiting feedback from colleagues , who have been on leave and are not back in the office until later this week.

I am therefore seeking your agreement to send you our Formal Review response by 13 December 2019, so that I can ensure that all the matters you raised on 11 November have been addressed.

Thank you for patience in this matter.

Best regards

Alison

Alison M. Mackinnon,
Data Protection Officer, Information Governance, Performance and Innovation Portfolio
Scottish Environment Protection Agency, Strathallan House, Castle Business Park, Stirling,
FK9 4TZ,
t: 01786 452453 m: 07795 644779 e:alison.mackinnon@sepa.org.uk web: www.sepa.org.uk

The information contained in this email is confidential and is intended solely for the use of the named addressee. Access, copying or re-use of the information in it by any other is not authorised. If you are not the intended recipient please notify us immediately by return email to postmaster@sepa.org.uk.

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

From: Don Staniford <salmonfarmingkills@gmail.com>
Sent: 11 November 2019 14:47
To: Access to Information Enquiries <FOI.Mail@sepa.org.uk>
Subject: Review re. F:0191091

Please consider this a formal request for a review of F:0191091.

Could you please double-check your response which seems clearly inadequate and incomplete?

Scottish Salmon Watch has huge difficulty in believing that SEPA does not have information in relation to points 1-5.

For example, in the Scotland's Aquaculture database which Scottish Salmon Watch understands that SEPA has responsibility for it states that "NB This dataset does not include treatments carried out on wellboats. The full annual SPRI data returns inclusive of wellboat information can be found [here](#)

":

http://aquaculture.scotland.gov.uk/data/fish_farms_monthly_biomass_and_treatment_reports.aspx

The screenshot shows the 'Scotland's aquaculture' website header with the logo 'part of Scotland's environment'. Below the header is a navigation menu with links: Home, Our Aquaculture, Map, Data, Resources, Glossary, Help. A link to 'Complete our user survey' is visible on the right. The main content area is titled 'Search Results' and shows a search filter for 'Monthly Biomass & Treatment Reports'. The filter includes a 'Report Month' dropdown, 'From date' (01/01/1900) and 'To date' (11/11/2019) date pickers, and three dropdown menus for 'Water Type', 'Local Authority', and 'Sealice Treatment Used', all currently set to '--All--'. Below the filter are buttons for 'Apply Current Filters', 'Show All Results', 'Clear All Filters', and 'CSV Export'. A note at the bottom states: 'NB This dataset does not include treatments carried out on wellboats. The full annual SPRI data returns inclusive of wellboat information can be found [here](#)'.

Sadly, SPRI data for 2018 is still not available (which is shocking in itself):

<https://www.sepa.org.uk/environment/environmental-data/spri/>

However, SEPA has surely inputted and accessed well boat data for 2017 (and perhaps for some or all of 2018) from Marine Scotland or other parties since 1 January 2018.

More specifically, there would surely be correspondence with Marine Scotland, the Scottish Government and other parties in relation to well boat data as presented via Scotland's Aquaculture and/or the SPRI.

Hence, please double-check your records and response to Scottish Salmon Watch's FOI dated 23 October 2019 which, inter alia, asked for:

Please provide information in relation to what quantities of effluent are discharged - including any data on discharges of toxic chemicals, diseased waters and other materials.

Please include any correspondence, emails, Cabinet Briefings, data, sampling results, testing and other information relating to salmon farming well boat discharges since 1 January 2018.

Finally, in relation to SEPA's refusal to provide information on Benchmark's CleanTreat which SEPA admits to possessing "a small amount of correspondence", Scottish Salmon Watch asks SEPA to reconsider your refusal.

SEPA admits to meeting Benchmark at least five times in 2018 and 2019:

Please redact the names of the individuals by all means but refusing to disclose any information on those meetings flies in the face of Freedom of Information. SEPA is a publicly funded agency and surely it must be held publicly accountable. Please therefore provide the information requested.

Please provide a receipt for this review request.

Thanks,

Don Staniford

Director of Scottish Salmon Watch

From: **Access to Information Enquiries** <FOI.Mail@sepa.org.uk>

Date: Mon, Nov 11, 2019 at 1:39 PM

Subject: SEPA Response [F:0191091]

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

Cc: Access to Information Enquiries <FOI.Mail@sepa.org.uk>

Dear Mr Staniford
REQUEST FOR INFORMATION

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

Regards

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



Don Staniford
salmonfarmingkills@gmail.com

If telephoning ask for:
Cara Everitt

11 November 2019

Dear Mr Staniford
REQUEST FOR INFORMATION

Thank you for your request, received by SEPA on 23 October 2019.

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

For ease of reference, your request is replicated below together with our response.

[1.] *Please provide information on the discharge of salmon farming well boats since 1 January 2018.*

[2] Please include details, maps, photos, grid references, licences and any other information relating to where, when, what and how salmon farming well boats discharge their effluents.

[3.] For example, there is apparently a marked/designated area off Oban where discharges take place. Please provide information relating to any designated places around Scotland where salmon farming well boats are permitted to discharge effluents.

[4.] Please provide information in relation to what quantities of effluent are discharged - including any data on discharges of toxic chemicals, diseased waters and other materials.

[5.] Please include any correspondence, emails, Cabinet Briefings, data, sampling results, testing and other information relating to salmon farming well boat discharges since 1 January 2018.

We confirm that SEPA does not hold the requested information in 1-5 above. This information is therefore excepted under Regulation 10(4)(a) of the EIRs. The text of which is reproduced below;

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



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Stirling Office

Strathallan House, Castle Business Park,
Stirling FK9 4T2

tel 01785 457700 fax 01785 446885

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

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

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

Under the terms of Regulation 9 of the EIRs, SEPA has a duty to provide advice and assistance, we advise that well boats are licenced by Marine Scotland. In accordance with Regulation 14(1)(b) of the EIRs, we advise you to contact Marine Scotland directly for this information. The contact details are; Marine Scotland Mailpoint 11 1B South Victoria Quay, Edinburgh, EH6 6QQ
marinescotland@gov.scot
<https://www.gov.scot/about/contact-information/how-to-request-information/>

[6.] Please include any information relating to CleanTreat and the treatment of well boats discharges including details of any meetings and correspondence with Benchmark and other companies. Please include information relating to "high level talks to facilitate trials of the [CleanTreat] system in Scotland".

SEPA holds a small amount of correspondence. This information is excepted under Regulation 10(5)(f) of the EIRs. The text of which is reproduced below;

(5) A Scottish public authority may refuse a request to make environmental information available to the extent that its disclosure would, or would likely to prejudice substantially-

(f) the interests of the person who provided the information where that person-

(i) was not under, and could not have been put under, any legal obligation to supply the information;

(ii) did not supply it in circumstances such that it could, apart from these Regulations, be made available; and

(iii) has not consented to its disclosure

The release of the information in question would be likely to prejudice substantially the third party. The Public Interest Test was carried out in relation to the information to be withheld under Regulation 10(5)(f) of the EIRs. In this case, we recognise that Regulation 10(2)(b) requires SEPA to apply a presumption favour of disclosure. The public interest in favour of disclosure is outweighed by that in favour of withholding. Requests for such information are considered by SEPA on a case by case basis. In this case, it was determined that the public interest would not be served by the release of the information at this time.

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

If you are not satisfied with our response, you have up until 10 January 2020 to request a formal review from SEPA at:

Access to Information
SEPA
Strathallan House
Castle Business Park
Stirling
FK9 4TZ
Email: foi@sepa.org.uk

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

Your unique reference number is F0191091. Please quote this in any future contact with us about your request.

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

Yours sincerely



Cara Everitt
SEPA Access to Information team

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Wed, Oct 23, 2019 at 6:32 AM
Subject: FOI re. discharges of well boats since 1 January 2018
To: AccesstoInformation <foi@sepa.org.uk>

Please provide information on the discharge of salmon farming well boats since 1 January 2018.

Please include details, maps, photos, grid references, licences and any other information relating to where, when, what and how salmon farming well boats discharge their effluents.

For example, there is apparently a marked/designated area off Oban where discharges take place. Please provide information relating to any designated places around Scotland where salmon farming well boats are permitted to discharge effluents.

Please provide information in relation to what quantities of effluent are discharged - including any data on discharges of toxic chemicals, diseased waters and other materials.

Please include any correspondence, emails, Cabinet Briefings, data, sampling results, testing and other information relating to salmon farming well boat discharges since 1 January 2018.

Please consider this a FOI request under the relevant FOI and Environmental Regulations.

Please acknowledge receipt.

Please provide the information electronically.

Thanks,

Don Staniford

Director of Scottish Salmon Watch

From: **Don Staniford** <salmonfarmingkills@gmail.com>
Date: Wed, Oct 23, 2019 at 7:35 AM
Subject: Addendum: Re: FOI re. discharges of well boats since 1 January 2018
To: AccesstoInformation <foi@sepa.org.uk>

Please include any information relating to CleanTreat and the treatment of well boats discharges including details of any meetings and correspondence with Benchmark and other companies. Please include information relating to "high level talks to facilitate trials of the [CleanTreat] system in Scotland".

Fish Farmer reported on 20 August 2019:

<https://www.fishfarmermagazine.com/health/awards-treat-as-scottish-firm-scoops-top-prize/>

"However, there is some impatience among Scottish salmon farmers over bottlenecks in the regulatory system that have so far prevented them from trialling CleanTreat in Scotland. Marshall said his company had been approached by all the Scottish producers, interested in deploying CleanTreat at their farms, and he hoped there would be Scottish trials soon. 'The target was for the end of this year but, realistically, it will be next year,' he said."

Fish Farmer reported on 23 August 2019: <https://www.fishfarmermagazine.com/aquar-nor/scotland-must-get-act-together-say-prize-winning-pioneers/>

"THE team behind the Scottish invention CleanTreat, which won the much prized Aqua Nor Innovation Award this week, have held high level talks to facilitate trials of the system in Scotland..... Scottish Rural Economy minister Fergus Ewing, in Norway to witness Benchmark beat off stiff Norwegian competition, said later that he was proud of the Scottish aquaculture industry's achievements."

The Clean Treat system was the subject of various FOIs in 2018:

<https://www.gov.scot/publications/foi-18-00985/>

<https://www.gov.scot/publications/foi-18-01265/>

And in 2019:

<https://www.gov.scot/publications/foi-19-01398/>

Scottish Salmon Watch published a media backgrounder in October 2018:

<https://donstaniford.typepad.com/files/media-backgrounder-toxic-chemical-use-via-well-boats-oct-2018.pdf>

Thanks,

Don