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By Email only

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Our ref: PROJ/36835

22/12/2021

Dear [Redacted]

**BREACH OF THE AUTHORISATION CONDITIONS ISSUED  
UNDER REGULATION 6 OF  
THE AQUATIC ANIMAL HEALTH (SCOTLAND) REGULATIONS 2009**

The Scottish Salmon Company (FB0169) is an aquaculture production business (APB) which is authorised to operate under regulation 6 of the Aquatic Animal Health (Scotland) Regulations 2009 (the 2009 Regulations). This authorisation requires the APB to operate following good biosecurity practice to ensure the operation of the business will not lead to an unacceptable risk of spreading disease.

On 10<sup>th</sup> September 2021, the Fish Health Inspectorate were made aware that a breach in biosecurity had occurred during mortality removal operations at the West Strome (FS1342) fish farm site on the 8<sup>th</sup> of September 2021. The breach involved the use of a mortality removal system and a brail net which did not contain all mortalities for appropriate disposal.

Therefore The Scottish Salmon Company has not complied with Condition 8 of the APB authorisation issued on 11<sup>th</sup> August 2021 under regulation 6 of the 2009 Regulations states that, 'In accordance with regulation 6(2)(b) of the 2009 Regulations, the operator of the APB will follow good biosecurity practice at each farm site at which it operates, and must establish, maintain and comply with a biosecurity measures plan containing at least the information specified in paragraphs (a) to (f) of Appendix 4 to this Authorisation. The biosecurity measures plan must be made available by the operator of the APB or any staff engaged by or on behalf of that operator, upon request by an inspector.' A copy of Appendix 4 is attached to this letter.

Failure to comply with the requirements of the 2009 Regulations requires the Fish Health Inspectorate to take enforcement action in accordance with that detailed in the Fish Health Inspectorate Service Charter. This may include issuing:

- a warning letter;
- an enforcement notice under regulation 39 of the 2009 Regulations;
- a notice of suspension of authorisation under regulation 10 of the 2009 Regulations;
- a notice of revocation of authorisation under regulation 11 of the 2009 Regulations; or
- a caution;

and can lead to prosecution if a serious offence takes place or there are persistent minor offences. A person guilty of an offence under The Aquatic Animal Health (Scotland) Regulations 2009 is liable on summary conviction, to a fine not exceeding the statutory maximum or on conviction on indictment, to a fine. A copy of the charter can be found at the following web address: <http://www.scotland.gov.uk/Topics/marine/Fish-Shellfish/FHI/charter>

On this occasion the Fish Health Inspectorate appreciates the information provided by The Scottish Salmon Company by e-mail on 13<sup>th</sup> September and 8<sup>th</sup> October 2021 regarding:

- the breach of biosecurity during mortality removal;
- the improved procedures for mortality removal using a brail net for a level of mortality above that which the normal site husbandry procedures can accommodate;
- the review of brail net construction to ensure containment;
- the potential to use an integrated mortality removal and de-watering system which will remove the requirement for a brail net to deliver mortalities to the storage container.

This letter serves as a warning letter regarding the breach of the 2009 Regulations and requires The Scottish Salmon Company to provide, by 28<sup>th</sup> February 2022, a detailed mortality removal procedure to ensure good biosecurity practices are being followed, indicating where improvements have been made, for occasions where the normal site husbandry procedures are unable to accommodate the level of mortality being experienced. This should be provided to the Fish Health Inspectorate, for the attention of Ron Smith, by either e-mail or post at the following contact details:

E-mail: [MS.FishHealth@gov.scot](mailto:MS.FishHealth@gov.scot);

Post: Marine Scotland Science, Fish Health Inspectorate, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

This letter also serves as a reminder to ensure that the requirements of the conditions of the authorisation provided to The Scottish Salmon Company to operate as an APB are being complied with at each farm site at which the APB operates.

Please contact me if you want to discuss this letter or if you require any further information

Yours sincerely  
[Redacted]

Technical Manager Fish Health Inspectorate

## Appendix 4 - Condition 8

Minimum information to be included in a biosecurity measures plan and complied with by the APB in respect of each site for the purposes of condition 8

- (a) The manner and frequency in which mortalities will be removed, recorded and safely disposed of by the APB;
- (b) The manner and period in which the APB will notify<sup>(10)</sup> Scottish Ministers or a veterinary professional of any increased or unexplained mortalities in aquaculture animals held on each farm site;
- (c) The actions that will be taken by the APB in the event that the presence or suspicion of the presence of any listed disease<sup>(11)</sup> is detected and how and when that will be notified<sup>(10)</sup> to the Scottish Ministers;
- (d) The minimum health status of aquaculture animals to be stocked on the farm site, to ensure that stocks being placed on the farm site shall only be sourced from farms of an equal or higher health status and where required, certified as such;
- (e) The husbandry and biosecurity measures to be implemented between epidemiological units<sup>(12)</sup> on the farm or between farms to ensure the transmission of fish diseases by the movement of staff, visitors, equipment and live or dead fish is minimised; and
- (f) The measures that are in place at the farm site to maintain the physical containment of the aquaculture animals held on the farm site.

<sup>10</sup> Notification should be made in writing to the Fish Health Inspectorate, Marine Scotland Science, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB; or by Tel to 0131 244 3498; or by email to [MS.fishhealth@gov.scot](mailto:MS.fishhealth@gov.scot)

<sup>11</sup> "Listed disease" means–

- (a) a disease listed in the second column of the table in Annex 1A to Commission Regulation (EC) No 1251/2008. Please note that Commission Regulation (EC) No 1251/2008, as it applies in Scotland, can be obtained from the National Archives website ([www.legislation.gov.uk](http://www.legislation.gov.uk)) or by contacting the Fish Health Inspectorate; or
- (b) a disease listed in the first column of Schedule 1 to the Aquatic Animal Health (Scotland) Regulations 2009 ("the 2009 Regulations"). Please note that the 2009 Regulations and associated amendments can be obtained from the National Archives website ([www.legislation.gov.uk](http://www.legislation.gov.uk)) or by contacting the Fish Health Inspectorate.

<sup>12</sup> "Epidemiological unit" means each individual holding facility, e.g. each cage, tank, raceway, pond etc.