

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

Date: Tue, Jun 15, 2021 at 10:14 AM

Subject: FOI re. Benchmark's CleanTreat & Ectosan/BMK08/Imidacloprid since 1 January 2016 (Innsynsrett & Miljøinformasjonsloven)

To: [innsynshenvendelser@mattilsynet.no](mailto:innsynshenvendelser@mattilsynet.no); [postmottak@nfd.dep.no](mailto:postmottak@nfd.dep.no); [postmottak@kld.dep.no](mailto:postmottak@kld.dep.no)

Please consider this a formal request for Information and request for environmental information under the relevant Norwegian legislation.

Please provide information on Benchmark's CleanTreat water purification system including field trials and any commercial use of Imidacloprid (marketed as Ectosan in 2017 and then re-named BMK08 in 2019 before being revealed in March 2020 as the toxic neonicotinoid Imidacloprid - prior to 2017 it could have been called D10-Aquatic Blast or another secret trade name) since 1 January 2016.

A [FOI request dated 20 March 2020 to various Norwegian Government agencies](#) cited a news report in Fish Farmer magazine in February 2020 detailing how "over the last 24 months, more than 35,000 tonnes of salmon in five Norwegian farms have been treated with BMK08". Read article in full online via <https://www.pressreader.com/uk/fish-farmer/20200211/282488595733006>

Please therefore include in your FOI reply any documentation (e.g. emails, letters and other information) relating to the use - via field trials and other methods - of Imidacloprid since 1 January 2016.

Please include any environmental risk assessments, residue studies, ecological surveys, benthic impact research, water quality testing and any other environmental impact information even if heavily redacted.

Please include any results of field trials, testing, assessment and any other information submitted by Benchmark, Mowi, Leroy and other salmon farming companies.

Please include information on any discussions with the European Medicines Agency, the Scottish Government, Benchmark, Mowi and other salmon farming companies in relation to the use of CleanTreat and Imidacloprid (BMK08/Ectosan - or any other name used by Benchmark or another company) since 1 January 2016.

Please include any discussions with respect to an MRL (Maximum Residue Limit) of Imidacloprid in the flesh of farmed salmon and the recent European Parliamentary opposition.

As context to this FOI request, Scottish Salmon Watch understands that Norway is subject to the legal requirements of FOI and Environmental Information law:

<https://ojs.imodev.org/index.php/RIGO/article/view/10/71>

However, last year Scottish Salmon Watch filed a FOI request with the Norwegian Government which was not replied to; namely:

[FOI request on Imidacloprid to Norwegian Government & Norwegian Food Safety Authority](#) (17 March 2020)

When Scottish Salmon Watch pressed the Norwegian Medicines Agency the response was that the information was "considered to be confidential":

From: **Tonje Høy** <[tonje.hoy@legemiddelverket.no](mailto:tonje.hoy@legemiddelverket.no)>  
Date: Wed, Apr 29, 2020 at 3:58 PM  
Subject: SV: Imidacloprid clinical trials approved by Norwegian Medicines Agency?  
To: [salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com) <[salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com)>

Dear Mr. Staniford,

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

### **Right of appeal**

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

An appeal should be sent to The Norwegian Medicines Authority. If we do not take the appeal into account, the appeal is forwarded to the Ministry of Health and Care Services.

Your appeal can be put forward as an e-mail/letter or using the form found on [www.legemiddelverket.no](http://www.legemiddelverket.no). Choose the English version, and then the link "Appeal against an Administrative decision".

Kind regards

**Tonje Høy, DVM, PhD**  
Scientific Director, Veterinary Medicine  
Telephone: (+47) 922 80 497  
[www.noma.no](http://www.noma.no)

However, the Scottish Government and the Scottish Environment Protection Agency have been forced to disclose "commercially confidential" information on CleanTreat and Imidacloprid (Ectosan/BMK08); namely:

<https://donstaniford.typepad.com/files/cleantreat-foi-disclosures-by-the-scottish-government-dec-2019.pdf>

<https://donstaniford.typepad.com/my-blog/2021/04/sepa-ordered-by-commissioner-to-disclose-commercially-confidential-information-on-cleantreat-bmk08-i.html>

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

<https://www.itspublicknowledge.info/202000275.aspx>

A FOI disclosure by the Scottish Environment Protection Agency to Scottish Salmon Watch on 7 June 2021 included:

Minutes of a meeting between Benchmark, the Scottish Government, SEPA and the Veterinary Medicines Directorate in April 2019:

CONFIDENTIAL

- It was agreed that there was a need for further clarity on the subject and that MS and SEPA legal teams would need to be involved in drafting a license to allow CleanTreat® at an approved site
- **Reg 10(5)(e)**

There was discussion regarding what other countries are doing and SEPA indicated that they have been talking to Canada and Norway and their interpretation of OSPAR regulations and the London Convention:

<https://www.ospar.org/>

<http://www.imo.org/en/OurWork/Environment/LCLP/Pages/default.aspx>

indicated he would like to discuss with NoMA their approach to the trials already being undertaken in Norway.

In order to move forward, BMK agreed to provide more detailed information on the trial plans, the validation of the CleanTreat®, the validation of the **Reg 10(5)(e)** and the draft ERA for Norway.

Here's another email obtained from SEPA via FOI on 7 June 2021 which references field trials in Norway:

From: [@parliament.scot](mailto:@parliament.scot)  
Sent: 22 August 2019 14:19  
To: Cabinet Secretary for the Rural Economy <[CabSecRE@gov.scot](mailto:CabSecRE@gov.scot)>  
Cc: [@gov.scot](mailto:@gov.scot)  
Subject: Early Meeting with Benchmark

An early meeting was requested by Benchmark and I agreed. Can this be set up at their Edinburgh office please.

They are trialling their new vessel in Norway which is hugely disappointing. They do however want to do this in Scotland, and therefore purpose of the meeting is to go over the position and see what the barriers to trialling in Scotland have been and see about overcoming these barriers as a matter of urgency.

This is sensitive as we are in my opinion exposed now for failing to enable the trialling of the Cleantreat system here - but we have the chance to put that right. Benchmark picked up the innovation awarded at Aquanor - and this is effectively the awarded for the best innovation in the world in Aquaculture. If successful, it has the potential to be game changing and help us overcome the negative press and answer even more effectively the persistent critics of the sector.

As aquaculture Minister I need to be able to see the worlds greatest innovator innovate here and not only in Norway!

Another email disclosed by SEPA via FOI on 7 June 2021 includes a timeline in relation to the use of CleanTreat with Ectosan (Imidacloprid/BMK08) since permission was granted for the first field trial in Norway in November 2016:

**From:** @gov.scot  
**Sent:** 12 September 2019 10:10  
**To:**  
**Cc:** gov.scot; @gov.scot  
**Subject:** RE: benchmark: next steps  
**Attachments:** ATT00003.txt

Dear ,

I have been asked to work with SEPA to provide the background in a brief to Cab Sec and our director has requested that this includes some read across to what happened in Norway, insofar as we know:

- when did they approach Norway,
- how quickly did Norway ok it,
- why any concerns we hold were not of such great import to Norway etc.

From the timelines in a paper submitted to marine Scotland:

A summary of these trials and actions to date is shown below:

- November 2016 permission granted for first field trial of 8m fish/8 farms
- November 2017 first field trial sites completed up to 100% efficacy against lice and no detectable residue of Ectosan® released
- May 2018 Application for Trout field trials submitted
- July 2018 Field trial for trout permission received, 4m fish/4 farms
- May 2018 Application for Field trial re-using water treatment submitted
- May 2018 Several fold increase in CleanTreat efficiency
- July 2018 Field trial with re-use water permission received, 6m fish/6 farms
- July 2018 Atlantic Salmon trials completed
- September 2018 Further optimization of the CleanTreat system to maximize runtime and efficiency
- October 2018 Trout trials completed
- February/March 2019, 2 sets of applications for further field trials in Norway under development

My recollection of benchmark first contact with MS-LOT was in Oct 2018.

From the above timeline it is not clear how long the Norwegian authorities took to determine any application for a trial. Are you aware of how the process went?

What is clear is that field trials were permitted in Norway with a level of discharge that appears to be above the EQS. Could you please provide a narrative for inclusion in the brief around SEPA's concerns with what has been proposed? It would be my intention to provide this information alongside the detail requested below around the list of requirements to try to map out any application process for benchmark.

The above email states that the Norwegian field trials of Imidacloprid "were permitted in Norway with a level of discharge that appears to be above the EQS" [Environmental Quality Standard] which Scottish Salmon Watch suspects may breach EU law.

In any case, Scottish Salmon Watch is therefore asking for transparency and clarification from the Norwegian Government in relation to Imidacloprid use in salmon farming.

It is known via the trade press in 2016 that Salmo Pharma may have been the Norwegian company first involved in trialling Imidacloprid (perhaps then called D10-Aquatic Blast rather

than Ectosan or BMK08): <https://www.kyst.no/article/dette-er-det-nye-lusemiddelet-salmo-pharma-skal-teste-ut/>

This June 2016 article - [cited in Scottish Salmon Watch's FOI request of 17 March 2020 to the Norwegian Government](#) - appears to identify companies involved in the first field trials of Imidacloprid in Norway:

Fiskeribladet/Tekfisk [reported in June 2018](#):

FISKERI | HAVBRUK | TEKNOLOGI | FOU | MENINGER **Tekfisk**

## Har fått forskningstillatelse for å teste ut nytt lusemiddel

Salmo Pharma har fått innvilget forskningstillatelse i Nordland.



Vegard Solsletten

6. juni 2018 08:16

Selskapet har fått tillatelse til å benytte lokaliteten Nord Gåsvær i Herøy kommune. Lokaliteten disponeres også av Seløy Sjøprodukter, Seløy Sjøfarm, Bindalslaks og Sinkaberg-Hansen.

Tillatelsen til Salmo Pharma er gitt for 780 tonn MTB og er tidsbegrenset frem til 12. desember 2022.

Forskningstillatelsen skal brukes til klinisk utprøving av lusemiddelet D-10 Aquatic Blast for å dokumentere effekt på lakselus, sikkerhet ved medisinføring, og påvirkning på miljø.

IntraFish har tidligere omtalt at canadiske Aquaculture Veterinary Services International (AVSI) sammen med Salmo Pharma har utviklet det nye veterinære legemiddelet D-10 Aquatic Blast.

Veterinær Bjørn-Inge Rikhardsen, mannen bak Salmo Pharma, har uttalt til IntraFish at han håper legemiddelet kan bli et veldig viktig bidrag til utfordringene med lakselus.

(VILKÅR)

Intrafish also appeared to report similar information via <https://www.intrafish.no/nyheter/soker-to-fou-tillatelser-for-nytt-lusemiddel/1-1-766165>

Apologies since I do not speak Norwegian and hence it is difficult to be sure. Hopefully your FOI reply can clarify things.

Via an 'Interpretation Request' from February 2019 published by the Aquaculture Stewardship Council, we also know that Mowi Norway may have been involved in a field trial of Imidacloprid in Norway: <https://www.asc-aqua.org/what-you-can-do/get-certified/variance-request-interpretation-platform/QA0066/>

The owners of Scottish Sea Farms (Leroy and SalMar) may also be involved in field trials of Imidacloprid in Norway. A [FOI disclosure by the Scottish Government in May 2021](#) included:

**Summary of FOI disclosure by the Scottish Government on 7 May 2021 (see Appendix for more details):**

Norwegian-owned Norskott Havbruk (Scottish Sea Farms) wrote to the Director of Marine Scotland on 23 February 2021:

Just following up on our last conversation re [Redacted] and benchmark with Norway, let me know what dates and time suit you to go through this, more than happy to take a meeting in our Stirling office or teams with you, whatever you prefer, [Redacted]

The Scottish Government wrote on 1 March 2021:

We will also need an update on Benchmark- I think MS Lott and [Redacted] might be able to assist- although from memory the ball was in Benchmark's court to bring forward an application. It was suggested a while ago that Benchmark should trial system on water treatment without the introduction of a new chemical. Could also be that there are early results from Norway. [Redacted] got this in hand).

The Scottish Government wrote on 8 March 2021:

**Cleantreat and BMK08 - sea lice treatment technology**

- Cleantreat is Benchmark's new water purification system which removes medicines from fish treatment water prior to discharge to the sea. Benchmark proposes to use the purification system alongside a new sea lice treatment (BMK08) it is developing. If successful it could be a breakthrough for both the industry since it could effectively reduce chemical discharge and environmental impact.
- The system, which has undergone initial development work in Scotland, has been undergoing field trials in Norway.
- There is only a limited variety of medicines available to treat sea lice - some which are developed are limited in their effectiveness by the dosage permitted due to environmental concerns. CleanTreat together with 'BMK08' is promoted as a new approach without environmental concerns arising from discharge.
- Previous dialogue between SEPA, MS and Benchmark sought to address regulatory issues - final discharge must meet an appropriate Environmental Quality Standard in accordance with EU procedures (which are now enshrined in domestic law) even in a trial. [Redacted]
- Benchmark's website says it plans for the system to launch in the second half of 2021, subject to regulatory approval. To the best of our knowledge no application to SEPA has been made, [Redacted]

The Scottish Government internal briefing detailed 'Lines' on CleanTreat and BMK08 (8 March 2021):

#### **Lines**

- Recognise the breakthrough benefits that Cleantreat could bring to treating sea lice.
- Understand that there had been dialogue between MS, Benchmark and SEPA in the past to help it navigate the regulatory approach here, and advice had been given. Benchmark agreed to provide information which will allow a full application to be submitted to Marine Scotland.
- However to the best of our knowledge (noting difficulties with SEPA) we are unaware that an application has actually come forward.
- We can't circumnavigate SEPA's consideration as they have to follow legal process, but there is a newly invigorated dedication within SG and across regulators to support innovation in the aquaculture sector - am confident this will be given welcomed consideration when an application is received.
- We're interested in the results of the Norwegian trials and we'll endeavour to liaise with the authorities about their experience. We support a good evidence base in decision making.
- [Redacted]

And in another email to the Director of Marine Scotland ([Annabel Turpie](#)) on 10 March 2021, a Scottish Government official wrote:

I read an interesting article in the Fish Farmer March edition about Benchmark's "Clean Treat" noting that the company is looking to launch the product in Q2 of this year as field trials in Norway proved successful.

I understand that Benchmark was one of the topics that was up for discussion with [Redacted] at your meeting yesterday, and we would be interested to learn whether the outcome of these discussions led to any insight on whether the sector would be looking to adopt the product in Scotland. We might need to prepare SEPA for this.

The Ferret [reported last month \(21 May 2021\)](#): "We are currently focused on launching our new sea lice solution, BMK08 and CleanTreat, in Norway".

You should be aware of recent opposition by the European Parliament to the use of Imidacloprid in salmon farming - including specific mention of the lack of transparency:

[Breaking News: Victory in Europe - Parliament votes against the use of the toxic neonicotinoid Imidacloprid in farmed salmon!](#)

Intrafish [reported \(13 June 2021\)](#): "The commercial launch remains subject to marketing authorization in Norway. Though Norway is not a member of the EU, it is part of the European Medicines Agency, and follows its approval processes closely"

Please provide a receipt/acknowledgment for this FOI request.

Please provide the information electronically.

If you need clarification please do not hesitate to contact me.

Takk,

Don Staniford

Director, Scottish Salmon Watch