

**Chemicals Regulation
Directorate**

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Date: 7 January 2014

<http://www.hse.gov.uk/>

[relevant CRD website(s)]

**ENVIRONMENTAL INFORMATION REGULATIONS 2004
REQUEST REGARDING PESTICIDE RESIDUES IN FARMED SALMON SINCE 2001**

Thank you for your request for information about pesticide residues in farmed salmon since 2001, which we received on 12 December 2013.

I can confirm that your request has actually been dealt with under the Environmental Information Regulations 2004 (EIR), rather than, as originally indicated, under the Freedom of Information Act, and that the Chemicals Regulation Directorate (CRD) holds information of the description specified in your request. However, we have estimated that complying with your request as it stands would take a great deal of time and under regulation 12(4)(b) of the Regulations we are permitted to refuse requests that are “manifestly unreasonable”. We are therefore refusing your request on these grounds.

In applying the exception in regulation 12(4)(b) of the EIR I have had to balance the public interest in withholding the information against the public interest in disclosing it. In doing this I have identified the factors in favour of disclosing/withholding the information as follows:

Factors in favour of disclosing the withheld information are:

- Furthering CRD’s general aim of making information about the chemicals CRD regulates, including their authorisation process, available.

Factors in favour of withholding the information are:

- The increased burden on CRD’s resources for handling requests for regulatory information outside of its established regulatory procedures thereby affecting its effective conduct of its competent authority functions.

From this I have on balance concluded that in all the circumstances the public interest in maintaining the exception from disclosure provided for by regulation 12(4)(b) of the EIR, outweighs the public interest in disclosure.

Due to the wide-ranging nature of your request we estimate that locating, extracting and preparing the information for release would take well in excess of 10 days work and this would constitute an unacceptable diversion of resources. If the impact on the organization from dealing with your request then falls within acceptable limits. Some of the information you are asking for is already available in the public domain, so you could, for example:

- be more specific about the time period covered by your request;
- explain more about the information you are looking for;
- browse through the information that has already been made publicly available on the PRiF website <http://www.pesticides.gov.uk/guidance/industries/pesticides/advisory-groups/PRiF> and see if this would help you to identify more precisely the information you are after.

It may also help you to refine your request if I describe the information we hold that falls within the scope of your request as it stands. As this requires a fairly detailed explanation, I have taken the liberty of including this in an annex to this letter.

Any reformulated request would be treated as a new request.

Information on how to make requests under the Environmental Information Regulations 2004 (and the Freedom of Information Act 2000) can be found in the Information Commissioner's charter for responsible freedom of information requests, which can be found on the following link:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/its_public_information_foi%20charter_final.pdf

General guidance on how the Health & Safety Executive deals with requests under the Freedom of Information Act and Environmental Information Regulations can be found on the HSE website at <http://www.hse.gov.uk/foi/index.htm>

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the decisions made by CRD you may ask for an internal review by writing to me within two calendar months of the date of this letter.

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

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

Tel: 01625 545700
Fax: 01625 524510

Email: mail@ico.gsi.gov.uk

Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely

Chemicals Regulation Directorate

Annex I

We only hold information about pesticide residue findings. For information about other chemicals and containments in food you would need to contact The Food Standards Agency (FSA) helpline@foodstandards.gsi.gov.uk and the Veterinary Residues Committee (VRC) vrsecretariat@vmd.defra.gsi.gov.uk.

Information in the public domain

Below is some information that is readily available to you about findings of pesticide residues in salmon by the Pesticide Residue Committee (PRC) or The Expert Committee on Pesticide Residues in Food (PRiF).

We are unable to easily produce alternative details of sampling results from our data store because it is not set up to do this. Therefore we would have to compile this information manually and this will take a significant amount of time.

All of our published reports are available on our website (http://www.pesticides.gov.uk/guidance/industries/pesticides/advisory-groups/PRiF/PRiF_Results_and_Reports/index-to-results-by-food-pesticide-residues) to make it easier to identify the reports that contain salmon results in them, they are listed below:

- Fish (farmed)
 - 2004 – January – March and July – September
- Fish (oily)
 - 2005 – April – June and October – December
- Fish (fresh water)
 - 2013 – January – March (more results will be published in 2014)
- Salmon
 - 2010 – January – June and July – November
 - 2007 – April – June and July – September
 - 2001 – May – December
- Salmon (tinned)
 - 2010 – April – June and October – November
 - 2001 – January – April and April – December

Before publication each report was scrutinised by the relevant committee, and you can find a detailed record of those discussion in minutes published on our website

- PRiF minutes: http://www.pesticides.gov.uk/guidance/industries/pesticides/advisory-groups/PRiF/PRiF+Meetings/PRiF_Meetings
- PRC minutes: http://www.pesticides.gov.uk/guidance/industries/pesticides/advisory-groups/PRiF/PRC-Pesticides-Residues-Committee/PRC_Meetings

In the brand name annex of each report, the results will have information on country of origin (if it was available), where the sample was purchased from, the pesticide(s) detected and the level the residue was found at. There are no MRLs associated with fish so in every case this is stated. Unless the species of salmon was recorded in the food description from labelling, this will not be in the reports, as it is not a detail we specifically request. The main reports contain the reporting limit for all pesticides tested for; we don't hold information on the limit of determination as this is not used in pesticide residue testing.

The PRC and PRiF also publish annual reports that are high-level summaries of these quarterly reports. We have not calculated any percentages other than those published in PRC

and PRiF annual reports and, again, would have to do this manually for the individual samples, which would take time.

Other Information

We do not hold any laboratory reports as all our results are sent to us in flat data files. But the results and reporting limits are all published in our reports.

Information on which samples resulted in correspondence is in the reports. We do not have any quick way to locate correspondence about individual samples meeting certain criteria nor to identify whether such correspondence exists. A manual search through the reports and then our records would be needed, and this would be difficult as the information is filed by report and within that by food – it is not indexed in any other way. Moreover you should note that we do not routinely write to brand owners about positive but compliant results, so in most cases the outcome of our search would be negative. For most scenarios we use standard letters where the only difference in detail is the information published in the report.

We have many records that document progress of the monitoring programme that contain mention of salmon. We have no easy way to check whether these contain information about individual samples, and checking these to manually extract information on salmon with positive findings would again take a significant amount of time. But in any case any information about actual results would be published in the reports.

We hold some 3500 paper sampling forms for each of the more recent years, but these are boxed by year and are not indexed in any other way. Apart from 2013, they are stored off-site (we retain them for audit purposes only). We would have to check each form manually and this, again, would take a significant amount of time. I have enclosed a blank sampling form so you can see what one looks like.

Conclusion

Given the amount of manual processing involved, providing the information requested will result in an unacceptable diversion of resources from the ability of the organisation to carry out its normal regulatory functions and for this reason we have concluded that we must refuse your request.



ESA / PHSI / HMI / SFVS (delete as necessary)

Sample number: PRIF / 2014**Food monitoring : Sample information sheet**

- Please read and follow the survey protocol and other instructions.
- Please complete all the information you can.
- Use a ballpoint pen and press down firmly.
- Use BLOCK LETTERS or tick boxes.

This form comes in sets of 5 on self copy paper.

- Send the top 3 copies to the laboratory;
- Follow your instructions for the bottom 2 copies.

Sampler details

Region/Subzone <input type="text"/>	Name of city/town/office <input type="text"/>	Sampler ID/ref no/name <input type="text"/>
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Where and when sampled

Date sample obtained <input type="text"/>	Type of location/ premises:	<input type="checkbox"/> Import point	<input type="checkbox"/> Wholesale/ cash & carry	<input type="checkbox"/> Depot
Name and full address of location premises (including postcode) <input type="text"/>		<input type="checkbox"/> Supermarket	<input type="checkbox"/> Other (if other, please specify below) <input type="text"/>	

About the sample

Commodity (as described in the protocol) <input type="text"/>	Full product name/variety <input type="text"/>
Nature of sample: <input type="checkbox"/> Fresh <input type="checkbox"/> Frozen <input type="checkbox"/> Other (please specify) <input type="text"/>	
Type of packaging: <input type="checkbox"/> Loose <input type="checkbox"/> Pre-packed (please specify) <input type="text"/>	
Country of origin (must be completed) <input type="text"/>	Advertised/labelled as organic? <input type="checkbox"/> Yes <input type="checkbox"/> No
Name/address of manufacturer/packer on label/packaging (including postcode) <input type="text"/>	Batch number <input type="text"/>
	Best before date* <input type="text"/>
	Bar code* <input type="text"/>
* Retail samples only	Total cost* £ <input type="text"/> p EC number* <input type="text"/>

Further details

Importer/Owner details (if different from above) <input type="text"/>	Any other information or comments, eg stickers from fresh produce, code on wholesale boxes, TNT reference number <input type="text"/>
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Data Protection Act 1998: This sample has been collected for the purpose of analysis for pesticide residues. We may disclose the information on this form when we publish the results of that analysis. Moreover, information (including personal data) may also be released on request. Including under the Environmental Information Regulations, the Code of Practice on Access to Government Information and the Freedom of Information Act 2000.

FOR LABORATORY USE ONLY (send the top 2 copies to CRD - keep the bottom copy for your records)

Type of sample: <input type="checkbox"/> Surveillance <input type="checkbox"/> Enforcement <input type="checkbox"/> Other (please specify) <input type="text"/>	
Total weight in grammes <input type="text"/>	Total number of units (eg packets, bunches) <input type="text"/>
Samples received by: Name in BLOCK LETTERS <input type="text"/>	Date <input type="text"/>
Laboratory <input type="text"/>	Part(s) analysed <input type="text"/>
	Laboratory reference <input type="text"/>
Packaging available? <input type="checkbox"/> Yes <input type="checkbox"/> No	Comments <input type="text"/>