

Our Ref: F0191964

Don Staniford
salmonfarmingkills@gmail.com

If telephoning ask for:
Cara Everitt

26 June 2020

Dear Mr Staniford

REQUEST FOR INFORMATION

Thank you for your request, received by SEPA on 8 June 2020

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] Could you please provide information on any scientific risk assessments of the ecosystem impacts of Imidacloprid (BMK08/Ectosan) in salmon farming?

Please refer to the response to Q4 below.

[2] What scientific research has SEPA conducted on the toxicity and environmental impact of Imidacloprid?

We confirm that SEPA has not conducted any research on toxicity and environmental impact of Imidacloprid in relation to salmon farming.

[3] Could you please share any information you have detailing how Benchmark can magically make Imidacloprid disappear from wastewater effluent discharges?

SEPA does not hold any further information relating to discharges via Benchmark's 'CleanTreat' from 2014 to the date of receipt of this request 8 June 2020.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Stirling Office
Strathallan House, Castle Business Park,
Stirling FK9 4TZ
tel 01786 457700 fax 01786 446885
www.sepa.org.uk • customer enquiries 03000 99 66 99

Previously information has been released under the following reference numbers F0191595 and F0191465. In accordance with the terms of Regulation 6(1)(b) of the EIRs, please refer to SEPA's disclosure log <https://www2.sepa.org.uk/disclosurelog/#>

[4] What environmental effects have been considered in relation to trials (whether proposed, aborted, in-progress or completed) in Scotland?

Information relating to proposed, in progress and completed field trials has been previously released under Formal Review references F0191595 and F0191802. In accordance with the terms of Regulation 6(1)(b) of the EIRs, please refer to SEPA's disclosure log <https://www2.sepa.org.uk/disclosurelog/#>

As previously advised information has been withheld from the released information. Additionally information was previously collated for formal review F0191198 and subsequently fell into scope of request F0191905. This information also continues to be withheld at this time under the terms of Regulation 10(5)(e) of the EIRs, the text of which is reproduced below;

*(5) 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:-
(e) the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest;*

The Public Interest Test was carried out in relation to the information which is to be withheld under Regulation 10(5)(e) of the EIRs.

It is acknowledged that there are public interest arguments in favour of disclosure of the subject information. However, there is a stronger public interest in withholding information that if disclosed, would prejudice substantially the third party's current and future commercial and economic interests. It was noted that the commercial interests would put at risk by disclosing proprietary details. Releasing the information would provide competitors with a commercial advantage and could further risk ongoing investment.

[5] What scientific research including ecological risk assessment has been conducted in relation to Imidacloprid remote discharges of effluent water in 'discharge zones'?

Please refer to the response to Q4 above.

[6] At what concentration is Imidacloprid being measured down to?

Please refer to the response to Q4 above.

[7] Has SEPA, VMD and/or the Scottish Government conducted any modelling of environmental impacts or any ecological risk assessments of Imidacloprid use in salmon farming?

SEPA have not conducted any modelling of environmental impacts or any ecological risk assessments of Imidacloprid use in salmon farming.

As confirmed above SEPA does not hold this information, in accordance with Regulation 14(1)(b) of the EIRs, we advise you to also contact VMD and Scottish Government. The contact details are;

- VMD – email postmaster@vmd.gov.uk

<https://www.gov.uk/government/organisations/veterinary-medicines-directorate>

<https://www.gov.uk/make-a-freedom-of-information-request>

- Scottish Government -email ceu@gov.scot

<https://www.gov.scot/about/contact-information/how-to-request-information/>

[8] Please therefore provide information on any scientific risk assessments of the ecosystem impacts of Imidacloprid (BMK08/Ectosan) in salmon farming since June 2016.

This is a duplicate of question 1 above. Please refer to the responses to Q4.

Where we have indicated in the responses above that SEPA does not hold information it is 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;-

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

The Public Interest Test was carried out in relation to the information to be withheld under Regulation 10(4)(a) of the EIRs.

It is acknowledged that there are public interest arguments in favour of disclosure of the subject information. However, as SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.

If you are not satisfied with our response, you have 40 working days from the date of this letter 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 F0191964. Please quote this in any future contact with us about your request.

Under SEPA's duty to advise and assist under the terms of The Environmental Information (Scotland) Regulations 2004 regulation 9; we advise that your email received by SEPA 08 June 2020 includes three requests for opinion and advice originally included in a letter to SEPA dated 17 March 2020. Opinion and advice is outside of SEPA's responsibilities under the EIRs, we therefore advise that you will receive a separate response from the relevant SEPA Team.

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

Yours sincerely



Cara Everitt
Access to Information Team

What to expect when making a Request for Information

Each request for information, under The Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002, is formally logged by the authority. The request falls within a process that has two internal stages carried out by the authority; a right of appeal to the Scottish Information Commissioner followed by an appeal to the Court of Session on a point of law only.

- Stage 1 – Request for information
- Stage 2 – Formal Review
- Stage 3 – Appeal for decision by Scottish Information Commissioner (OSIC)
- Stage 4 – Appeal to the Court of Session on a point of law only.

Each enquiry will have a unique Reference Number which should be quoted when you contact us.

How you will be kept informed

You will receive an acknowledgement for your request and Formal Review. We aim to reply to all enquiries promptly, within 20 working days. You will receive a response along with the requested information and/or an explanation regarding any withheld information. We may also contact you if we require clarification or if we are issuing a fees notice.

What happens once your enquiry has been responded to?

If you are not happy with the response or have failed to receive a response, you have the right to request a Formal Review from SEPA.

Guidance on your rights and how to ask for a review is on the Scottish Information Commissioner's website; <http://itspublicknowledge.info/YourRights/Askingforareview.aspx>

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 2018 throughout the handling of each request. You have a right to see information about yourself via submitting a Subject Access Request under the Data Protection Act 2018.

What to do if you are not happy with how your enquiry and review were handled

If you are unsatisfied with our Formal Review response or have failed to receive a response, you can then appeal to the Scottish Information Commissioner via the links below.

www.itspublicknowledge.info/appeal

<http://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx>

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.