

'Cover-up' claim over ban on fish farm pesticide

EXCLUSIVE
BY ROB EDWARDS

THE Scottish Government put pressure on its environmental watchdog to drop a plan to ban a toxic pesticide so as not to upset the fish-farming industry. Emails released by the Scottish Environment Protection Agency (Sepa) reveal that senior government officials intervened directly to delete any mention of the proposed 2018 ban from a policy briefing for the Environment Minister, Roseanna Cunningham, following a complaint from the industry.

The pesticide, known as emamectin and marketed as Slice, is widely used by fish farmers to kill the lice that plague caged salmon. But new evi-

dence suggests it is also damaging wildlife in Scotland's sea lochs.

The Scottish Government has previously dismissed accusations it "muzzled" Sepa on Slice as "unsubstantiated and false". It told the Sunday Herald in June that officials didn't make "any recommendation" on how to proceed.

But the emails show officials persuaded Sepa to "nuance" policy by omitting the 2018 deadline because it was regarded as a "ticking bomb" by the £1.8 billion salmon farming business.

These revelations have prompted critics to accuse the Government of a "cover-up" and of "misleading the public". Sepa had been "lobotomised" by civil servants acting on behalf of the industry, alleged one campaigner.

The Government, however, reiterated that the accusations were false and insisted it had never imposed a view on what Sepa should do. Sepa defended its regulation as "science-based" and

said it had moved to tighten conditions on the use of Slice.

The controversy is to be examined as part of a major investigation into the fish-farming industry by the Scottish Parliament's rural economy and environment committees early next year.

The released emails disclose Sepa drafted a press statement in May last year saying it would withdraw authorisation for Slice from March 31, 2018. According to an accompanying briefing, the pesticide can kill over 80 per cent of shrimps and other crustaceans at sites where it is used over several years.

However, Sepa's statement was never issued because the agency abandoned the proposed ban in favour of limited restrictions. This followed pressure from the fish-farming industry and the pesticide's US manufacturer, Merck - as well as the Scottish Government.

Email strings made available by Sepa under Freedom of Information law show Cunningham requested a policy briefing on Slice in August 2016. This followed an angry complaint about the proposed 2018 ban from the Scottish Salmon Producers' Organisation.

Sepa chief executive Terry A'Hearn circulated a draft briefing saying that Slice was "likely" to be phased out in two years. But this prompted an objection from the Scottish Government's then head of aquaculture, Willie Cowan. He accepted the language had been "softened" but said he still had "real concerns" about the two-year timeline.

He wrote: "If you could nuance the defined two-year ticking bomb (as the industry see it), shifting the onus to a timeline dependent on the needs of the required research ... then that would be preferable."

In response, A'Hearn redrafted the briefing to remove any reference to the two-year deadline. Instead he said there were "a number of possible solutions" which "depending on the additional research and analysis, could involve the phasing out of Slice".

Another Government official, George Burgess, then head of environmental quality, suggested another edit to remove a remaining reference to a time period. Cowan said he was "happy with that", and in a one-word email A'Hearn responded: "Agreed."

The altered policy briefing was then sent to Cunningham. Sepa later dropped its plans for a 2018 ban, instead tightening conditions for using Slice and proposing further limitations for farms in "susceptible" areas.

The National Trust for Scotland condemned the intervention of the Scottish Government. "Political interfer-



He pointed out that officials had a duty to provide ministers with considered advice and to inform them of stakeholder concerns. "We regularly and frequently have dialogues with bodies such as Sepa," he added. "At no time do we impose a view of what they should decide to do and there is nothing to suggest officials made any recommendation on how to proceed."

Sepa stressed it was right to talk to a range of stakeholders about regulating fish farming.

"How we go about regulation is science-based and to be clear, in April this year, Sepa moved to tighten conditions for the use of Slice, reviewing the permits of all fish farms using the medicine," said CEO A'Hearn.

"In July, we also launched a consultation on our intention to strengthen the regulation of the sector. The consultation included a review of the environmental quality standard for Slice where we called for evidence on its use to help inform future regulation of medicines used in the marine environment."

The consultation closed on September 30. "We're now reviewing the responses which will inform the finalisation of our proposals for licensing of this sector," he added.

The Scottish Salmon Producers' Organisation said it had submitted its views to the consultation. "Sepa has published interim arrangements for the use of Slice while further scientific work is undertaken," said chief executive Scott Landsburgh.



At best, these disclosures highlight collusion between the Scottish Government, the salmon farming industry and Sepa

ence in the operation of a supposedly independent environmental regulator is pretty fishy, but when it is being done at the request of the industry that is being regulated it begins to stink," said the trust's senior nature conservation adviser, Dr Richard Luxmoore.

"How can we have confidence our marine environment is being protected when the strings are being pulled by the main polluter and the law enforcer is put firmly back in its box?"

Don Staniford of the Global Alliance Against Industrial Aquaculture accused the Scottish Government of misleading the public. "Civil servants acting on behalf of the salmon farming lobby successfully lobotomised Sepa," he said.

"The parliamentary inquiry must investigate how Sepa allowed itself to be censored and sidelined. At best, these disclosures highlight collusion between the Scottish Government, the salmon farming industry and Sepa."

Sepa released emails to Staniford last week with an unreserved apology for failing to release them earlier. It said it had made errors and not fulfilled its duties under Freedom of Information law.

The wild fish campaign group, Salmon & Trout Conservation Scotland, said there had been a "cover-up" on Slice. Both Sepa and the Scottish Government are under investigation by the Scottish Information Commissioner on the issue, the group said.

The Scottish Salmon Think-Tank, a new group of fish farm critics, argued that Slice threatened creel fisheries. "It is shameful that the Scottish Government has chosen to prioritise the profits of big business above the well-being of coastal communities."

Mark Ruskell MSP, environment spokesperson for the Scottish Greens, said: "It's wholly inappropriate for the Scottish Government to be editing out the conclusions of an independent ... regulator on behalf of any industry."

The Scottish Government stressed that the use of chemicals in the marine environment was a regulatory matter for Sepa. "These documents do not in any way support the unsubstantiated

and false claims being made," said a spokesman. "As the Sepa chief executive has made clear, he did not discuss this issue with the Environment Secretary and at no point have Sepa been constrained from delivering the advice and making the regulatory decisions which they feel to be necessary."

Slice has been linked to damage in the wider marine environment

Photograph: David Cheskin/PA

Report ditched after Fol fears

SEPA ditched a written report to its board on Slice following fears it could attract Freedom of Information requests, according to internal emails.

Chief executive Terry A'Hearn decided instead to make a verbal report that wouldn't be published. He had been warned by his officials that mentions of the issue online could "generate Fol enquiries".

The revelation has shocked campaigners, who accuse Sepa of "gaming the system to avoid being held to account". A'Hearn accepts that a staff email was "inappropriate", but insists that it was important for the board to be given accurate information.

A report drafted in September 2016 outlined new arrangements for regulating the use of Slice. But an email to A'Hearn from a Sepa official cautioned that when it went online the report could prompt people to "seek to see relevant documentation e.g. under Fol".

The email pointed out that "it may take some time for Sepa to consider and process such requests". It then suggested that the report could be dropped and board members be "verbally advised" instead.

In reply, A'Hearn said his main concern was that the board received accurate information. "Given the challenges in getting the wording right and not misleading people, let's drop the material," he said in an email, adding he would give a verbal update.

The Campaign for Freedom of Information in Scotland accused Sepa of blatantly trying to avoid Fol. "The email trail shows a desire to give the board accurate information but not the public," said campaign convener, Carole Ewart.

"Evidence of calculated measures to avoid Fol legal duties must be included in the post-legislative scrutiny agreed by the Scottish Parliament in June but not yet delivered."

The Labour MSP and Fol campaigner Neil Findlay accused Sepa of trying to avoid public scrutiny. "I would suggest Mr A'Hearn has a lot of explaining to do and ask on how many other occasions this highly paid chief executive had gamed the system to avoid being held to account," he said.

The emails were released under Fol law to Don Staniford from the Global Alliance Against Industrial Aquaculture. "Sepa's CEO and other high-level staff sought to hide the truth from both the public and the Sepa board," he alleged.

A'Hearn reiterated it was important that Sepa's board was given accurate information on a complex issue. "A full verbal briefing was provided at the board, which was summarised in the official minutes of the meeting," he said. "This decision was mine and I believe it was the right one to make. The individual email from a staff member was inappropriate and that was reflected in my response."

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PAGE 42



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