

Enclosure 05 – Email from SEPA to Scottish Government.

From: [REDACTED]@sepa.org.uk>

Sent: 28 August 2020 16:42

To: Communications Covid-19 [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>

Cc: [REDACTED]@sepa.org.uk>; [REDACTED]

[REDACTED]@sepa.org.uk>

Subject: Loch Tralaig - formaldehyde use - SEPA holding lines

Good afternoon,

Following some social media posts we were made aware of earlier in the week about formaldehyde use at Loch Tralaig, we've drafted the below holding lines which we'll also use for social posts over the weekend.

Thanks,

[REDACTED]

Loch Tralaig

“There are a number of uses of Loch Tralaig, including fish farming. We conduct regular compliance checks on regulated activities and will continue to monitor formaldehyde use by the Loch Tralaig fish farm.


“Fish farm operators require an authorisation from SEPA before they can use formalin to treat their fish. When granting authorisation, we place strict limits on the quantities that can be used. The limits are set to keep discharges to levels that the receiving rivers and lochs can accommodate without compromising environmental quality standards.”

NOTES:-

- Formalin (active ingredient, formaldehyde) is used to treat a range of conditions including white spot and bacterial gill disease.
- Discharges to rivers and lochs from fish farms are controlled under the Water Environment (Controlled Activities) (Scotland) Regulations 2011
- Formaldehyde, the active ingredient of formalin, is readily biodegradable with no potential for bioaccumulation in the aquatic environment.
- In Scotland, the environmental standards for the protection of freshwater are 5 micrograms per litre (ug/l) (annual average) of formaldehyde and 50ug/l (maximum allowable concentration).
- Strict limits on the use of products containing formaldehyde (e.g. formalin) are set using river and fresh water loch modelling to identify the environmental capacity of each water course.

[REDACTED]

Scottish Environment Protection Agency (SEPA)

 Angus Smith Building | Eurocentral | ML1 4WQ

Enclosure 06 – Email from Christine Grahame MSP to Cabinet Secretary for the Environment, Climate Change and Land Reform.

From: [REDACTED]@gov.scot> **On Behalf Of** Cabinet Secretary for the Environment, Climate Change and Land Reform
Sent: 02 September 2020 12:25
To: Public Engagement Unit <CorrespondenceUnit@gov.scot>
Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECCLR@gov.scot>
Subject: FW: Formaldehyde and Scottish farmed salmon

For response please.

Thanks,

[REDACTED]

From: [REDACTED]@parliament.scot> **On Behalf Of** Grahame C (Christine), MSP
Sent: 01 September 2020 15:14
To: Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECCLR@gov.scot>
Subject: Formaldehyde and Scottish farmed salmon

Dear Roseanna,

I have been contacted by a constituent concerned about the use of formaldehyde in Scottish salmon farming following the release of a number of FOIs (reported [here](#) as well as in some locals).

My constituent states that formaldehyde causes an allergic reaction in his wife and is therefore concerned about how this is (or is not) labelled on produce as well as the potential environmental impact.

I appreciate the Government's position that formaldehyde, as regulated by SEPA, can be safely used in fish farming and does not pose a risk to food safety. Can I ask however if any research has been undertaken into possible adverse reactions or allergies in certain people on consuming treated fish and whether there are any plans to review the licensing of formaldehyde use in view of environmental concerns?

Any comment you could offer on this would be helpful.

Best wishes,

Christine Grahame MSP

Constituency Member for Midlothian South, Tweeddale and Lauderdale

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Enclosure 07 – Email from SEPA to Scottish Government.

From: SEPA Media Team <media@sepa.org.uk>

Sent: 04 September 2020 18:01

To: [REDACTED] gov.scot>

Subject: Weekend media briefing 4 September 2020

[REDACTED]

All media enquiries

Enquiries marked as * have not yet had responses returned - often due to a longer deadline time.

Date	Outlet	Enquiry
31 August	The Scottish Sun	Bathing waters data
31 August	Dunfermline Press & West Fife Advertiser	Bathing waters - Silver Sands
31 August	Falkirk Herald	Flooding - Main Road, Maddiston
31 August	BBC Scotland (Online)	NHS medical waste
31 August	The Scottish Sun	Potential major cyanide leak/spillage at DSM's chemical plant in Dalry
31 August	First News	Purple water, Tollcross Park
31 August	Scottish Daily Mail	Polluted beaches
1 Sept	Shooting Times & Country Magazine	Loch Tralaig - Formalin

2 Sept	Fife Free Press	Pollution limits on Fife beaches
2 Sept	Sunday Post (Online)	Flood risk management
2 Sept	Edinburgh Live	Water of Leith basin - petition re sewage

[REDACTED]

Enclosure 08 – Farmed fish escapes initial notification.

FARMED FISH ESCAPES – INITIAL NOTIFICATION

This form is to be submitted immediately following **any circumstance** which caused or might have caused an escape of fish from a fish farm site.

Please refer to “WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM” for further guidance on how to complete this form: www.scotland.gov.uk/Topics/Fisheries/Fish-Shellfish

1. Please supply details of the authorised aquaculture production business (APB) and farm site (Read our [privacy notice](#) to find out what we do with your information.):

Site Name:	Kinlochmoidart	Site No:	FS0146
APB Name:	Scottish Salmon Company	APB No:	[REDACTED]
Contact Name:	[REDACTED]	Telephone No:	[REDACTED]
Fax No:		Email Address:	[REDACTED]

2. Please supply the following details regarding the fish escape:

Date & time of incident (nearest estimate)	TBC – occurred with last 7 days	OS grid reference:	tbc
Site location:	Kinlochmoidart	Estimated number of fish lost:	Suspected less than 20
Species:	Atlantic salmon	Average weight:	75g
Age in months:	9 months in FW	Growth stage:	Parr
Please supply details of any treatments administered for which the fish are in withdrawal:	N/A – received antibiotic treatment mid-September (ERM), then formalin treatment end September (low level fungus)		
Please confirm whether the fish were healthy at the time of the escape, or the nature of any disease:	Healthy – low level fungus		
Please confirm mortality rates on site and the reasons for mortality:	Low – less than 0.3% per week for last 4 weeks		

3. Please provide details of the circumstances surrounding the fish escape or potential escape (if necessary continue on a separate sheet):

Circumstances Surrounding the Escape or potential Escape Consider: Human error, predation, suspected foul play, failure or wear and tear of equipment (mooring, ropes, netting, cages or pens, boats), weather conditions (wave height, wind speed and tidal strength):	<i>Suspected act of vandalism/foul play. Investigation ongoing into incident.</i>
Suspected Primary Reason for Escape or potential Escape	Vandalism

Suspected Underlying Cause of Reason for Escape or potential Escape(if applicable)		
Completed by:	[REDACTED]	The form should be sent to:
Position in Organisation:	[REDACTED]	The Duty Inspector Fish Health Inspectorate Marine Scotland Science PO Box 101 375 Victoria Road Aberdeen AB11 9DB Email: ms.fishhealth@gov.scot
Date:	22.10.2020	Tel: [REDACTED] 0131 [REDACTED] Fax: 0131 244 [REDACTED]

Enclosure 09 – Email from Scottish Environment LINK to Scottish Government.

From: [REDACTED]@scotlink.org>
Sent: 16 November 2020 13:53
To: Scottish Ministers <Scottish_Ministers@gov.scot>
Subject: FAO Cabinet Secretaries Michael Russell and Roseanna Cunningham - public petition hand-in

AO [REDACTED]
Dear Cabinet Secretaries,

Please find attached a letter from Scottish Environment LINK regarding a recent petition we have held to demonstrate public support for strengthening the proposals of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill. Over 6,000 members of the public have supported LINK's calls for the bill to be strengthened to ensure that the new Environment Standards Scotland is fully independent of government and is empowered to take enforcement action in response to individual complaints about environmental damage.

Please also find a spreadsheet with details of the petition supporters along with their additional comments.

We hope this can feed into your discussions on the bill ahead of Stages 2 and 3.

With kind regards,

[REDACTED]

Scottish Environment LINK
Dolphin House, 4 Hunter Square, Edinburgh EH1 1QW

[REDACTED] *please contact on* [REDACTED]
Mob [REDACTED] Email [REDACTED]
[REDACTED]@scotlink.org
Web www.scotlink.org, www.savescottishseas.org | Email [REDACTED]
[REDACTED]@scotlink.org



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Enclosure 09.1 – Extract of “Petition signatories and messages.csv” attachment.

Name	Last Name	Postcode	Comment
[REDACTED]	[REDACTED]	[REDACTED]	<p>It's high time Scotland did MORE for our environment and ensured we continue to do more,we have a planet to save, a planet WE have destroyed ! We MUST plant more trees, regenerate many areas,in particular the moors, grouse shooting MUST be banned along with farmed salmon,we should be looking to improve our waterways for wild salmon,not allowing tonnes of formaldehyde to be dumped and farmed salmon released into the waters,we need to see an end to grouse estates, where we know that raptor persecution is rife ! The burning of the heather is doing our planet no good what so ever,plus,any mamals,insect eggs,reptiles in that heather is burned ! dead, gone ! As we know,many of our species are in SERIOUS decline,we have to reverse the damage done,we need wildflower meadows, the Plantlife Roadverge Campaign is excellent,planting wildflower verges increases insect populations,in turn increasing bird and other wildlife populations and means that it only needs to be cut once per year,saving time and money for local councils. Scotland can lead the way,ensuring HIGH standards of protection for our environment and playing a MASSIVE part in</p>

			<p>helping to increase populations of wildlife. Biodiversity is key to OUR survival, but, we must act now ! Imagine the tourists our country could attract for wildlife tours, I've spoken to people on social media who will NOT visit as long as we continue to allow our amazing wildlife to be used to quench blood lust, ie, blood sports, photographers who will not come to our country until such time as changes are made. These changes need to be made , not only to encourage these tourists, but, to encourage a better balance for nature, without nature we will die, it is THAT simple, we need nature to survive, the time has come to make sure nature and the environment are at the forefront of ALL discussions, not just for us, but for our children, grandchildren, great grandchildren etc. Our country is beautiful, it's beauty though is filled with ugliness, that ugliness within the blood sports industry, farmed salmon etc. Scotland has a future, but, we can make that future far brighter, cleaner, full of biodiversity with a solid guarantee of EXTREMELY high Environment Protection Laws, Higher than they have been previously, and with the right people behind it all, ensuring there is scrutiny at every turn by an independent watchdog, a</p>
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			watchdog who will listen to complaints and act on them immediately .Do what is right, for the people of Scotland, for the future of our country,it's wildlife and nature.
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Enclosure 09.2 – Attachment.

To Michael Russell MSP, Cabinet Secretary for the Constitution, Europe and External Affairs:

We need strong laws to protect Scotland's nature after Brexit. The Continuity Bill must be amended to empower the new watchdog to take enforcement action on complaints about specific decisions affecting people's environment, and to strengthen its independence to ensure it has the teeth to enforce environmental protections.

[Additional comments could be added added by signatory]

Enclosure 09.3 – Attachment.



Scottish
Environment
LINK

13 Marshall Place
Perth
PH2 8AH

T 01738 630804
E enquiries@scotlink.org
W www.scotlink.org

16 November 2020

Dear Cabinet Secretary for the Constitution, Europe and External Affairs,
Cc Cabinet Secretary for the Environment, Climate Change and Land Reform,

Over 6,000 people support measures for a strong, independent environmental watchdog.

With the UK Withdrawal from the EU (Continuity) (Scotland) Bill making its way through the Scottish Parliament, please find enclosed details of signatories to a recent Scottish Environment LINK petition calling for improvements to proposals to establish the new Environment Standards Scotland (ESS) watchdog.

Our environmental laws are only as good as the institutions which uphold them, and a watchdog can only be robust and effective if it is truly independent of government. The signatories share our concerns that at a time when 1 in 9 species in Scotland is at risk of national extinction, we must have a strong, independent watchdog that is able to take steps to protect and restore our amazing natural environment.

The bill must also be amended to empower ESS to take enforcement action on complaints about specific decisions affecting people's environment. The European Commission has played a critical role in the oversight and enforcement of environmental protections by receiving complaints on potential failures to apply or the misapplication of EU environment law, investigating these complaints and taking enforcement action where necessary. This has included receiving and acting upon representations that concern individual decisions with the potential to affect the environment, such as planning applications or licensing decisions. Such cases have played a critical role in identification of more systemic problems with the application and interpretation of environmental law.

The arrangements for ESS must replicate the ability for citizens to raise complaints about their local environment and for ESS to be empowered to force public authorities to take action as a result. Unless the limitations are removed the ESS will not provide continuity with existing EU arrangements and would represent a significant erosion of environmental governance in Scotland, as well as Scots' rights and ability to take action on the environment.

We hope you can take these concerns into account ahead of the bill's Stage 2 debate.

With kind regards,



Scottish Environment LINK the voice for Scotland's environment



Registered office: 13 Marshall Place, Perth, PH2 8AH. A Scottish Charity No. SC000296.

Scottish Environment LINK is a Scottish Company Limited by Guarantee and without a share capital under Company No. SC250899

Enclosure 10 – FMQ briefing.

Issue: A report in the media (Daily Mirror) claims to expose ‘putrid’ conditions including the presence of sea lice on Scottish marine fish farms, which threatens both the welfare of farmed fish and the environment.

Such statements reflect those of the anti-fish farming lobby which use a range of social media to disseminate their opinion of farmed fish practices.

Top Lines

We dispute claims that conditions on Scottish fish farms are ‘putrid’ – Scottish salmon is farmed to high standards and within a tightly managed regulatory framework.

We recognise that aquaculture is vitally important to Scotland’s economy and provides thousands of jobs directly and indirectly - but we also recognise the need to protect the environment and the health and welfare of marine farmed animals. We take this very seriously.

Sea lice: government, regulators and the industry remain motivated to continually progress sea lice management – that is why we have recently reviewed our sea lice policy and have made significant improvements to sea lice reporting processes and SG’s intervention in the management of sea lice on farms.

We recognise that a healthy marine environment is fundamental to our many uses of our seas and to coastal communities – in relation to fish farming a series of changes to regulation have been made, not least SEPA’s strengthened regulatory framework.

Scottish Government remains committed to its high animal welfare standards - Farmed fish are protected from ‘unnecessary suffering’ by the Animal Health and Welfare (Scotland) Act 2006 and the Animal and Plant Health Agency will investigate welfare concerns fully and take enforcement action where appropriate



Environmental management

- Ministers have regularly reiterated their commitment to sustainable development and growth of the aquaculture industry – this fully recognizes the need to take account of impacts on the marine environment, as is the case for all marine industries.
- In June 2019, SEPA published its strengthened regulatory framework for marine pen fish farms followed by its first Finfish Aquaculture Sector Plan. This represents a significant shift in the

modernisation of fish farm regulation. Since then, SEPA has worked very closely with other regulators and a range of stakeholders to continue to develop and deliver effective and efficient environmental regulation.



Use of formaldehyde in the marine area

- We understand the concern that people have regarding the use of various chemical treatments and medicines in the marine area.
- Let me reassure you that the use of Formaldehyde and other chemicals is strictly regulated by the independent Scottish Environment Protection Agency, and it can be safely used in fish farming. Formaldehyde use in fish farming, as regulated, does not pose a risk to the marine environment or to food safety.

Enclosure 11 – Briefing for Fergus Ewing, Cabinet Secretary for Rural Economy and Tourism, meeting with the Rural Economy and Connectivity Committee. 32nd meeting, 2020 (Session 5). Wednesday 2 December 2020.

SEPA Aquaculture Regulation

Background

SEPA regulates the impacts of the aquaculture sector on the water environment through the Water Environment (Controlled Activities) (Scotland) Regulations 2011. It controls the discharge of organic wastes (fish faeces and uneaten food), used fish medicines and other chemical treatments into the marine environment that can impact on the seabed and marine wildlife by restricting fish farm size (biomass) and medicine usage.

Top lines

- Controlled Activity Regulation (CAR) licences issued by SEPA for aquaculture sites set strict conditions on operators to deliver appropriate environmental protections by controlling the discharges to the water environment
- In November 2018, SEPA tightened controls on the discharge of the sea-lice medicine SLICE at any new fish farm sites; and the safe level of use at existing sites is actively under consideration by a UK expert advisory group.
- SEPA has now launched its new regulatory framework and sector plan for finfish aquaculture, including measures to improve environmental compliance to ensure the size of fish farms is better matched to environmental capacity.
- The need to strike an appropriate balance between the sustainable growth of aquaculture industry and the associated environmental impacts is recognised.
- The Scottish Government and its agencies are working with the sector and with others to develop a policy and regulatory framework that enables sustainable growth while maintaining the right balance across our economic, environmental and social responsibilities.

SEPA's Strengthened Fish Farming Framework

- In June 2019, SEPA launched its new finfish regulatory Framework which strengthens the protection of Scotland's marine environment.
- The new Framework uses the best modelling available to better predict and monitor the environmental effects of fish farms.
- In addition to the introduction and the enforcement of a tighter organic waste standard, improved modelling means that risks to the local environment will be better understood and managed.
- The new approach allows the assessment of larger scale impacts - including interactions with other farms – to be carried out.

- This more effective regulation will ensure that farms are sited in the most appropriate areas.

SEPA Aquaculture Regulation Q & A

What actions has SEPA undertaken since the ECCLR and REC Committee recommendations in 2018 on the environmental regulation of salmon farming?

In June 2019, SEPA published its strengthened regulatory framework for marine pen fish farms followed by its first Finfish Aquaculture Sector Plan a month later in August. This represented the biggest shift in regulation of fish farms in a generation. Since then, SEPA has worked very closely with other regulators and a range of stakeholders to deliver effective and efficient environmental regulation.

SEPA took account of the ECCLR and REC Committees' findings from their inquiries into aquaculture, and incorporated several key components:

- A new process for pre-application engagement with the applicant and communities
- The introduction of new modelling tools to ensure deposition of waste into the marine environment is better understood and controlled
- Bringing the application of environmental standards into line with those required for other discharges to the marine environment
- Enhanced sampling/monitoring requirements for operators and SEPA
- A strengthened regime for compliance checking, including unannounced environmental surveys of farms and a new quality assurance scheme to provide greater confidence in monitoring information provided by operators.
- A multi-stakeholder Finfish Aquaculture Advisory Panel, bringing together a broad range of stakeholders with interest in the sector, from operators and regulators to community and environmental groups and supermarket buyers.
- A major internal re-organisation to create a new, national permitting team, new nationally accountable environmental performance teams and a new specialist enforcement team.

Since the ECCLR and REC inquiries of 2018 made recommendations that regulatory responsibility for sea lice interactions with wild fish should be introduced what actions have been undertaken?

SEPA and Marine Scotland have been jointly engaged in developing a spatial framework to help guide new fish farm developments to locations where sea lice are less likely to pose a risk to wild salmonids.

The spatial framework will take account of the best available science and the precautionary principle, and will underpin future planning advice.

It is anticipated that the Scottish Government will publish a consultation on these proposals within the next few weeks.

Environmental standard for sea lice medicine SLICE (Emamectin benzoate)

- SEPA regulates chemicals to treat sea lice, the main one of which is SLICE (active ingredient emamectin benzoate). In November 2018 SEPA published a revised regulatory position introducing an interim tighter standard for SLICE for all new fish farms and existing farms that plan to increase their use of the medicine.
- A UK Technical Advisory Group (UKTAG) comprised of environmental regulators from across the Nations of the UK is currently undertaking work which will lead to the development of a longer term EQS. That process has involved both SEPA and the aquaculture industry submitting evidence that is currently under consideration as part of a consultation UKTAG carried out in 2019. UKTAG is expected to publish its findings in spring 2021.
- The longer term standard determined by UKTAG will be subject to consultation by the Scottish Government as to how it should be phased in.

What has been SEPA's Aquaculture Regulation response to COVID-19?

SEPA responded to support the aquaculture sector during the early stages of Covid-19 by establishing two temporary position statements relating to biomass and the use of sea lice treatments.

SEPA currently has one active dispensation available to aquaculture operators to reflect disruption caused by the pandemic:

- The “biomass position” allows operators to exceed their permitted biomass under certain circumstances. This helps operators manage through a period where the market has been disrupted and fish may need to stay in the water for longer. This position does not have an expiry date and there are no plans to change it as SEPA accepts that market disruption is still an issue.

The second dispensation called the “medication position” allowed operators to undertake sea lice treatments over a shorter period than the permit normally allows and it expired on 31 August.

The medication position has only been used by operators a handful of times - 4 times out of 75-80 treatments that have taken place in the period the position has been in force.

The medication position was put in place to reflect restrictions on manpower and movements in the early stages of the pandemic. As the constraints on workforce have eased significantly as a result of the gradual easing of lockdown, SEPA did not renew or extend the duration of the medication position.

Following expiry of the ‘medication position’ SEPA has advised that it is willing to discuss with operators on a case by case basis where they may need to make use of such a flexibility around for a specific site or sites. This is similar to the approach SEPA has taken to other regulated sectors.

SEPA has also advised that, should greater restrictions be reimposed that would impact on the aquaculture workforce on a local or national basis, then it would reconsider the position in that context.



Following public concern how is Formaldehyde (product name Formalin) use at freshwater fish farms regulated in Scotland?

In August 2020 the campaign group Inside Scottish Salmon Feedlots sent a letter to the Cabinet Secretary for Environment, Climate Change and Land Reform stating that formaldehyde use at fish farms is uncontrolled and unrestricted. It requested formaldehyde use is banned until a public consultation on its safety and use can be held following an online petition to support this proposal signed by 9,500 people.

Formaldehyde (Formalin) is used as a fish medicine used to treat a range of conditions in farmed fish and its use as a medicine is regulated by the Veterinary Medicines Directorate.

All discharges to freshwater are regulated by the SEPA including discharges of formaldehyde from freshwater fish farm operations. Discharges to rivers and lochs from fish farms are controlled under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

Fish farm operators require an authorisation from SEPA before they can use formalin to treat their fish.

All farm operators discharging formaldehyde are required to keep details of each occasion of formaldehyde use and to make these records available to SEPA staff for auditing purposes.

SEPA places strict limits on the quantities of formaldehyde that can be used. The limits are set to keep discharges to levels that the receiving rivers and lochs can accommodate without compromising environmental quality standards.

The environmental quality standards are based on scientific data on the effects of formaldehyde on freshwater organisms, including species native to Scottish freshwater lochs.

Formaldehyde is readily biodegradable with no potential for bioaccumulation in the aquatic environment.