



To:

Mr Carroll

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From: A M Cassels

Food and Environment Research Agency (Fera)

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Date: 8 February 2011

Dear Mr Carroll

Freedom of Information/Environmental Information Regulations request to the Food and Environment Research Agency

1. Thank you for your email dated 12 January 2011 which requested information from the Food and Environment Research Agency (Fera), under the Freedom of Information Act 2000/Environmental Information Regulations 2004. You requested the following information:

- (i) Can you confirm that FERA's laboratories do NOT have a test method validated by UKAS for white phosphorus and the reasons why this may be the case?
 - (ii) That you were approached with regard to testing samples of a mute swan and mallard by the veterinary laboratories agency in 2009 to undertake "a phosphorus test" regarding VLA reference number- 26-B0069-03-09, and what instruction you were given in this case and the results?
 - (iii) Can you release all correspondence including emails between yourself and the VLA in regard to this issue?

2. I believe that questions i) and ii) are not covered under either the Freedom of Information Act or the Environmental Information Regulations as they are not requests for recorded information. However, I have been able to provide the response to these questions in dealing with question iii), which I have dealt with as a request under the Environmental Information Regulations. I have attached the information you requested in annexes 1, 2, 3 and 4, which accompany this letter and notification email.
3. In responding to your request, I have had to consider the release of third party personal information (names, email addresses and telephone numbers). I have followed the guidance provided by the Information Commissioners Office regarding 'When should names be disclosed?'. Page 3 of that guidance states that "the presumption is in favour of protecting privacy, so the release of personal information will only be fair if there is a genuine reason to disclose". This can be found at:
http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/whenshouldnamesbedisclosed.pdf
Additionally, I have consulted with those whose personal information is contained in the documents and I have decided to redact some of the information under section 13 of the Environmental Information Regulations.
4. I believe that I have now responded fully to your request for information from the Food and Environment Research Agency (Fera) under the Environmental Information Regulations. However, if you are unhappy with the way that Fera has handled your request for information you may ask for an internal review, please contact me and I will arrange one on your behalf. If you remain unsatisfied because of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner must be contacted in writing within two months of you receiving the results of the internal review. The Information Commissioner may be contacted at the following address: **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF**
5. The information supplied to you in this letter is Crown copyright and is protected by Copyright, Designs and Patents Act 1988. A wide range of Crown copyright material can be re-used under the Open Government Licence Agreement, details of which can be found at: <http://www.nationalarchives.gov.uk/doc/open-government-licence/open-government-licence.htm>

Yours sincerely

A M Cassels

Encl: Annexes 1, 2, 3 & 4

Annex 1

- i) Can you confirm that FERA's laboratories do NOT have a test method validated by UKAS for white phosphorus and the reasons why this may be the case?

I can confirm that the Food and Environment Research Agency (Fera) does not have a test method validated by UKAS for white phosphorus. Although Fera could potentially carry out tests on substances such as white phosphorus, we have experienced insufficient demand to justify the setting up of such a test.

- ii) That you were approached with regard to testing samples of a mute swan and mallard by the veterinary laboratories agency in 2009 to undertake "a phosphorus test" regarding VLA reference number- 26-B0069-03-09, and what instruction you were given in this case and the results?

I can confirm that the Food and Environment Research Agency was approached by the Veterinary Laboratories Agency (VLA) in 2009 to undertake "a phosphorus test" regarding VLA reference number 26-B0069-03-09.

The instructions we were given are contained within a letter from the Veterinary Laboratories Agency dated 16 March 2009 (annex 2).

The results of the phosphorus test are contained within annex 3. However, please note that the test results relate to total phosphorus content only.

- iii) Can you release all correspondence including emails between yourself and the VLA in regard to this issue?

Please find attached all correspondence, including emails between Fera and the VLA, with regard to this issue (annex 4).