

Cathaoirleach/Chairman
Dan MacSweeney

Priomhfheidhmeannach/
Chief Executive Officer
Tara McCarthy

Mr Ashley Glover
aglover@gmail.com
(By email only)

10 December 2021

Re: AIE Request

Dear Mr Glover

I refer to the request you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations) for access to information held by Bord Bia requesting:

“Any previous FOIs that mention biosolids, biofert or sewage sludge as fertiliser

Any correspondence between Bord Bia and Dept of Agriculture and/or EPA that mention biosolids, biofert or sewage sludge

Date range 2019 to current”

Please note, in error, we acknowledged your request (letter dated 24th November) under the FOI Act 2014. We are now providing the response under the AIE regulations.

Summary of Decision

I have identified one record which relates to your request, the two parts of which will be dealt with separately below. In relation to the first element of your request:

“Any previous FOIs that mention biosolids, biofert or sewage sludge as fertiliser”

I have decided that you should be part granted access to the relevant records, details of which are set out in the schedule at the end of this letter. Certain elements of these records have been redacted by reason of Article 8(a)(i) of the AIE Regulations, being personal information relating to a third party.

Article 8(a)(i)

By way of information, Article (8)(a)(i) provides grounds to mandate a refusal where disclosure of the information would adversely affect “the confidentiality of personal information relating to a natural person who has not consented to the disclosure of the information, and where that confidentiality is otherwise protected by law”.

In line with Article 8(a)(i), I have decided to redact the personal data of external third parties including their name and email address. In coming to this decision, I have considered the public interest in favour of disclosing this information, including the public interest in favour of transparency of public authorities. On balance, I have decided that the protection of personal data in line with Data Protection legislation outweighs the interest of the public in receiving such information.

The second part of your request was for:

“Any correspondence between Bord Bia and Dept of Agriculture and/or EPA that mention biosolids, biofert or sewage sludge. Date range 2019 to current”

We have reviewed our files for the period 1 January 2019 to present for the record relevant to your request and note that there are no documents matching your request. We have also conducted an email search on our server for the keywords of your request and there is no correspondence between Bord Bia and the Dept of Agriculture or the EPA matching your request. I have therefore refused this part of your request.

Schedule of records

I have attached a schedule of records with this letter. This lists the records that I consider relevant to your request. It provides a brief description of each record and the decision I have made in relation to each record. Where I have decided to refuse or partially refuse access to a record, it specifies the Article of the AIE Regulations under which this refusal has been made.

Records Released

- A. FOI dated 24 July 2020 in relation to Biosolids


Right of review

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of this Department, unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by writing to AIE Officer and referring to this decision. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Please contact me at 01 668 5155 or aie@bordbia.ie if I can assist you in any matter relating to your request.

Yours sincerely



Susan McDonnell
Director Corporate Services

Schedule of Documents

AIE Request Reference: Ashley Glover - Biosolids

Date of Record	Record Description (and relevant page, if noted)	Decision – Grant/Part Grant/Refuse	Basis for Refusal – Article of Regulation
24 July 2020	FOI Response on Biosolids	Part Grant	Sec 8(a)(i)

Cathaoirleach/Chairman
Dan MacSweeney

Priomhfheidhmeannach/
Chief Executive Officer
Tara McCarthy

[REDACTED]

24 July 2020

Re: FOI Request

Dear [REDACTED]

I refer to your request dated 1 July 2020, received by this office on 2 July 2020, which you have made under the Freedom of Information Act 2014 for records held by Bord Bia. Your request was as follows:

“Under Bord Bia quality assurance schemes for dairy and beef/meat (SDAS & MPQAS) is the spreading of biosolids (human waste sludge) allowed on grazing or silage lands?”

If the use of biosolids is not allowed on Bord Bia QAS farms, how is it ensured that purchased animal feeds on Bord Bia approved QAS farms (eg. additional silage/maize silage) has not been harvested from lands where biosolids have been spread?”

Also if use of biosolids is not allowed on Bord Bia QAS farms, how is it ensured that agricultural contractors, that engage in both harvesting of animal feeds (eg. silage/maize) and spreading of biosolids do not have common use loaders/trailers which are used both for animal feed harvesting and biosolids transport?”

1. Decision

Following a review of our records and consideration of the relevant provisions of the Freedom of Information Act 2014, I have decided to part grant access to the records requested. The relevant records are contained within the schedule attached at the end of this letter.

2. Schedule of Records

The schedule of records shows the documents that we consider relevant to your request. It also gives you a summary and overview of the decision as a whole and reference is made to sections of the FOI Act which apply to prevent release of particular records or to limit access. The schedule describes each record and indicates whether access to the record is granted, or refused. A brief summary of the reasons for the decision are included in the schedule which is also supplemented by the fuller explanation given under heading number 3 below.

3. Information Requested and Access to Records

Please note that notwithstanding the fact that your request refers to the Meat Processing Quality Assurance Scheme (MPQAS), I have responded on the basis that your request relates to the Sustainable Beef and Lamb Scheme (SBLAS), which is the scheme covering beef (and lamb) production. The MPQAS is for meat factories that wish to sell products as Bord Bia Quality Assured products. If this is not the case, and you wish for my response to also refer to MPQAS, please contact me at foi@bordbia.ie

I have split out your request into three parts to address each of your three queries.

Part 1: *“Under Bord Bia quality assurance schemes for dairy and beef/meat (SDAS & MPQAS) is the spreading of biosolids (human waste sludge) allowed on grazing or silage lands?”*

I have decided to grant access to this element of your request.

In granting your request on this query, I would refer you to Section 3.6(a) of the SBLAS which states:

“The storage and or use of raw or treated sewage, sewage sludges or sewage-derived products on Bord Bia certified farms is prohibited.”

Where a non-compliance is identified regarding this requirement, the herd will be excluded from the Scheme and a re-application will not be accepted until 12 months after the date that the last prohibited product was stored or spread on farm.

This same critical requirement exists for the SDAS which sets out at section 3.6(a):

“Raw or treated sewage / sludges are prohibited from being used on Bord Bia certified farms.”

The full standards for SDAS and SBLAS are available on Bord Bia’s website at:

https://www.bordbia.ie/globalassets/bordbia.ie/farmers--growers/farmers/qas/document-libraries/sblas-pdfs/sustainable_beef_and_lamb_assurance_scheme_standard.pdf

and

<https://www.bordbia.ie/globalassets/bordbia.ie/farmers--growers/farmers/qas/document-libraries/sdas-pdfs/sdas-producertandard.pdf>

Part 2: *“If the use of biosolids is not allowed on Bord Bia QAS farms, how is it ensured that purchased animal feeds on Bord Bia approved QAS farms (eg. additional silage/maize silage) has not been harvested from lands where biosolids have been spread?”*

I have refused this part of your request on the basis of Section 15(1)(a) of the Act. This states that an FOI request may be refused if: “the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken”. No record exists in our systems which relates to this part of your request.

The scheme standards for both SBLAS and SDAS, as linked above, set out full details of all requirements for each respective scheme, including all criteria in relation to animal feeds, and guidelines for organic material application.

Part 3: *“Also if use of biosolids is not allowed on Bord Bia QAS farms, how is it ensured that agricultural contractors, that engage in both harvesting of animal feeds (eg. silage/maize) and spreading of biosolids do not have common use loaders/trailers which are used both for animal feed harvesting and biosolids transport?”*

I have refused this part of your request on the basis of Section 15(1)(a) of the Act. This states that an FOI request may be refused if: “the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken”. No record exists in our systems which relates to this part of your request.

The scheme standards for both SBLAS and SDAS, as linked above, set out full details of all requirements for each respective scheme, including all criteria in relation to animal feeds, and guidelines for organic material application.

Ordinarily, Freedom of Information Act charging rates are determined on the basis of the number of hours of staff time to locate and draw together the records covered by the request, at the rate of €20.00 per hour, and 4 cent for each page for photocopying. We have decided in this case to make the information included in this letter available to you free of charge. However, due to the fact that the review of records involves a diversion of resources within Bord Bia, we reserve the right to impose charges, as outlined above, in the future.

4. Rights of Appeal

In the event that you are not happy with this decision you can make an appeal in relation to this matter, you can do so by writing to the Freedom of Information Unit, Bord Bia, Clanwilliam Court, Lower Mount Street, Dublin 2 or by emailing foi@bordbia.ie. You should make your appeal within 4 weeks (20 working days) from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays, however, the making of a late appeal may be permitted in appropriate circumstances.

The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of Bord Bia.

Yours sincerely,



Susan McDonnell
Director of Corporate Services

Schedule of Records - Summary of Decision Making
FOI Request Reference: [REDACTED] - Biosolids

Rec. No.	Brief description and date of record	File Ref.	No. of Pages	Decision: Grant/Part Grant/Refuse	Basis of Refusal: Section of Act	Reason for Decision	Record Edited/Identify Deletions
1.	This letter dated 24 July 2020		4	Grant		n/a	n/a
2.	Under Bord Bia quality assurance schemes for dairy and beef/meat (SDAS & MPQAS [SBLAS]) is the spreading of biosolids (human waste sludge) allowed on grazing or silage lands?			Grant		n/a	n/a
3.	If the use of biosolids is not allowed on Bord Bia QAS farms, how is it ensured that purchased animal feeds on Bord Bia approved QAS farms (eg. additional silage/maize silage) has not been harvested from lands where biosolids have been spread?			Refuse	s.15(1)(a)	Record does not exist.	n/a
4.	Also if use of biosolids is not allowed on Bord Bia QAS farms, how is it ensured that agricultural contractors, that engage in both harvesting of animal feeds (eg. silage/maize) and spreading of biosolids do not have common use loaders/trailers which are used both for animal feed harvesting and biosolids transport?			Refuse	s.15(1)(a)	Record does not exist.	n/a