

SCOTTISH ENVIRONMENT PROTECTION AGENCY

**Minutes of Dalgety Bay Forum Meeting
Held on Wednesday 5th December 2012
Civic Centre, Inverkiething**

Present

Donald Adrain (DA), Dalgety Bay Sailing Club
 Nick Atkins (NA), Morton Fraser (accompanying DIO)
 David Brack (DB), DIO
 Ron Brown (RB), MOD/DSTL
 John Burton (JB), HPA
 Simon Cuthbert-Kerr (SCK), Scottish Government
 Helen Eadie MSP (HE), Member of Scottish Parliament
 Mark Hill, (MH) DIO
 Iain Robertson (IR), DIO
 Linda Turner (LT), Fife Council
 Jackie Hyland (JH), NHS Fife
 Larry Irwin (LI), Moray Estates
 Cllr Lesley Laird (LL), Fife Council
 Martin Macdonald (MM), Scottish Government
 Colin McPhail (CMcP), DB&HCC
 Cllr Gavin Yates (GY), Fife Council
 Janice Milne (JM), Chairperson, SEPA
 Jim Gemmill (JG), SEPA
 Paul Dale (PD), SEPA
 Gillian Sinclair (GS), SEPA
 Debbie Storm (DS), SEPA
 Mark Toner (MT), SEPA

Apologies

Richard Higgins (RH), Dalgety Bay Sailing Club
 Will Munro (WM), FSA in Scotland

Non attendance:

David Burnett (DBur), Dalgety Bay Sailing Club
 Jacqueline Campbell (JC), Scottish Government

Summary of actions from meeting – 5th December 2012		
Action 2012-12-01	Action No: 2012/12/01 – Comments on previous minutes (10th September 2012) to be sent to GS by the end of this week.	All By 7/12/12
Action 2012-12-02	Action No: 2012/12/02 – SEPA contact COMARE to invite them to a meeting of Form Members to be held early in 2013.	SEPA
Action 2012-12-03	Action No: 2012/12/03 – CMcP asked that “Communications” be added to the agenda of the next meeting.	SEPA

1.0	Welcome and Apologies	Actions
1.1	JM welcomed those present at the meeting in particular Simon Cuthbert-Kerr as a new member to the Forum representing the Health Department from Scottish Government. Round table introductions were made.	
1.2	Apologies received from Will Munro FSA in Scotland and Richard Higgins for Dalgety Bay Sailing Club.	
1.3	Forum members not in attendance are noted above.	
2.0	Previous Minutes - 10th September 2012	
Action No: 2012/12/01	JM asked if there were any further comments to the minutes of 10 th September 2012 these should be sent to Gillian Sinclair by the end of the week.	All By 7/12/12

Actions arising from meeting held on 10th September 2012		
Action 2012-09-01	COMPLETE. JM asked all Forum members to email any comments on the minutes of 11 th June 2012 to GS.	<i>Forum Members</i> COMPLETE
Action 2012-09-02	IN PROGRESS. SEPA to provide Forum members with proposals for carrying out a habits survey of the beach at Dalgety Bay. PD advised that a habits survey was being carried out to determine the current	<i>SEPA</i> IN PROGRESS

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	and look at future habits or how habits have changed with the current signage/restrictions/media reporting. This habits survey follows the standard format of habits surveys routinely undertaken by SEPA around Nuclear Licensed Sites.	
Action 2012-09-03	COMPLETE. SEPA to provide a synopsis of work being carried out along with FAQ. PD advised that this was updated to reflect the changes regarding the start of work and planned timescales.	SEPA COMPLETE

3.0	Status of Dalgety Bay Forum	
3.1	JG informed members that the main purpose of Dalgety Bay Forum Meetings was for an exchange of information between the parties present. It was set up in 2005 to allow an exchange of information between relevant public authorities to which community representatives were invited. No constitution was set up for these meetings as its status is to exchange information and views of those present.	
3.2	PD referred to Dalgety Bay Expert Group meetings. He explained that in contrast to the Forum Meetings this is a body of individuals who are experts in their field and collectively they form the Dalgety Bay Particles Advisory Group (DBPAG), which is known as the Expert Group. In addition observers are invited to DBPAG meetings. This group has a constitution – it has a status in itself and is in a position to provide a professional opinion and information. This group reports to SEPA and SEPA take account of its views but is not bound to accept their advice.	
3.3	DA acknowledged this information.	
4.0	COMARE Report	
4.1	Members of the Forum were concerned with a recent Freedom of Information (FOI) request to the Department of Health and SEPA relating to COMARE working papers. Following SEPA obtaining permission to release the information (consistent with the approach from the Department of Health) a journalist received copies of two internal reports on cancer incidences around Dalgety Bay. These working papers were provided to the journalist under the requirements of FOI despite the Forum not seeing them.	
4.2	PD explained that SEPA, along with other public bodies such as the FSA, HPA and MOD, is an assessor to COMARE and papers issued for COMARE meetings are marked “Confidential - for members use only” thus making it inappropriate for SEPA to issue these to third parties. However, FOI legislation requires public bodies to release information that it holds, whilst providing a framework for data protection and conditions on when information may not be released. When SEPA received the FOI it consulted with the Department of Health (who is the ‘owner’ of the report, and who also received a separate FOI for the report) and only after SEPA receiving its consent was the report released by both SEPA and the Department of Health. PD went on to explain that it was SEPA’s intention to release the report to the Forum the following week by which time unfortunately the journalist had already published the information.	
4.3	HE expressed concern and stated that as good practice it should have been released to the Forum at the same time. PD accepted this and apologised, noting that he had been unable to do this as he was on site and did not return to the office until the following week.	

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4.4	<p>RB stated that it was surprising that the COMARE report had not mentioned the absence of literature linking liver cancer with radium exposure. This even applied to the radium painters. These were individuals who suffered very serious health effects from regularly ingesting radium-based paints when they pointed their paintbrushes to gain a fine tip for painting instruments etc. PD noted that whilst he was no epidemiologist the chemical form of the radium contamination may well have been different from that experienced by the radium painters and that it would be better to await COMARE's considered view of the contamination before reaching any conclusions.</p>	
4.5	<p>Members of the Forum expressed their concern with the information contained in the journalists report in particular the reference to cancers in the area. It is felt that a message must be conveyed to the public that the beach radiation does not cause the type of cancers mentioned in the COMARE report.</p>	
4.6	<p>JH stated that she has concerns with content of COMARE report relating to cancers in the Dalgety Bay area and has asked COMARE to provide backup information for the public in relation to the cancers mentioned. She stated that she is still in communication with COMARE on this matter and is preparing a report. The next stage would be to get COMARE to refute this information as there is no explanation on the background of the cancers mentioned in their report. If this does not happen JH intends to release her report on the matter as she stated that none of the cancers mentioned in the COMARE report are caused by radiation.</p>	
4.7	<p>Due to the raised public concern that the journalists newspaper article on the COMARE report has caused, Forum Members thought it would be useful for a representative from COMARE to attend a future Forum Meeting. It was noted that COMARE is developing its considered report on the matter and if this report is issued in March it was felt that an interim Forum Meeting be held early 2013 to ensure that accurate information is released in COMARE's final report to the public.</p>	
4.8	<p>HE asked if SEPA would be issuing a press release expressing the concern of the Forum the content of the COMARE report. DS (Comms) stated that SEPA only releases information and communications on SEPA matters and views. In this instance it would not be appropriate for SEPA to issue a press statement. In addition individual parties attending the Forum Meeting cannot issue press statements on behalf of the Forum due to the varying opinions of bodies present, however, individuals are able to issue their own press release stating their own views.</p>	
4.9	<p>It was decided that SEPA (on behalf of Dalgety Bay Forum) would contact COMARE to invite them to meet with the Forum at a date convenient to them.</p>	SEPA
4.10	<p>As explained in paragraph 3.1 above, the Forum exists to share information, not to direct the respective duties of the public authorities. Press statements are a matter for each member individually, and the Forum does not issue statements to the press. This was noted by the Forum.</p>	
4.11	<p>The Forum also noted steps being taken by JH outlined in paragraph 4.6 above.</p>	

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5.0	Communications	
5.1	Engagement with Local Stakeholders Covered by DS (Comms) in paragraph 4.8 above.	
5.2	MOD Road Show	
5.2.1	CMcP referred to the previous minutes where DIO suggested that a Road Show be held in the area to provide advice and answer the questions of local residents.	
5.2.2	DIO stated that this had been suggested to take place prior to the start of works commencing. However, further discussions on the matter occurred at the last meeting, and a leaflet was issued to those in the local area. This leaflet provided the detail of the works taking place and included contact details of AMEC (contractor of works) for further information if required. IR reported that AMEC were not contacted by the public. It was noted that several members of the public approached SEPA staff during the works.	
5.2.3	CMcP stated that there is still a requirement to inform the public of the findings of the work carried out. IR stated that a factual document of the results will be issued by MOD and SEPA would take the lead on this. At present the facts are still being gathered.	
5.2.4	SEPA agreed this and stated that there will be a factual report i.e. findings of the investigation carried out and a second report interpreting the results i.e. what was found, and what this may mean. Once the results of the work has been analysed, SEPA can then set a date to present this to the Forum.	
5.2.5	In the meantime PD advised that the investigation did not result in the need to change any of current measures which are in place at Dalgety Bay (i.e. signage and fencing at demarcated area). These measures are appropriate. LL stated that public expectation needs to be managed. PD stated that he would be conveying this at the Community Council meeting on 10 th December 2012 after which there would also be a SEPA press release.	
5.2.6	CMcP asked that "Communications" be added to the agenda of the next meeting.	SEPA
6.0	FUTURE ACTIONS	
6.1	SEPA	
6.1.1	JG stated that SEPA was present for the duration of the MOD Investigation at Dalgety Bay which is now complete. PD noted that the delay to the start of the works, and the extended duration of the works would result in potentially a 6-8 week delay in reporting the results of the work.	
6.1.2	The Habits Survey is being taken forward and will be carried out by CEFAS. A field work report for this will be published early 2013.	
6.1.3	SEPA published a Hazard Report at the start of the intrusive investigation. RB stated that the version which was on SEPA's website was not signed. SEPA would investigate this.	

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6.2	MOD	
6.2.1	<p>Stage 2 of the plan is now complete which involved a comprehensive investigation of the area. DB thanked the sailing club for their support and SEPA staff for assistance during the investigation.</p> <p>Six boreholes were dug to a depth of 7 metres for groundwater sampling and monitoring, 89 trial pits were dug by JCB, 17 additional pits were hand dug. Two hundred soil samples were taken; a fraction of radioactive material was removed to a secure off site facility.</p> <p>Groundwater and surface water samples were taken. A detailed topographical survey was carried out. The geology of the area will be detailed. Materials such as ash, pottery, bricks and radioactive artefacts were identified.</p>	
6.2.2	<p>PD reiterated that this was a sampling exercise to determine the extent of the contamination and as such not all radioactive material was required to be removed.</p>	
6.3	Scottish Government (SG) Update	
6.3.1	<p>MM welcomed the completion of Stage 2 of the plan and called for remediation at Dalgety Bay as soon as possible.</p>	
6.4	FSA Scotland	
6.4.1	<p>PD read a written update from Will Munro who was not present at the meeting.</p>	
6.4.2	<p>FSAS were informed by SEPA of digging activity in the FEPA area last week. Our enforcement branch requested that Fife Council officers investigate & they have made repeat visits to the area (but have not observed any activity so far).</p>	
6.4.3	<p>This prompted some clarification the FEPA Order regarding annelids such as lugworms. While previous advice had indicated they could be regarded as a 'feedstuff' if used as bait; revised legal opinion is that the FEPA Order covers all species of fish and shellfish (including crustaceans and molluscs) but <u>not</u> annelids as they are not regarded as food.</p>	
6.4.4	<p>In practical terms this makes little difference as any digging activity would still be investigated by Fife Council officers to ascertain whether they were taking annelids or molluscs; also the bait/fish/human pathway is likely to be of negligible food risk (since gutting the fish would remove any particle).</p>	
6.5	Fife Council	
6.5.1	<p>LT advised that the FSA put in place a FEPA order. As a result any reports received of persons digging on the Beach will be investigated. There has been one incident witnessed (by SEPA) so far and nothing else reported.</p>	
6.6	HPA	
6.6.1	<p>HPA is standing by the advice given to SG that people using the beach area are at low risk and there is no reason to change this statement.</p>	
6.7	NHS Fife	
6.7.1	<p>JH stated that she had nothing to add to her earlier statement on requesting a fuller explanation on the COMARE report.</p>	

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6.8	Dalgety Bay Sailing Club	
6.8.1	DA advised that the club is now operating under “Limited” liability and Club Membership is down by 25%.	
6.8.2	DA reported that the investigation went well and is looking forward to remediation as soon as possible.	
6.9	Dalgety Bay and Hillend Community Council	
6.9.1	SEPA will attend the next Community Council meeting on Monday 10th December.	
6.9.2	Following a request through the website 5 members of the public (directly or indirect involvement) have provided knowledge of events at Dalgety Bay relating to WWII activities which could link to contamination of the beach. Findings will be compiled in a report.	
6.9.3	CMcP wrote to Mr Hutchinson (DIO) on 9 th November 2012 and is still awaiting a response.	
6.10	Moray Estates	
6.10.1	LI advised that following communication with CMcP regarding the sale of land from MOD to Moray Estates there was no knowledge of the radiation by the Estate upon acquisition of the land. Thus there was no proof that the MOD had informed the Estate that radium contamination was present on the land when MOD ownership ceased. LI requested that if anyone was aware of any information relating to the land sale and knowledge of presence of radioactivity that it is passed to him.	
7.0	Next Meeting	
7.1	The next Dalgety Bay Forum meeting is to be arranged following SEPA’s action to invite COMARE representative(s). Forum members will be advised accordingly.	
7.2	JM conveyed Christmas wishes to members of the Forum.	
	END	