



Department  
for Environment  
Food & Rural Affairs

helpline@defra.gsi.gov.uk  
www.gov.uk/defra

██████████  
██████████████████

**Our ref:** RFI 6487  
**Date:** 06 June 2014

Dear ██████████

**REQUEST FOR INFORMATION: Investigations into Gassing as a Culling Option**

Thank you for your request for information about gassing investigations, which we received on 7 April. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

We have edited and re-issued this response in light of an error being identified in our response to question 9. We had previously stated that nitrogen oxide foam had been trialled as part of Defra's research into alternative methods of badger control. Unfortunately, this statement was in error. In fact, it was nitrogen-filled foam that was being used. We had also erroneously referred to 'trials' in the answer below, where it would more accurate to refer to research being undertaken to support any future trial work, such as the trial of nitrogen-filled foam. We sincerely apologise for these errors, and we have amended our response below to remove the relevant inaccuracies. For reference, the original answer is in annex B.

Your questions and the responses are below. Following careful consideration, we have decided not to disclose some of this information.

**Regarding the trials into the efficacy of gassing Badgers and the present trials being undertaken, a recent statement from your department on twitter, tweeted at 13.36 on the 4th April 2014, stated that "initial investigations into using Gas as a potential culling method are taking place but this doesn't include testing on**

**Badgers". This raises various questions that I would like answering under a freedom of information request, detailed below.**

**1. Specifically which animals are being used, i.e. species, breed etc.?**

**And**

**2. How many animals are involved in the trials?**

No animals have been involved in the trials.

**3. When did the trials start?**

In August 2013, we commissioned new research into alternative methods of culling badgers. The first step involved reviewing and updating the 'Review of effectiveness, environmental impact, humaneness and feasibility of lethal methods for badger control' published in 2005. The review was completed in September 2013.

**4. What is the duration of the trials, either planned or actual?**

Research is still ongoing and its duration is unknown at present.

**5. Where are the trials taking place?**

The location of the research is being withheld for safety and security purposes. Therefore regulation 12(5)(a) applies.

**6. Have there been any reports on these trials sent to DEFRA, either interim or final, if not, when are they expected, and can I request a copy as soon as available.**

Final reports have not yet been prepared as research is still ongoing and it is not known at this stage when it will be completed. There are no plans to release interim reports.

**7. Is a video of the trials being taken?**

**And**

**8. Can I either be sent a link to view any video coverage of the trials or the video itself directly?**

No videos of any trials have been taken.

**9. Which specific gases are being trialled?**

In October and November 2013 we carried out initial trials of nitrogen-filled foam to understand dispersal of the material. These trials did not involve the use of active setts or tests on live animals. This method is not currently being pursued. Further research is now planned into the use of carbon monoxide as a potential method of humane culling.

**10. What are the specifics of the trial request made by DEFRA, and what were the parameters of the request?**

There will be some preliminary tests to investigate the dynamics of carbon monoxide dispersal in a sett environment to determine whether any available delivery mechanisms have the potential to achieve humane and effective outcomes in real sett situations. These preliminary tests will not involve the use of active setts or tests on live animals.

**11. What are the parameters of the trial?**

As work is at a very early exploratory stage, no specific programme of work to develop a particular technique has yet been set out.

**12. Can you publish any and all correspondence between DEFRA and the testing facility regarding these trials in the 12 month period leading up to this request?**

Defra is withholding any correspondence between the department and the testing facility as it forms internal communications. Therefore regulation 12(4)(e), internal communications applies.

***The Regulations and the Public Interest Test***

**Regulation 12(4)(e), internal communications:** Defra is withholding correspondence with the test station as it relates to policy development. Government policy development and decision making has to take place in a self-contained space where various options are considered and decided on. The research formed an exploration of gassing as a means of culling and its contribution to the TB control policy is unknown at present. The release of correspondence would mislead as to how the research is progressing and any outcome from it.

**Regulation 12(5)(a), public safety:** The safety of the people carrying out the research is important and they could be identified from their workplace. This may result in them being subjected to harassment or intimidation by groups opposing badger culling. Such activities have taken place during the pilot culls in 2013. There is no justification for placing individuals at risk.

We recognise that there is a public interest in disclosure of information concerning the work around the badger culls, given the controversial nature of the policy and the wider



interest from the general public, parliament and interested NGOs in how culling is carried out.

However releasing information when the policy is at an early stage of development would mislead the public. There may be subsequent decisions after release which means that some options are amended or are set aside and yet the public would be unaware that the policy has changed. The purpose of freedom of access to information is to inform the public, not to confuse or mislead which would be the case in releasing information at such an early stage of policy development. Additionally, the work should be allowed to proceed without interference and that includes the team undertaking the research being secure at their workplace. For that reason, the location where the trials are taking place is withheld.

Therefore, we have concluded that, in all the circumstances of the case, the information should be withheld.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on [www.gov.uk](http://www.gov.uk) together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I have attached an annex giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely,

**Defra TB Programme**  
[ccu.correspondence@defra.gsi.gov.uk](mailto:ccu.correspondence@defra.gsi.gov.uk)

## **Annex A**

### **Complaints**

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: [requestforinfo@defra.gsi.gov.uk](mailto:requestforinfo@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## **Annex B**

Original Response (Sent 07 May 2014)

***Regarding the trials into the efficacy of gassing Badgers and the present trials being undertaken, a recent statement from your department on twitter, tweeted at 13.36 on the 4th April 2014, stated that "initial investigations into using Gas as a potential culling method are taking place but this doesn't include testing on Badgers". This raises various questions that I would like answering under a freedom of information request, detailed below.***

***7. Specifically which animals are being used, i.e. species, breed etc.?***

**And**

***8. How many animals are involved in the trials?***

*No animals have been used in the investigations.*

***9. When did the trials start?***

*The trials started in the summer of 2013.*

***10. What is the duration of the trials, either planned or actual?***

*The trials are still ongoing and their duration is unknown at present.*

***11. Where are the trials taking place?***

*The location of the trial is being withheld for safety and security purposes. Therefore regulation 12(5)(a) applies.*

***12. Have there been any reports on these trials sent to DEFRA, either interim or final, if not, when are they expected, and can I request a copy as soon as available.***

*Final reports have not yet been prepared as the trials are still ongoing and it is not known at this stage when they will be completed. There are no plans to release interim reports.*

***7. Is a video of the trials being taken?***

**And**



**8. Can I either be sent a link to view any video coverage of the trials or the video itself directly?**

No videos of the trials have been taken.

**9. Which specific gases are being trialled?**

Carbon monoxide is the gas involved in the trials. Nitrogen oxide foam was also tested in an artificial structure to understand dispersal of the material but this work is not being pursued.

**10. What are the specifics of the trial request made by DEFRA, and what were the parameters of the request?**

There will be some preliminary tests to investigate the dynamics of CO dispersal in a sett environment to determine whether any available delivery mechanisms have the potential to achieve humane and effective outcomes in real sett situations. This will not involve the use of active setts or tests on live animals.

**11. What are the parameters of the trial?**

As work is at a very early exploratory stage, no specific programme of work to develop a particular technique has yet been set out.

**12. Can you publish any and all correspondence between DEFRA and the testing facility regarding these trials in the 12 month period leading up to this request?**

Defra is withholding any correspondence between the department and the testing facility as it forms internal communications. Therefore regulation 12(4)(e), internal communications applies.

**The Regulations and the Public Interest Test**

**Regulation 12(4)(e), internal communications:** Defra is withholding correspondence with the test station as it relates to policy development. Government policy development and decision making has to take place in a self-contained space where various options are considered and decided on. The trials form an exploration of gassing as a means of culling and its contribution to the TB control policy is unknown at present. The release of correspondence would mislead as to how the research is progressing and any outcome from it.

**Regulation 12(5)(a), public safety:** The safety of the people carrying out the research is important and they could be identified from their workplace. This may result in them being subjected to harassment or intimidation by groups opposing badger culling. Such activities

*have taken place during the pilot culls in 2013. There is no justification for placing individuals at risk.*

*We recognise that there is a public interest in disclosure of information concerning the work around the badger culls, given the controversial nature of the policy and the wider interest from the general public, parliament and interested NGOs in how culling is carried out.*

*However releasing information when the policy is at an early stage of development would mislead the public. There may be subsequent decisions after release which means that some options are amended or are set aside and yet the public would be unaware that the policy has changed. The purpose of freedom of access to information is to inform the public, not to confuse or mislead which would be the case in releasing information at such an early stage of policy development. Additionally, the work should be allowed to proceed without interference and that includes the team undertaking the research being secure at their workplace. For that reason, the location where the trials are taking place is withheld.*

*Therefore, we have concluded that, in all the circumstances of the case, the information should be withheld.*