

# Public Interest Test – EIR

Reference Number – DAERA/26-295

## Requested Information

1. Please detail NIEA's actions concerning your response to our complaint of 7th November 2025 regarding cypermethrin spraying at Warrenpoint Port.
2. Is NIEA aware of the continued use of cypermethrin at Warrenpoint Port?
3. If so, given the well-documented risk to human health and to aquatic life from cypermethrin, why has this spraying been permitted to continue unabated?
4. Which section(s) within NIEA is/are currently investigating this reported situation?
5. When is a decision by NIEA due in relation to the ongoing spraying and future use of cypermethrin at Warrenpoint Port?
6. Has there been any correspondence between NIEA and Warrenpoint Harbour Authority relating to the use of cypermethrin at Warrenpoint Port?
7. Has there been any correspondence between NIEA and Re-Gen relating to the use of cypermethrin at Warrenpoint Port?
8. Is there/will there be any enforcement action to be taken by NIEA against either Warrenpoint Harbour Authority or Re-Gen in relation to this chemical spraying?
9. Has NIEA taken samples from the marine environment in the proximity of Warrenpoint Port within the last year?
10. If samples have been taken, has cypermethrin been tested for?
11. If so, please supply the analysis reports and confirm or deny that cypermethrin has been detected within any sample.

## Exemption / Exception under consideration

Regulation 12(5)(e) – Confidentiality of commercial or industrial information

### Reasons why the public interest would favour disclosure:

- The right of the public to have access to information
- Release of the information would demonstrate openness and transparency regarding the NIEA Cost recovery process.
- If the information were held, disclosure could help public scrutiny of whether environmental safeguards are effective.

### Reasons why the public interest would favour withholding:

- to protect any legitimate economic interests underlying commercial confidentiality in relation to environmental remediation cost recovery.
- to permit fair tender/bids for future contracts, by third party companies, with the department.

## **Conclusion**

Following consideration of the Public Interest Test the Department has decided to withhold the information relating to commercial/industrial entities to protect any legitimate economic interests underlying commercial confidentiality in relation to environmental remediation cost recovery. Therefore, the public interest in non-disclosure of the information outweighs the public interest in disclosure.

## **Exemption / Exception under consideration**

Regulation 12(4)(a) – Information not held

### **Reasons why the public interest would favour disclosure:**

- The right of the public to have access to information
- Release of the information would demonstrate openness and transparency regarding actions taken by the NIEA
- If the information were held, disclosure could help public scrutiny of whether environmental safeguards are effective.

### **Reasons why the public interest would favour withholding:**

- There is an inherent public interest in accurate and lawful responses. Providing fabricated, speculative or incomplete information would mislead the public and undermine confidence in environmental regulation.
- Attempting to locate, reconstruct, or acquire information the authority does not hold would place unreasonable burdens on staff and divert resources from statutory functions.
- It is in the public interest to make clear when another body — such as an environmental regulator, private contractor, or different authority — is the appropriate holder of the requested information.

## **Balance of Public Interest**

While there is strong public interest in transparency around environmental monitoring, this cannot outweigh the fact that the authority does not hold the requested information. Maintaining the exception supports clarity, legal compliance, and prevents the release of incorrect or misleading material. On balance, the public interest in maintaining the exception outweighs the public interest in disclosure.

## **Conclusion**

Following consideration of the Public Interest Test, the Department must refuse the request under Regulation 12(4)(a) of the Environmental Information Regulations 2004 because the authority does not hold the information requested.

[REDACTED]

[REDACTED]

**Water Pollution Response and Enforcement Team  
Water Catchment Unit**