

**Presentation to**

**The Leggatt Inquiry:  
Salmon Farming in  
British Columbia**

**By**

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I am a Member of Parliament and a Vice-Chair of the House of Commons Fisheries Committee.

I am not a scientist or an expert on aquaculture.

I have one reason for being here, I am concerned that the Minister of Fisheries and his Department have confused the promotion of aquaculture with the primary focus of the federal government in regard to fisheries, the protection of wild fish and their habitat.

Section 5 of British Columbia's *Terms of Union* with Canada, as written by the Government of British Columbia in 1870, is crystal clear:

Canada will assume and defray the charges for the...Protection and Encouragement of Fisheries.

Under section 91(12) of the *British North America Act* the federal government has jurisdiction over "sea coast and inland fisheries."

This constitutional jurisdiction is exercised by the Department of Fisheries and Oceans which manages and controls fisheries through the provisions of the *Fisheries Act*.

I think John Fraser had it right in 1995, in his report on Fraser River sockeye, when he reminded the Minister of Fisheries of his first responsibility:

"We recommend that DFO retain and exercise its

constitutional conservation responsibilities and not in any way abrogate its stewardship of resources under federal jurisdiction. Conservation [of salmon stocks] must be the primary objective...”

We here in British Columbia have been challenging the federal government about its responsibility for the fishery almost from the moment the ink was dry on the *Terms of Union*. In 1913 we appealed to the highest court with a fisheries reference. The Law Lords in London said that -

“The right [to fish] being a public one, all that could be done to regulate its exercise and exclusive power of regulation was placed in the Dominion Parliament.”

In a nutshell, the responsibility of the federal government was in the Agawa decision:

“The purpose of the *Fisheries Act* and Regulations made thereunder, although binding upon all persons, is not to abolish the rights to fish of all persons, but to monitor and regulate, so that the fisheries will provide an adequate supply of fish now, and in the future.”

My job in Parliament and in the Fisheries Committee is to work to ensure that the federal government and the Minister of Fisheries do the job that is expected of them, nay required of them - “to monitor and regulate so that the fisheries will provide an adequate supply of fish now and in the future”.

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In the rush to build another railway in 1913, blasting in the Fraser canyon led to a disastrous rock slide at Hells Gate. Now nearly 100 years later the runs on the Fraser have yet to fully recover and probably never will.

Then as now the federal government had its hand on the throttle and had thrown caution to the wind.

I fear that the federal government has again has thrown caution to the wind with its promotion of aquaculture. The rock slides in 1913 were swift and simple; they changed the Fraser River for ever.

The effects of Atlantic salmon aquaculture may not be as swift or simple as the careless acts at Hells Gate but they can be even more deadly to the migration of Pacific salmon in coastal waters.

The federal government, in its promotion of railways, presided over the creation of a permanent obstruction in British Columbia's most important migration route for salmon.

Today in its promotion of aquaculture the federal government is presiding over the creation of deadly obstructions on key coastal migration routes. This time it is lighted cages, which may be swarming with sea lice and disease, rather than boulders tumbling down the wall of the Fraser canyon. The result will be the same.

We were enamoured with the marvels of railways in the late nineteenth and early twentieth century just as we are today with the marvels of aquaculture in these early days of the twenty-first

century.

While we can put all the blame on the federal government, in all honesty we have to admit that we too were blinded by the excitement of railway building then and as we are today by fish farms. Their potential seems so limitless.

We, if we are blinded this time and are silent, will have allowed the federal government to again shrink from its unique responsibilities to British Columbia, for the “protection and encouragement” of BC fisheries.

We must not let the federal government, through its careless promotion of a competing industry, fail the fishery a second time.

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The Fisheries Committee is presently undertaking two major studies, a review of the *Oceans Act* and of aquaculture.

I want to share with you some of what we have learned.

The Minister of Fisheries has created the position of Commissioner of Aquaculture Development and appointed Yves Bastien to fill the position.

The Commissioner has informed the Fisheries Committee that it is his job to “enable [aquaculture] to grow to its full potential” through “the creation of a regulatory framework in Canada that will promote the development of the industry.”

Mr. Bastien is concerned that the *Fisheries Act* and its regulations

that prohibit the destruction of fish and fish habitat and the dumping of deleterious substances “were not meant for aquaculture”:

“We are trying to control aquaculture through sections or regulations that have nothing to do with its peculiarities, without having a clear vision of what should be done concerning aquaculture, be it in the area of respect for the environment or the need to create a framework that will enable aquaculturists to develop their activities.”

The Aquaculture Commissioner described his second priority as a that of a propogandist for the aquaculture industry:

“My second priority is to change the general attitude of Canadians regarding aquaculture. I really intend to do whatever I can to convince Canadians that this industry is not as damaging for the environment as some would have us think...I will work on it as hard as I can.”

Mr. Bastien is right about the *Fisheries Act*. It provides the Minister the authority to regulate the public fishery and to protect fish stocks and fish habitat from destruction. The *Fisheries Act* is not now, nor did Parliament ever intend it be, a tool to promote aquaculture at the expense of fish stocks.

Yet, by providing the Minister with an effective tool to regulate any activity that may destroy or disrupt fish or fish habitat, the *Fisheries Act* provides the Minister a basis on which to establish clear and enforceable ground rules on which species are used in net pen

aquaculture and the necessity to regularly monitor and report the level of disease and parasite infestation.

That is what the Minister has failed to do.

In his second appearance before the Fisheries Committee the Aquaculture Commissioner advised the Committee that he was undertaking a legal review “to enable [him] to propose new solutions that ... will increase the confidence of the general public, legislators and environmentalists with respect to environmental performance.”

I have heard nothing from Mr. Bastien that should create confidence amongst the public that he has the environmental performance of net-pen aquaculture in hand.

The “impacts [of aquaculture], he said, are much less serious than they appear” and the “advantages associated with aquaculture development are not merely economic and social in nature but environmental as well.”

He further stated that “it is absolutely essential to bring the present irrational environmental debate to a close.” “To move forward”, he said “we must first change the way in which we deal with the environmental impacts of aquaculture.”

I agree that we must change the way we deal with aquaculture but not by dumbing-down the *Fisheries Act* and its regulations to “enable” aquaculture promotion.

This Commissioner and his approach is a threat not only to the aims and objectives of the *Fisheries Act* but also to the future of

aquaculture in British Columbia.

While the Minister of Fisheries and his Commissioner of Aquaculture have been in denial about the potential serious impacts aquaculture may have on wild stocks, the Auditor General has not been so sanguine.

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On March 29<sup>th</sup> of this year, Ron Thompson, the Assistant Auditor General, stated before the Fisheries Committee:

- “We found that in regulating salmon farming in B.C., the Department is not fully meeting its obligations under the *Fisheries Act*.”
- “Salmon farming poses risks that include the potential impact of harmful substances on fish habitat and the effects of possible interaction between farmed Atlantic salmon and wild stocks .. we’re concerned that the department is doing little to monitor and assess the actual and potential effects of salmon farming.”
- “Specifically, we found that Fisheries and Oceans is not adequately monitoring the effects of salmon farms on surrounding fish and fish habitat. This is particularly troubling given its responsibility for enforcing the *Fisheries Act*, specifically ... sections 35 and 36, which prohibit the harmful alteration, disruption or destruction of fish habitat and the deposit of deleterious substances into the water.”
- “The Department has not determined how it will apply and enforce the *Fisheries Act* to protect fish habitat from the effects of

salmon farming.”

- “The Department has not assessed the potential risks should the industry expand. Nor does it have a formal plan for managing that risk and assessing the environmental impacts.”
- “To deal with the possible expansion of salmon farming, the department in our view will need good information about the potential effects on wild stocks. Good information comes from good quality research and effective monitoring.”
- “We identified gaps in information, for example on the risk that disease may be transferred from farmed to wild stocks. We also identified gaps in monitoring, for example the status of wild salmon stocks adjacent to existing and potential farm sites.”
- “Further, the Department, in our view, was not adequately monitoring the presence of escaped farm salmon. Our report questioned whether Atlantic Salmon might adapt to local conditions, and actually become established in B.C. coastal streams.”
- “Finally, salmon farming has the potential to increase the stress on wild stocks over time, especially if the industry expands.”

I support the findings of the Auditor General and am more than a little envious. The Fisheries Committee is still being lobbied by the aquaculture industry and has yet to agree on a single recommendation.

It is little wonder that the Auditor General says that the Minister of Fisheries has failed to enforce the *Fisheries Act* when it comes to aquaculture, and that the Minister has not determined how he will apply and enforce the *Fisheries Act* to protect fish and fish habitat from the effects of salmon farming when he has an Aquaculture Commissioner advising him that aquaculture needs promotion not regulation and that the *Fisheries Act* was never designed to deal with the environmental threats posed by aquaculture.

\* \* \*

The Auditor General clearly identified specific failures by the Minister of Fisheries with regard to aquaculture that could be easily and quickly remedied.

For instance, DFO scientists drafted siting criteria in 1985. According to the Auditor General these siting criteria have never been formally adopted by the Department.

We do not have to burden the industry with thousands of pages of regulations. A few simple regulations on siting and on disease transmission are fundamental to the future of the industry and to the protection of wild stocks.

- **Siting criteria should be formally enacted as regulations under the *Fisheries Act*. Siting regulations ought to, amongst other things, prohibit the siting of fish farms on the migratory route of Pacific salmon. A set of clear and well written regulations identifying protected areas would leave operators and the province with a framework within which to establish farms.**

\* \* \*

The Commissioner, in his appearances before the Fisheries Committee, has shown himself more concerned about the diseases that wild fish may transmit to farmed fish than the other way around.

It is not surprising therefore that fish farms in New Brunswick were first infected by sea-lice and then devastated by Infectious Salmonoid Anaemia (ISA).

The ISA has now spread to Maine.

This year sea-lice was a problem in British Columbia. Yet DFO dismissed the likelihood of sea-lice infestation. In contrast in Ireland and Norway, the issue of sea-lice has been addressed as one of some consequence to wild stocks.

I cannot point to a jurisdiction that has solved all the problems associated with farmed Atlantic salmon. But I can point to countries that have admitted that they have problems with diseases and parasites such as sea-lice and have taken measures to deal with the problem.

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A decade ago, sea trout stocks mysteriously collapsed in Ireland.

All the usual suspects were trotted out by scientists: over-fishing, forest practices, predation, the weather, food chain problems, migratory stress, disease, plus the novel idea of a sea lice infestation from salmon farms.

After considerable study and analysis scientists found that the only

consistent link to the disappearance of the sea trout was sea lice from fish farms.

Of the 60 rivers sampled in Ireland, it was observed, without exception, that a sea-lice problem existed only in areas where fish farming was taking place.

I have spoken with one of the Irish scientists and found his story compelling.

Unlike in Canada, Irish government scientists speak and write openly about the problem and the actions they have taken to gain control over the sea-lice outbreak.

In Ireland, each salmon farm is monitored for lice at least 14 times per year by the government. In the spring monitoring is undertaken twice monthly. The trigger level for lice treatment in Ireland is set close to zero in spring.

Norway established a national program for the control of sea-lice once it was recognized that sea-lice posed a serious threat to migrating smolts from Norwegian rivers.

The program consists of three key measures:

- mandatory counting, recording and reporting of the incidence of lice;
- mandatory delousing when maximum levels of sea lice are demonstrated, with emphasis on the period before the migration of smolts;
- use of cleaner fish as a supplement to medical treatment

\* \* \*

Even with a very highly developed program, Norway has yet to eliminate the sea-lice problem.

In July of this year, the Norwegian Department of Fisheries' Institute of Marine Research announced the near total destruction of salmon smolts in a major fjord. The report estimated a 95% mortality in the this year's young ocean-bound salmon.

They announced that the collapse of wild stocks should be expected to continue if the sea lice situation was not brought under control.

The Norwegian government's Institute of Marine Research concluded that a "cessation of fisheries of immigrating salmon will not be a sufficient measure" to restore stocks, rather the long term objective must be "to implement measures to reduce the concentration of sea lice in the fjords and the coastal current."

The Norwegian announcement of the almost total destruction of this year's salmon smolts is relatively unique. They had conducted intensive investigations on young salmon and could say with certainty that sea lice had caused the destruction of the stock.

When young Pacific salmon migrate out of their river of origin into saltwater we must not allow them to enter a killing zone where they are open to attack from farm-based sea lice. Infestations of sea lice at the smolt stage can be catastrophic. The young salmon is just beginning a long journey to the ocean and will not be seen again until it returns as an adult. Normally when adult salmon do not return in the expected numbers scientists and fishermen are left to speculate on what has caused their disappearance. It is often

politically easier for scientists to publicly avoid drawing conclusions on why the salmon have disappeared. The Norwegian scientists did their homework and could say with certainty that sea-lice were the source of the problem.

In Ireland, Scotland and Norway scientists have found that attacks by farm-based sea lice on young salmon have led to the collapse of stocks.

To allow the young salmon a safe exit to the sea, Norwegian and other European governments and their scientists have concluded that during the key period when salmon smolts move from fresh water into saltwater bays and estuaries strict regulations must be in place to ensure that salmon farms have eliminated lice from their operations.

DFO has ignored the painful lessons learned by others and seems intent on repeating their mistakes. It has failed to put in place any regulatory framework that would ensure a lice-free period in the spring when young salmon move into saltwater bays and estuaries on their way to the ocean.

The Department of Agriculture takes seriously the transmission of diseases and parasites from livestock to wild animals. It is unconscionable that DFO should refuse to take similar measures with regard to fish farms and the transmission of disease to wild stocks.

If DFO has allowed a silent killer to infect strategic migration routes then untold numbers of young salmon may well disappear

without a trace.

- In a word, the final responsibility is DFO's, the responsibility can't be privatized or transferred to others no matter how responsible they might be. While the industry and the province must act responsibly, it is in the final analysis the responsibility of DFO to put in place clear and well thought out regulations that deal with the transmission of disease. Policy statements and voluntary codes that do not have the force of law are a waste of time.
- There must be a clear set of regulations requiring fish farm operators to monitor, record and report instances of diseases and parasites, such as ISA and sea-lice. The Department of Fisheries would keep this information in a public registry available to fishermen and members of the public. Such a registry should be part of series of regulations requiring and providing for public disclosure.
- Regulations ought to indicate what precautions must be taken in the spring and early summer when salmon smolts move through estuaries, bays and coastal waters on route to the sea. At such time the young salmon are very vulnerable to disease and parasites from fish farms.

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On July 30, 2001 the Pew Oceans Commission released its study on aquaculture, *Marine Aquaculture in the United States: Environmental Impacts and Policy Options*:

The Pew Oceans Commission is an independent group of American leaders from business, science, government and the

conservation and fishing communities. It is headed by Leon Panetta, a former chief of staff to the President of the United States.

The Commission will issue its formal recommendations to the President and the Congress early next year.

There are several points in the study which deserve consideration:

- The report notes that Alaska - the state with the longest coastline and the strongest salmon stocks in the world - has altogether prohibited net-pen and cage farming in coastal waters for the protection of native salmon populations and the communities that depend upon them.
- It concluded that if the public perceives aquaculture as an environmentally damaging industry, aquaculture will encounter increased resistance as it seeks to grow.
- While the Pacific Salmon Treaty does not directly address aquaculture, the United States and Canada should establish cooperative agreements to minimize the impacts of salmon farming on wild salmon. Matters for consideration include tagging of wild Atlantic salmon to aid data collection and fish-health management measures to check the spread of salmon diseases.
- One factor that motivated the US government in November 2000 to list the remaining runs of Atlantic salmon in Maine as endangered was the “continued use of non-native American

salmon and detection of aquaculture escapees in Maine rivers, with the potential for interbreeding and competition for habitat and food.”

- Among measures the US government has identified as critical to restoring Atlantic salmon in Maine under the *Endangered Species Act*, are a number of actions concerning salmon farming. These include requiring the use of North American salmon milt, preventing the escape of farmed salmon and the spread of salmon diseases.

I believe that we can learn from work being under taken in the US. The Pew Oceans Commission study is an example of such work. The experience of Norway and Ireland show that attacking disease and parasite problems endemic to salmon farms has a dramatic pay-off.

\* \* \*

I want to conclude with a few remarks about the Fisheries Committees’s work on aquaculture and the *Oceans Act*. Your inquiry can learn from our mistakes.

On aquaculture, we set out clear terms of reference that focused on ascertaining what the problems were with regard to wild fish and what DFO might do to address them.

The Committee came under constant pressure from the aquaculture industry determined to show the marvellous potential of industry.

There was pressure from the government to understand how it was properly balancing the interests of fish stocks and fishermen with

the needs of fish farmers.

And there was desire and perhaps pressure to travel to Europe, not to discover the problems affecting wild salmon but to learn of the economic potential of the industry. Members were offered free trips by the Minister to attend an industry conference in Norway.

It was too easy to let get seduced by the allure of the economic benefits of aquaculture, and by the desire to consult until no one was left standing.

The Committee has yet to complete a report.

The Fisheries Committee is also completing a review of the *Oceans Act*.

I have noticed that the Minister has used the *Oceans Act* as cover for promotion of aquaculture. When he was before the Committee on May 15<sup>th</sup>, he advised us that -

“Our oceans are busy places. Traditional activities - like fishing and shipping - are now joined by new and expanding activities, like oil and gas development, tourism and aquaculture. All ocean users ... deserve a say in how our oceans are managed over the long term.”

“Managing this growth - and these competing interests - calls for a coherent, integrated approach. The *Oceans Act* gives just such an approach.”

“In particular, [the *Oceans Act*] opens up many new opportunities to involve Canadians. We’re actively engaging communities, stakeholders and citizens on the best possible mix of conservation, sustainable use and economic development for our oceans in the years ahead.”

The *Oceans Act* was designed to provide a central focus for coordinating all ocean-based activities in the Minister of Fisheries and Oceans.

The danger is that it has allowed the Minister to claim that oil and gas development and aquaculture are just other ocean activities, like fishing, and if we can get everyone seated around a large enough table all problems will be resolved.

Aquaculture and fishing are not equivalent activities and having both sitting around the same table will not make them equivalent.

Fishing is a unique activity. For nearly a thousand years there has been a right to fish. There is not a comparable right to aquaculture or to oil and gas drilling.

I believe this is the fatal flaw in the *Oceans Act*. It fails to recognize the importance of fish and the right of fishing and their unique position in any oceans policy, perhaps because it failed to notice that fishing was not merely a privilege but a right.

Fish and fishing must have priority in oceans policy and in the *Oceans Act*.

Fish and fishing are not just another set of competing interests amongst what the Minister considers “competing interests”.

When it comes to competition between fish and fish farms, fish must always have priority.

Marine organisms, unlike the infamous Ford Explorer SUV and their Firestone tires, cannot be recalled once released. Biological pollution can be permanent.

At the Oceans Act table, the Minister appears to think that all interests are equal and that with enough consultation amongst so-called stakeholders all will be resolved. I don't think so.

To conclude, the salmon and the salmon fishery has a unique role in British Columbia and its history.

When the people of British Columbia through their government wrote the *Terms of Union* with Canada in 1870, they included a special provision on the fishery.

The federal government was going to take over responsibility for the fishery but there were to be qualifiers: “Canada will assume and defray the charges for the...Protection and Encouragement of Fisheries.”

The federal government was to assume the responsibility of protecting and encouraging fisheries.

We know they have failed. The Auditor General has documented

that failure.

A bargain was struck in 1871 when Canada accepted the *Terms of Union* that British Columbia had set out in 1870.

British Columbians have a special right to expect the federal government to ensure that fish farms do not in any way threaten the future of the wild fishery.

It's the law.

**Fish farms can have a future in British Columbia if we will demand that the federal government set out clear ground rules that have the force of law and will be enforced, ground rules that will ensure that fish farms do not threaten the wild fishery.**

The greatest man-made disaster to ever befall salmon in British Columbia was the blasting to build the railway in 1913 in the Fraser canyon that led to a permanent obstruction in the world's most important salmon migration route.

If we allow it; the salmon farm will be this century's equivalent of that disaster. Let us not allow it.