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Federal fish farm regulations questioned

The federal Department of Fisheries and Oceans have published draft regulations for fish farming on the BC coast, and have set a deadline for public comment of Wednesday, September 8, 2010. A 2009 BC Supreme Court judgement held that BC's net pen fish farms (perhaps more accurately termed 'feedlots') were, constitutionally, a 'fishery' and fell under the federal Fisheries Act, and could not continue to be licensed under BC provincial legislation.

The court gave the two governments a year to manage the transition from provincial to federal jurisdiction; this was extended to result in the current deadline of December 18, 2010.

Licensing conditions may permit discharges

The draft regulations authorize the federal Minister of Fisheries (represented by the Department of Fisheries and Oceans, or DFO) to license fish farms and set conditions for licenses, including physical capacity, operational measures, record-keeping, and 'authorization of deposits of deleterious substances'. While the list of such substances includes fish feed, fish fecal matter, fish blood, disinfectants, anti-foulants, and wastewater, all that the regulations require is that the Minister may authorize their deposit; there is no mention of any restriction, disposition, control, or mitigation. The Minister may also authorize the catching of 'nuisance fish'.

These licenses do not require environmental assessment, and apparently will be issued without any specific First Nations consultation, although the federal government claims that general consultations have been held.

No responsibility for damage to wild fish or habitat

The draft regulations specifically exempt fish farms from any control of 'harmful alteration, disruption or destruction of fish habitat'. The exemption frees fish farms

from any responsibility or liability from damage either to the environment or to wild fish, either from physical facilities, dumping, or disease transfer.

No disease reporting

The federal regulations have also been criticized for omission of any disease reporting. It has recently come to light that a 'voluntary' disease reporting protocol was set up in 2001 with the BC Government. The release of several years of this data under Freedom of Information legislation has been followed by the refusal by the farms, as of April 1, 2010, to report any further disease data. This means that recent outbreaks of IHN (Infectious Hematopoietic Necrosis) and the continuing scourge of sea lice have not been reported and no government action has been taken. IHN was first reported in fish farms in Okisollo Channel in 1992, and has had four 'waves' of infection since then, with the potential to contaminate wild salmon in the vicinity.

The absence of any disease reporting also ignores Canadian Food Inspection Agency standards, as well as those of the OIE – the World Organization for Animal Health. The OIE requires the notification of outbreaks of IHN, among a number of fish diseases.

Comparison with current BC Provincial regulations

DFO states that 'the licence conditions under the proposed Regulations would regulate most aspects of aquaculture that were covered in the former provincial regulations' and that 'The baseline for the cost-benefit analysis is the current situation in which aquaculture is managed by the British Columbia government.' This indicates that the federal regulations duplicate in many ways the objectives and inadequacy of the BC regime, which has, over the last twenty years, favoured the fish farm operators to the detriment of wild salmon and fishermen. This is confirmed: 'The proposed Regulations would maintain the current economic activity in rural

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communities (in 2007, the overall revenue generated by the aquaculture industry in British Columbia was approximately \$385M) and boost investor and consumer confidence (approximately 90% of farmed salmon is exported to the United States).'

A chance for public comment

The proposed regulations may be found at the Canada Gazette website under Department of Fisheries and Oceans: Pacific Aquaculture Regulations, along with a 'Regulatory Impact Analysis Statement' and names and addresses to which comments should be sent. ✉

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