

Ottawa

Room 518, Confederation Building
Ottawa, Ontario K1A 0A6
Tel.: 613-996-1119
Fax.: 613-996-0850



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Ottawa

Pièce 518, Édifice de la Confédération
Ottawa (Ontario) K1A 0A6
Tél. : 613-996-1119
Télééc. : 613-996-0850

Constituency

1 - 9711 Fourth Street
Sidney, British Columbia V8L 2Y8
Tel.: 250-657-2000
Fax.: 250-657-2004

Elizabeth May

Member of Parliament / Députée
Saanich—Gulf Islands / Saanich—Gulf Islands

Circonscription

1 - 9711, rue Fourth
Sidney (Colombie-Britannique) V8L 2Y8
Tél. : 250-657-2000
Télééc. : 250-657-2004

FGR Section 56 NOI Comments
c/o Aquaculture Management Directorate
Fisheries and Oceans Canada
14W087-200 Kent Street
Ottawa ON K1A 0E6

March 14, 2018

Re: Consultations on the notice of intent with respect to amendments to regulations for managing movements of live fish

In his mandate letter to the Minister of Fisheries and Oceans, Prime Minister Trudeau directed that the minister's "overarching goal will be to protect our three oceans, coasts, waterways and fisheries and ensure that they remain healthy for future generations" and particularly to "protect the health of fish stocks... and to support responsible and sustainable aquaculture industries on Canada's coasts." The Department of Fisheries and Oceans' (DFO) intent to amend section 56 of *Fishery (General) Regulation* (FGR), in total contravention of this mandate, solidifies the DFO's abrogation of responsibility to protect wild salmon, in this case through the administration of introduction and transfer (I&T) licenses, a process begun under the previous government in 2010.

From 2010 to 2015, the previous government worked to shift full responsibility for fish health from the DFO to the Canadian Food Inspection Agency (CFIA), a process being finalized by the current government. In its notice of intent with respect to amending section 56 of *Fishery (General) Regulations*, the DFO justifies its intention to amend the act by citing this previous shift of responsibility. It argues that given the CFIA's amendments to the *Health of Animals Regulations* and *Reportable Diseases Regulations* and implementation of the final component of the National Aquatic Animal Health Program (NAAHP), it is now "the nationally and internationally recognized lead federal authority for preventing the introduction and spread of aquatic animal diseases in Canada." Consequently, there is significant program overlap between the CFIA and DFO, which both entities have been working to correct not by ensuring that the DFO continues to issue I&T licenses to intentionally release and transfer live aquatic organisms into fish bearing waters or fish rearing facilities, but instead collaborating "to transition responsibilities from DFO to the CFIA." The final step in this process is to "amend FGR section 56 to resolve the program overlap."



The proposed amendment to section 56 would mean that the minister, “when issuing I&T license, would no longer need to consider disease risks that were already being managed by the FCIA through the NAAHP.” To make this change would be an unconscionable repudiation of the Minister and DFO’s duty to protect wild salmon from all threats, including harmful diseases, as laid out both in the Prime Minister’s mandate letter to the Minister and the DFO’s commitment to Canada’s Policy for Conservation of Wild Pacific Salmon (WSP).

In his mandate letter, the Prime Minister sets out that it is the Minister’s responsibility to use “scientific evidence and the precautionary principle... when making decisions affecting fish stocks and ecosystem management.” The issuance of I&T licenses has a direct impact on wild salmon fish stocks and coastal ecosystems, as the introduction of piscine reovirus (PRV) infected farmed salmon into net pens in the ocean has had catastrophic effects on wild salmon stocks.

Furthermore, in the mandate letter, using the same language found in every mandate letter to every Cabinet minister, the Prime Minister commits that “no relationship is more important to me and to Canada than the one with Indigenous peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.” And yet the DFO is currently facing a *Notice of Application* in Federal Court from the ‘N̄amgis Nation, which is seeking a judicial review of the DFO’s disinclination to test farmed Atlantic salmon for PRV before moving smolts from Marine Harvest Canada Inc.’s hatcheries into open-net farms in their territory. The 2015 decision *Morton v. Canada* confirmed PRV is a disease agent of enormous potential harm to salmon protection and conservation and prohibits the issuance of I&T licenses to transfer salmon infected with PRV. And yet the FDO are not conducting PRV tests before issuing I&T licenses, threatening both the health of the wild salmon and our relationship with Indigenous Peoples, in this case the ‘N̄amgis Nation. In their press release regarding the *Notice of Application*, the ‘N̄amgis asserted that they felt “the Minister’s PRV policy threatens the ongoing process of reconciliation in Canada” as well as the “already extremely depleted wild salmon populations in their territory, a resource that has sustained them for millennia.”

If it is the Minister’s responsibility to use the precautionary principle to ensure the safety of wild salmon stocks and to prioritize the relationship with Indigenous Peoples, then it must remain the Minister’s responsibility to issue I&T permits that will impact wild salmon stocks and improve the criteria for their issuance by requiring PRV testing of all fish before transfer.

Furthermore, the WSP’s guiding principles, which according to the DFO’s website the department wholly embraces, holds the conservation of wild salmon and their habitats as the highest priority. Given this stated dedication, the intended renunciation of the Minister’s responsibility under section 56 of the FGR to ensure the health of all fish introduced into the ocean is mysterious to me, particularly given that our wild salmon are facing potential extinction and that open-net salmon farms among the greatest threats to their continued survival.

Such was a key finding of the Cohen Commission, a landmark study under the leadership of Mr. Justice Bruce Cohen in October 2012, mandated by the previous government to investigate the decline of sockeye salmon in British Columbia’s Fraser River. It took 3 years and \$26 million to develop this report of over 1,000 pages, which included the testimony of scientists, First Nations and the public. The report presented 75 policy recommendations for combating the multiple threats to the survival of British Columbia’s wild salmon, *including the need for far more*



stringent monitoring of local salmon farming operations. Among Justice Cohen's supporting remarks for his recommendations he wrote:

"I therefore conclude that the potential harm posed to Fraser River sockeye from salmon farms is serious or irreversible. Disease transfer occurs between wild and farmed fish, and I am satisfied that salmon farms along the sockeye migration route have the potential to introduce exotic diseases and to exacerbate endemic diseases that could have a negative impact on Fraser."

The previous government chose to completely ignore the Cohen report, which it had commissioned at enormous expense to taxpayers. The current government, though proposed amendments like that of section 56, has also demonstrated a lack of active concern regarding the danger to wild salmon stocks reminiscent of that to the tragically foreseen fate of Atlantic cod in the 1990s. This administration has had numerous opportunities to address problem over the past two years, first with Petition E-270, which called on the government to legislate the removal of caged salmon from our oceans. The response was that such action was unnecessary, as existing aquaculture regulations were sufficient. I believe Justice Cohen would beg to differ, as do I. The second missed opportunity was the government's vote against amendments to the Fisheries Act in Bill C-228 on December 6, 2017. I sincerely hope that the DFO reconsiders this amendment and instead accepts full responsibility for the protection of wild salmon and acts on the immense danger posed to them by open-net farmed salmon.

Thank you for your consideration. I would be happy to meet with the department and staff to discuss these matters further.

Sincerely,



Elizabeth May, O.C.
Member of Parliament
Saanich - Gulf Islands
Leader of the Green Party of Canada

