

## AQUACULTURE & FISHERIES BILL. CONSULTATION DECEMBER 2005

Response by John F. Robins as: Secretary to the pressure group Animal Concern and Secretary to the charities Save Our Seals Fund and Animal Concern Advice Line. February 2006.

### General Notes:

It is worrying that very little if any space in the Aquaculture & Fisheries Bill consultation paper is given to directly tackling the conflict between aquaculture and fishery interests and predatory wildlife. The destruction of fish eating birds, mammals and indeed other fish, by both fish farmers and angling organisations should be addressed with measures taken to protect wildlife which eat fish as their natural diet from persecution by those who catch or rear fish for profit or sport.

It also concerns me that, despite scientific evidence showing that fish have the ability to suffer, there is little mention of the welfare of fish. For instance the main reason given for banning the use of vertebrates as live bait is to stop anglers dumping unused live bait fish into waters where they are not native. While this is a good reason to end the practise it should be remembered that some fish lay sticky eggs which can be carried from water to water on the feet and feathers of wading birds thus enabling species to spread by natural means. What is not natural is attaching treble hooks on wire traces to the lip and back of live roach or small trout and casting them out to lure pike. Any angler who has used this fishing method, as I did as a child, will know that the first indication of a take is when the float is dragged at great speed by the terrified bait fish as it is chased by the pike. If not taken the bait fish will eventually die and be replaced by another. The obvious cruelty involved in this is surely reason enough to ban using live fish as bait?

## PART 1 AQUACULTURE.

### Chapter One: Regulator.

The first sentence in this chapter causes great concern. To start a consultation about the proposed Regulator by declaring that; “Where possible, the Scottish Executive prefers that a voluntary approach should deliver the required outcomes.”, tends to negate the whole point in appointing a Regulator. The Scottish Executive cannot be all things to all people. If it intends to regulate the aquaculture industry then regulations and not “a voluntary approach” are required. This is an industry with tremendous impact on our marine and coastal ecological and economic environments. It directly affects the welfare of wild animals, birds and fish as well as the fish stocks within the farm cages. It has the power to maintain or destroy fragile rural communities. The voluntary approach and the use of codes of conduct and best practise are worthless and ineffective in the control and policing of any industry. A Regulator without enforceable regulations would only be an expensive spin doctor.

It should be made clear that the Regulator is a civil servant working on behalf of the electorate to ensure that aquaculture is carried out in such a way as to minimise environmental impact. The role of the Regulator and the accountability of the

Regulator to the public should not be impeded or compromised for reasons of commercial confidentiality.

It is regretted that the Consultation is framed in such a way as to encourage yes or no answers to short questions. This is not always going to be possible when dealing with the complexity of creating any new legislation and definitely not when creating legislation to regulate a controversial and well established industry which has not been properly regulated for the last 35 years.

**Question 1:** I agree that, given specifically designated and properly trained and resourced staff, the Fisheries Research Service/SEERAD would be most suitably placed to act as Regulator. However as sections of the aquaculture industry could in the future utilise available technology to move their farms into deeper, offshore waters it would make sense to make provision for including the Scottish Fisheries Protection Agency in the Regulator function if required at a future date.

**Question 2:** Once again The Executive is trying hard to avoid making a decision. Before introducing regulations it would be a good idea to know who is going to fund implementation of those regulations. It is also only fair on the industry to be open about any additional costs the Regulator will impose upon them. If The Executive cannot promise to pay for the functions of the Regulator then the introduction of powers to charge fees to the industry to recover the costs of policing the industry should be clearly stated and not sneaked in as “an enabling power” to cover the “possibility” of charging at some undefined “future” date. Any income raised through charges levied should be ring-fenced to be used to regulate the industry and not allowed to disappear into general SEERAD or Executive budgets.

I would therefore go further and say that rather than a future enabling power the new Bill should create charging mechanisms to allow the Regulator to collect fees from the industry.

Chapter Two: Parasite Control.

I assume there should have been an erratum with the Consultation Paper and the sentence, “It is sensible to assume that sea lice can play a part in the potential for wild stocks to be impacted by sea lice ...” should have read, “It is sensible to assume that sea lice *infestations at fish farms* can play a part in the potential for wild stocks to be impacted by sea lice ...”

**Question 3:** Yes the Bill should make provision for parasites in general. Sea lice are only one of many parasites which can impact on farmed and wild fish stocks. Just because sea lice seem to be the most damaging parasites at present does not mean other parasitic problems can be ignored.

Sea lice are currently the major and most controversial parasite on Scottish fin fish farms. Lice control has always been regarded as simply something which happens and has to be treated with (usually highly toxic) chemical agents. Dealing with lice control is something which should be considered before a farm is established. Fish farms should not be allowed near the mouths of salmon or seatrout rivers. Sea trout and salmon congregate near river mouths awaiting spate waters to allow them to run

up river. I have removed dead wild seatrout from the anti-predator nets on a west coast salmon farm about a mile from a river mouth. The wild fish, waiting for a spate to allow them to run the river, may well have been attracted by food pellets falling through the farm cages. However it is not only food pellets but lice which fall through the cage nets.

Fin fish farms simply should not be allowed in such sensitive areas.

**Question 4:** Yes, of course the Regulator should have enforcement powers as well as an advisory function. A Regulator giving advice but without powers of enforcement is an unpaid consultant.

**Question 5:** Yes. The Regulator should have the power to ensure that proper records, preferably in a consistent format across the whole industry, are properly maintained and available for inspection. The Regulator should also have the power to impound samples of stock for analysis and the power to enter all areas where medications and treatments are stored and to take samples of medications and treatments for analysis.

It would make sense if fish farmers (indeed all farmers of confined livestock) were obliged to monitor their stock by use of closed circuit TV and webcams. In this way the Regulator could carry out frequent and unannounced inspections from his or her desk. Farmers could be obliged to retain visual records of certain events such as lice control/medication applications, killing out/harvesting sessions and predator control operations. Installation of webcams would also give fish farmers added security from theft or vandalism, perhaps a reduction in insurance premiums and the ability to monitor their facility from a distance. In the 1970's this type of monitoring would have been possible but too expensive to contemplate. Now, even in the marine environment, it would be inexpensive to install and maintain and would be cost effective for both the farm operator and the Regulator.

**QUESTION 6:** Yes

**QUESTION 7:** Yes

**QUESTION 8:** Yes

In addition to powers to order treatment for parasitic infestations (including sea lice) and notifiable diseases the Regulator should have the power to order closure of farms and destruction and safe disposal of infected stock (if agreed by an independent veterinary advisor).

**QUESTION 9:** Yes

**QUESTION 10:** Would a crayfish farm or a farm producing non-native species of lobster or crab be defined as a "shellfish farm"? If so then shellfish farms should be included. Restocking hatcheries can contain non-native species or could become contaminated with disease or parasites. While escapes could be contained when the hatchery is on an enclosed loch or pond this would not be the case if the hatchery is on a water with burns or rivers flowing in or out or, as in the case of some rainbow

trout farms, in the sea. It therefore would make sense to include hatcheries in the escapes proposals.

**QUESTION 11:** Yes as without powers to inspect and direct the Regulator would not be able to regulate.

**QUESTION 12:** Yes

**QUESTION 13:** Yes. It should be a criminal offence to damage the environment. It should also be compulsory for fish farms to carry liability insurance so that even when escapes occur despite the operator having taken all reasonable steps to prevent an escape the operator has the resources to pay for any remedial steps to remove the escaped stock or compensate any injured third parties.

**QUESTION 14:** As well as the excellent 10 proposals for the containment plans it would be worthwhile adding a condition that equipment must be designed, installed and maintained in such a way as to prevent seals and other marine mammals from reaching the inner cage nets. It might also be sensible to more strictly define the need and frequency of inspections to be carried out say by requiring all installations to be checked say once per week or per month, after each net cleaning operation and after any storms.

**QUESTION 15:** Rather than require escapes to be reported to the Ministers “immediately” it would surely be better to define the time more accurately. It would also be better if the report is made to the Regulator rather than direct to the Minister. Perhaps operators could be required to inform the Regulator by telephone, fax or e-mail within 24 hours of any suspected escape and to follow up this initial report with the suggested details in writing within 48 hours.

There have been cases where, within hours of an escape, word has got around and anglers have descended on sea lochs to catch escaped salmon in great numbers. As medication/parasite treatment operations are a time of most risk of escapes it might also be made compulsory for operators to post notices and inform people via the media when fish which are not fit for human consumption have been released into the wild.

**QUESTION 16:** Of course the Regulator should have the powers to investigate any reports of suspected escapes but it is essential that the Regulator also has the resources to do so.

**QUESTION 17:** In addition to production survey data operators should have to submit an annual report detailing all escape and pollution incidents and details (dates, species, numbers killed, methods used) of all predator control incidents.

**QUESTION 18:** No fish farm should be situated on or near the mouth of a river where wild salmon and sea trout migrate due to the risk of sea lice from farmed salmon infecting wild fish. Fish farms should not be situated within say five miles of known seal haul-out or breeding rookeries as this causes conflict between farmers and wildlife and, even where non-lethal deterrence is used, can damage the interests of tourist activities such as wildlife safaris. Financial assistance for relocation should

only be given if operators can prove they did not know of the possible environmental conflict prior to establishing the farm.

**QUESTION 19:** Yes

**QUESTION 20:** Producers should be required to have insurance cover to meet the cost of any losses incurred due to disease or compulsory slaughter ordered as a disease control method. The public purse should not be used to compensate farmers.

**QUESTION 21:** I think there is a need to regulate the movement of both live and dead fish. Morts of fish killed by disease and chemical overdose have been transported hundreds of miles across Scotland to be dumped in landfill sites close to tributaries of the Clyde. Seepage/leakage/spillage from mort transports have occurred causing traffic problems and the potential to pollute rivers.

**QUESTION 22:** Yes

**QUESTION 23:** Yes

**QUESTION 24:** Yes

## PART 2 FRESHWATER FISHERIES.

**QUESTIONS 25: to 27:** No. This could be a case where the cure is more devastating than the illness. During the last foot and mouth outbreak it was clear that Ministers were too quick to use drastic but ineffective culling measures to try and control the disease. It would be wrong to give politicians the power to literally wipe out whole ecosystems to try and eradicate GS.

**QUESTION 28:** Yes

**QUESTION 29:** Yes

**QUESTION 30:** Yes

**QUESTION 31:** Yes, but only to stop the passage of fish, not to facilitate poisoning rivers.

**QUESTION 32:** No

**QUESTION 33:** Yes but only if this can be done without poisoning the wider environment.

**QUESTION 34:** Yes

**QUESTION 35:** Yes

**QUESTION 36:** Yes

**QUESTION 37:** By advertising in the local press and the Sunday Herald and Scotland on Sunday.

**QUESTION 38:** No opinion

**QUESTION 39:** Yes

**QUESTION 40:** It should be incumbent on the seller to make sure such information is clearly stated.

**QUESTION 41:** Yes

**QUESTION 42:** Yes

**QUESTION 43:** Would having two rods in use at any one time not be enough? Use of multiple rods increases the chance of a fish ingesting hook, line and sinker while the angler is busy landing another fish. If an angler needs four rods he or she might as well buy a trawler.

**QUESTION 44:** Yes, not only on environmental grounds but also on welfare grounds.

**QUESTION 45:** So long as that also includes keep nets, yes. While dealing with welfare of fish would it not make sense to insist that anglers intending to take home fish for the table carry (and be competent in the use of) a priest to ensure quick and humane catch despatch?

**QUESTION 46:** Yes

**QUESTION 47:** The old law forbidding fishing for salmon and seatrout on a Sunday was not a conservation method but a mechanism for riparian owners to keep the working class off the waters (Sunday being their only day off work). Rather than limit the days of the week on which people can fish it would be better to limit the number of wild fish anglers can kill to say one or two salmon or seatrout or wild brown trout per day.

Although fish such as rainbows and others bred for put and take fisheries are infertile and do not have a close season it is important to maintain the close seasons for wild brown trout and for wild coarse fish to avoid disturbance during the breeding season.

**QUESTION 48:** Yes and this should be extended to include protection of other predatory species such as birds and mammals. Pike and other animals take the easiest prey and that is often sick or injured fish which are better removed from the ecosystem. There is justified public outcry when the public learn that River Boards intend shooting seals in the lower reaches of rivers. These seals are part of the ecosystem and, as well as salmonoids, are just as likely to eat eels, flounders and other

fish which predate on salmon and seatrout eggs, fry and parr. When large pike are deliberately killed the number of jack pike (usually controlled by the larger pike) increases thus adding to the predation of smaller fish. By culling predators humans upset the natural balance.

**QUESTION 49:** Yes

**QUESTION 50:** Yes

**QUESTION 51:** Yes