



Scottish Ministers' lamentable failure to regulate salmon farming to protect wild fish continues

Almost two years after first Parliamentary report said “the status quo is not an option”, S&TCS and Scottish community groups warn that their next step is to call for a boycott of Scottish farmed salmon

In 2018, as a consequence of Salmon and Trout Conservation Scotland's petition to the Scottish Parliament (lodged in January 2016), the Scottish Parliament undertook an Inquiry into salmon farming. This consisted of two parts. Firstly, the Environment, Climate Change and Land Reform (ECCLR) Committee took written and oral evidence and produced its report in March 2018. Secondly, the Rural Economy and Connectivity (REC) Committee built on the ECCLR Committee's work, took further extensive evidence and issued its report in November 2018.

Excerpts from the Inquiry reports

The ECCLR Committee's report's conclusions included:

- Further development and expansion must be on the basis of a precautionary approach and must be based on resolving the environmental problems. The status quo is not an option.
- The current consenting and regulatory framework, including the approach to sanctions and enforcement, is inadequate to address the environmental issues. The Committee is not convinced the sector is being regulated sufficiently, or regulated sufficiently effectively. This needs to be addressed urgently because further expansion must be on an environmentally sustainable basis.
- A mandatory requirement to keep sea lice levels within those identified in the Code of Good Practice. Sea lice levels should be set with the objective of protecting wild fish and the planned review of trigger levels should consider the scientific evidence that underpins an appropriate trigger level with action and enforcement linked to this.

The REC Committee's report's conclusions included:

- Clarity must be provided by the Scottish Government as to which agency will assume responsibility for regulating the impact of salmon farms on wild fish.
- The requirement for a new regulatory framework, particularly in relation to protecting wild fish, with Marine Scotland being tasked with the responsibility of delivering improvements and conducting a review. The 'status quo' in terms of regulation and enforcement is not acceptable and urgent and meaningful action needs to be taken.
- Adopting the precautionary principle on the siting of farms to minimise the potential risk to wild salmon stocks wherever possible.

- Meaningful and effective use of the precautionary principle, in relation to applications for new sites and expansion of existing sites, until such time as an enhanced regulatory and enforcement regime is in place.
- Mandatory and timely reporting of sea lice data.

Scottish Government's responses since the Inquiry

On 29 January 2019 Cabinet Secretary Fergus Ewing set out his response to the REC Committee's report, emphasising "our collective resolve to make **tangible early progress.**" He placed great store in two working groups as the means to address the impacts on wild salmon and sea trout:

1) The Technical Working Group (TWG) is tasked "with developing a practical framework for assessing the level of risk posed to wild salmon and sea trout taking account of the best available scientific understanding and the precautionary principle. The technical group comprises experts from the regulators - Marine Scotland, SEPA, SNH and representatives of local authorities. These regulators have a wide range of existing regulatory powers and the Group will also consider how this risk framework can most effectively be applied in regulating marine cage fish farms by making appropriate use of these existing powers.... **The Technical Working Group is aiming to prepare its proposals by the end of June 2019** for subsequent public consultation. In doing so, the Group will consider the practical steps....to implement a clearer longer-term regulatory regime for managing impacts of farmed salmon on wild salmon."

2) The Salmon Interactions Working Group (SIWG). Its stated objectives are to:

- Look at the conclusions and any emerging recommendations from the Parliamentary Inquiries into farmed salmon in Scotland.
- Evaluate current Scottish Government policy and advice governing wild/farmed salmon sea lice interactions, and review the existing and planned projects around the interactions.
- Make recommendations, including a delivery plan of agreed actions and timescales, for a future interactions approach.

Fergus Ewing undertook that the SIWG would deliver rapidly and stated that it "is developing a wild salmon action plan".

On 4 June 2019, at the NASCO meeting in Tromso, Mike Palmer (the senior civil servant at Marine Scotland with responsibility for both wild fish and salmon farming) stated that the Scottish Government recognises that there is a gap in current regulation, in terms of the interactions between farmed and wild fish. He said that it "will be doing work on addressing and closing the gap and **will be consulting later this year** on proposals for tightening regulation."

On 6 November 2019, the REC Committee questioned the Cabinet Secretary Fergus Ewing and Mike Palmer of Marine Scotland on what progress (if any) has been made by Scottish Government since the report. The exchanges are recorded at <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12348> (the latter part of "Aquaculture and Fisheries update"). Apart from a commitment to introduce statutory reporting of sea lice in the second half of 2020, no timescale was offered on a new regulatory framework to protect wild fish. The Cabinet Secretary's responses were complacent and failed to acknowledge the lack of any meaningful progress.

Current state of play

The Technical Working Group is still pondering matters seven months after the date that it was meant to have completed its proposals.

The Salmon Interactions Working Group, 18 months after it was set up and 14 months after the REC Committee's Report, still has no "agreed set of recommendations" and there are no indications that an appropriate set of recommendations will be agreed, particularly on the critical issue of sea lice.

S&TCS' view is that both the TWG and the SIWG were seriously handicapped from the outset, as any recommendations were to be on the basis of consensus only, effectively giving a veto to the salmon farmers on any potential changes to the regulatory system that both the REC and ECCLR Committees identified as vital to protect wild fish.

In any event, whatever the form of any strategy that may come forward, a proper regulatory system and a Scottish public authority with the statutory function of protecting wild fish from the negative interactions of salmon farming is urgently required. This can, and must, be put in place now.

Despite both the Committees insisting that "the status quo is not an option", Scottish Ministers have facilitated a process which enables the status quo to endure. Cabinet Secretary Fergus Ewing's commitment (January 2019) to "tangible early progress" has not been honoured.

Scottish Ministers lack of action is providing cover for the industry's continued relentless expansion, quite contrary to the recommendations of the Inquiry.

Between March 2018 (when the ECCLR Committee's Report was published) and December 2019, salmon farm planning permissions for an additional 76,000 tonnes of biomass have either been granted or are in the planning process; this breaks down into 28,754 tonnes planning permission granted, 14,370 tonnes planning permission applied for or pending and 33,105 tonnes screening and scoping applied for. 76,000 tonnes equate to almost 50% of the actual tonnage of farmed fish harvested in 2018.

The warning for Scottish Ministers

S&TCS and other NGOs have been very patient with Scottish Government, but demand that the prevarication and procrastination end now.

Scottish Ministers must take urgent action.

If they fail to act now, at best, Scottish Ministers will be guilty of presiding over the managed decline of wild salmon and sea trout in the west Highlands and Islands. At worst, they are wilfully employing classic delaying tactics to give the salmon farming industry space and time to expand rapidly at the expense of Scotland's iconic wild salmon and sea trout.

Scottish Ministers must now confirm unequivocally by Easter that they are putting in place appropriate statutory and or regulatory measures to protect wild salmon and sea trout and that these measures will be in place and in force by the end of 2020.

Scottish Ministers need to call a halt to any more expansion of the industry until such measures are in place.

If Scottish Ministers do not confirm that they will now act, S&TCS and other NGOs will have no choice but to escalate their campaign by calling for a consumer-led boycott of all Scottish farmed salmon products. This is not the preferred option, but Scottish Ministers should be in no doubt that as it stands, Scottish Ministers are leaving S&TCS and other NGOs with no choice.

For the avoidance of doubt, those statutory or regulatory measures must now include:

- The clear identification of a Scottish public authority with the statutory function of protecting wild fish from the negative interactions of salmon farming
- The introduction of an effective and robust regulatory system for all salmon farms, including much stricter limits on-farm sea lice numbers, to curtail the damage being caused to wild salmon and sea trout by open cage salmon farming
- A genuinely precautionary approach to the licensing and permitting of any new salmon farms or expansion of existing farms
- A review of the permitted biomass and location of all existing salmon farms as against their environmental impact, with a mechanism to compel reductions in biomass and relocation where appropriate
- Full transparency on the environmental impact of fish farming, including the 'real time' publication of on-farm sea-lice, escapes of farmed fish use of all treatment chemicals (whether on-farm or in well boats), farmed fish mortalities and disease information; and
- A requirement that no salmon farming development be permitted without the prior completion of a rigorous independent cost benefit analysis of the potential impact on coastal communities including the impact on existing local businesses.

Salmon and Trout Conservation Scotland

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