

## **Addendum to S&TCS Briefing**

### **Scottish Government Response shows general lack of urgency in key areas**

Following publication of the Scottish Government's response to the Rural Economy and Connectivity Report on salmon farming in Scotland last week, S&TCS would reiterate its concerns that there is a lack of urgency within the proposed response in certain key areas.

Recommendation 2 of the Report states that "if the industry is to grow, the status quo in terms of regulation and enforcement is not acceptable. It is of the view that **urgent and meaningful action needs to be taken to address regulatory deficiencies** as well as fish health and environmental issues before the industry can expand."

While S&TCS recognises the work of the Salmon Interactions Working Group, it is far from convinced that the 10 Year Farmed Fish Health Framework and the Scottish Environment Protection Agency's Sector Plan consultation exercise represent the sufficiently urgent and meaningful action to address regulatory deficiencies that REC Committee recommended.

The Scottish Government's response to Recommendations 1 to 3, final paragraph, notes that "over the next 12 months these processes will allow us to identify whether there is a case for further legislative change and/or modification in the enforcement regime governing how the aquaculture sector interacts with others". However, S&TCS believes that both the ECCLR Committee and the REC Committee reports have already laid out that case for further legislative change and modification in the enforcement regime in some detail.

In relation to filling of the 'regulatory gap' concerning the impact of salmon farms on wild salmonid stocks, identified by S&TCS in its 2016 Petition and recognised in Recommendation 42, while recognising the gap exists, the Scottish Government has not understood and appreciated the urgency of the situation in merely talking about "a mechanism to inform the longer term determination of a regulatory framework in this area and... a staged approach to building a long-term set of arrangements to fill the current regulatory gap".

What is now required is urgent action to make the change to the legislative framework and enforcement regime that both Committees have indicated has been failing properly to control the negative impacts of the salmon farming industry.

### **Transparency, publication of data and FOI**

On the specific issue of transparency and publication of data on mortalities and sea lice etc, the Scottish Government's response is very weak, merely considering further opportunities for data gathering and reporting through the Fish Health Framework group and its subgroups, stating that it "will take into account the Committee's recommendation in the work of the Farmed Fish Health Framework".

It is quite clear that publication of data should immediately be made mandatory. This is supported by the REC Report's Recommendations 12 and 16. Such data must be published in a timely manner similar to the weekly in arrears publication in Norway (Recommendation 20). The ECCLR Committee wanted that data published by April 2018. Further, in response to the very strong Recommendations made in the REC Report (for example, Recommendations 19 to 25) the Scottish Government's response is inadequate.

The only immediate action identified by Marine Scotland, at page 14 of its Response, is that it will publish sea lice data that it holds from March 2019 onwards. S&TCS would merely point out that this is already a legal duty upon Marine Scotland. Pursuant to the duty to proactively publish environmental information under the Environmental Information (Scotland) Regulations 2004, and to Decision 142/2017 of the Scottish Information Commissioner, Marine Scotland should already be publishing routinely the sea lice data it holds, data that it had previously attempted unlawfully to keep confidential despite legitimate public interest.

### **Relocation of existing farms**

In relation to the potential relocation of existing sites, Recommendation 53 seeks **immediate dialogue** with the industry to identify scope for moving existing poorly sited farms. Other Recommendations noted the importance of proper siting of fish farms away from migratory routes for wild salmonids.

Astonishingly, the Scottish Government's response makes absolutely no reference whatsoever to moving existing poorly sited farms per Recommendation 53, but focusses on the development of offshore aquaculture.

We have been here before. The Scottish Executive's Relocation Programme from 2006-2008 was allowed to run into the sand, having achieved nothing. Removing existing poorly sited farms must be a priority.

### **Conclusion**

The Scottish Government response is in danger of allowing the "status quo", in terms of the regulation and legislation of salmon farms (and transparency in the way that the industry operates), to persist for the foreseeable future.

This would be in stark contrast to what the ECCLR and REC Committees have both advocated after exhaustive examination and consideration.

Both Committees identified major shortcomings in the way that the industry is permitted to operate. Action to remedy matters, rather than further prolonged discussion, must now be the priority.

4<sup>th</sup> February 2019