

# GETTING IT RIGHT: PREVENTING THE REGULATORY FAILURE OF CANADA'S FIRST AQUACULTURE ACT



Key principles, “red lines” and critical considerations for the development of the Canadian Aquaculture Act.

The Government of Canada is developing an Aquaculture Act. If done right, a federal Aquaculture Act could help to manage the environmental threats posed by aquaculture consistently across Canadian waters for the first time in the industry’s history. Instead, public drafts of the Aquaculture Act, produced by Fisheries and Oceans Canada (DFO), would “grow the industry”, “improve clarity and certainty for the industry”, and maintain provincial jurisdiction, as per the Act’s scope. In doing so, there appears little room for the Act to fulfill the rest of its mandate: fostering “national consistency” and enhancing environmental protections.

**If Canada’s Aquaculture Act is to proceed**, it must be equipped with strong regulations to safeguard marine and freshwater species against industrial aquaculture. Especially against the risks of open net-pen salmon farming<sup>1234</sup>. Such an Act must also advance Indigenous sovereignty and reconciliation, and incentive a just transition away from open net-pens and other damaging aquaculture practices. We must now enshrine these principles and others outlined below into law, or risk a failing Act that further degrades already threatened aquatic ecosystems.

## THREE WAYS THAT OPEN NET-PENS THREATEN MARINE ECOSYSTEMS



**SEA LICE:** Sea lice outbreaks are extremely common at open net-pen sites. Lethal parasites proliferate quickly and enter the marine environment, increasing the risk to nearby wild salmon.



**DISEASE:** Viruses and bacterial infections spread quickly through confined farmed salmon populations. These diseases can cause mass die-offs on site, or infect wild salmon stocks through proximity or farmed salmon escaping into the wild.



**WASTE & ANOXIA:** Waste content, in the form of feces, feed and dead salmon, flows freely to the seafloor. This waste can cause nutrient loading or anoxia, removing oxygen from the water column and making localized habitats uninhabitable for marine species.

# THE AQUACULTURE ACT CANNOT UNDERMINE YEARS OF WORK ON THE MODERNIZED CANADIAN FISHERIES ACT

Legislators have worked hard to improve protection for wild fish and fish habitat in Canada through improvements to the Fisheries Act. The new Fisheries Act (Bill C-68) is the result of nearly four years of extensive public and stakeholder consultation. The amended Fisheries Act restores lost protections for fish and fish habitat and introduces new, modern safeguards to address increasing pollution, disruption of aquatic ecosystems and declining biodiversity.

Now, through the Aquaculture Act, DFO proposes exemption for all aquaculture activities from Fisheries Act regulations. The Aquaculture Act should not become a means of exempting industries with substantial potential for the disruption of fish habitat from those hard-won protections. It should uphold fisheries law and ensure industry adherence across the country, embedding the core components of the Fisheries Act, namely:

- the proper management and control of fisheries;
- the conservation and protection of fish; and
- the protection of fish and fish habitat.

Beyond the Fisheries Act, regulatory standards under the Aquaculture Act must meet or exceed existing federal statutes, including, but not limited to:

- the Oceans Act;
- the Canadian Environmental Protection Act;
- the Species at Risk Act; and
- the Pest Control Products Act.



The Aquaculture Act must uphold and strengthen protections for wild fish and fish habitat. Photo: Nick Hawkins.

## RECOMMENDATIONS FOR A STRONG AQUACULTURE ACT

**SeaChoice is calling on the Government of Canada to integrate the following purpose, principles and legislative components as a foundation for the Canadian Aquaculture Act:**

- 1** The purpose of the Aquaculture Act must be the effective, precautionary regulation of aquaculture to ensure the protection of wild fish, fish habitat and marine biodiversity.
- 2** The Aquaculture Act must promote reconciliation with Indigenous communities and self-determination for Indigenous governments, consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- 3** The Aquaculture Act must clearly remove responsibilities for the promotion of aquaculture and its products from DFO's mandate.
- 4** The Aquaculture Act must provide strong regulatory guidance to all jurisdictions across Canada and set national standards which all other jurisdictions must meet or exceed.
- 5** The Aquaculture Act must develop a just transition plan for open net-pen finfish workers and incentivize the industry towards closed containment production systems.
- 6** The Aquaculture Act must close gaps in Fisheries Act protections for wild fish by explicitly addressing all impacts posed by aquaculture (e.g., interbreeding, ecological interactions, sea lice, disease).
- 7** The Aquaculture Act must establish a clear enforcement framework to detect, deter and remedy regulatory breaches, with enforcement measures ranging up to the removal of farm stock.

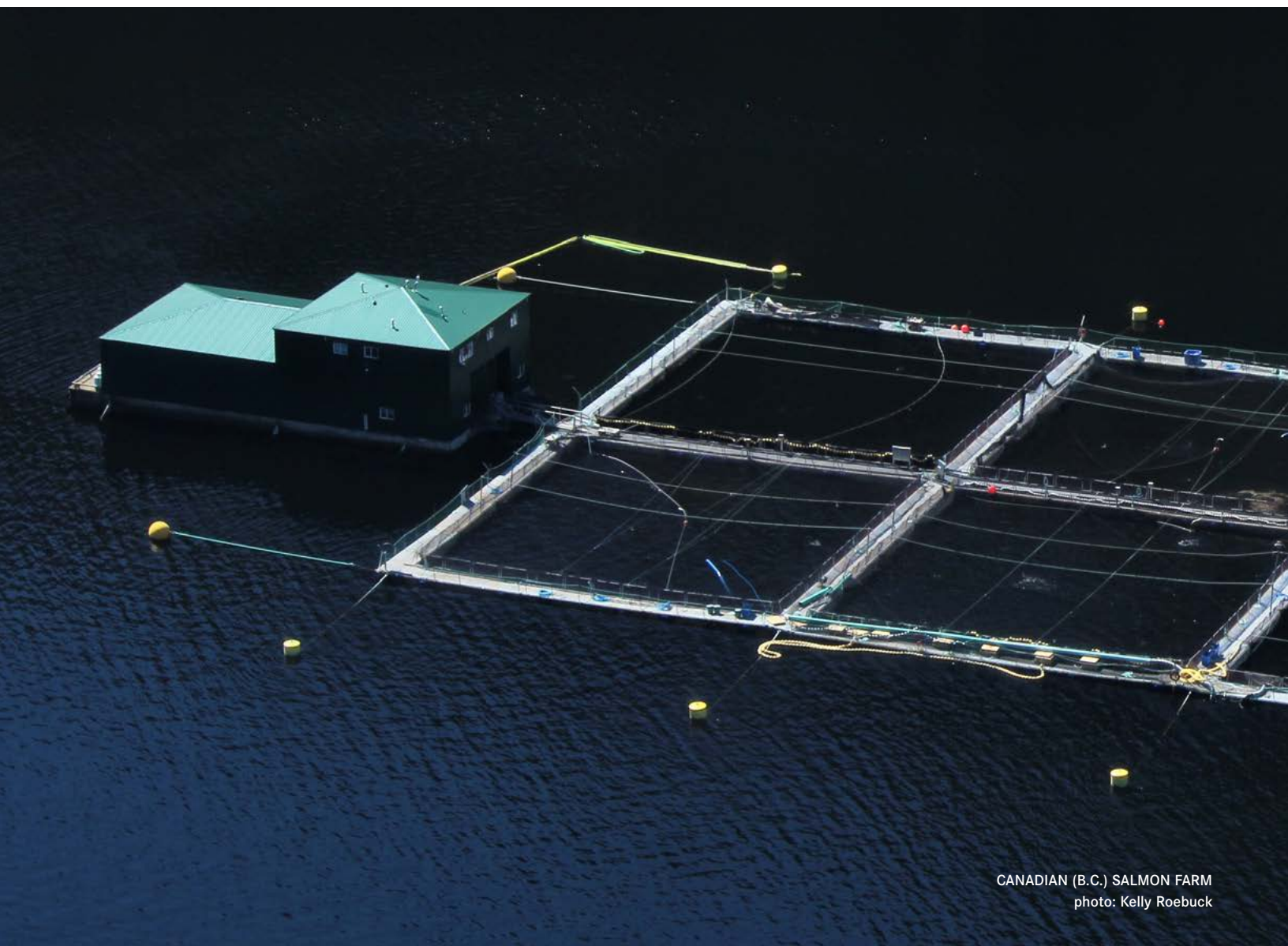
We have only one chance to get Canada's first Aquaculture Act right. With the elements outlined here in place, we can build a progressive Act with the capacity to protect aquatic habitat, promote reconciliation and Indigenous self-determination, and regulate aquaculture activity consistently across Canada. Such an Act could make Canada an international leader in aquaculture industry governance and meet a variety of domestic and international commitments related to the protection and long-term sustainability of the marine environment.

**WE URGE THE ADOPTION OF THESE RECOMMENDATIONS FOR AN AQUACULTURE ACT OF WHICH ALL CANADIANS CAN BE PROUD.**



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CANADIAN (B.C.) SALMON FARM  
photo: Kelly Roebuck