

**PE1598/B**

SEPA letter of 28 July 2016

Dear Mr Howlett

**CONSIDERATION OF PETITION PE1598**

*Calling on the Scottish Parliament to urge the Scottish Government to strengthen Scottish legislative and regulatory control of marine fish farms to protect wild salmonids of domestic and international conservation importance.*

Thank you for the opportunity to provide SEPA's views on the issues raised in the above Petition. SEPA has a long history of interaction with the aquaculture sector. We have developed a regulatory framework that ensures compliance with relevant European and Scottish statutes while seeking to support the sustainable development of the sector. This field of regulation is dynamic and SEPA is in the process of overhauling our regulatory approaches to match the ambition shown by the sector. SEPA's approach continues to be based on the premise of limiting the scale of aquaculture development to match the environment's capacity to naturally degrade the wastes arising. The licencing approach is site-specific, and encourages the industry to grow sustainably in marine areas best suited to cope with the polluting load.

In dealing with the sector, our role is that of environmental regulator. This remit covers the protection of the environment from the polluting emissions from fish farms while as far as possible supporting the growth of the sector. As discussed in the meeting of the Petitions Committee on 30 June 2016, our regulatory role includes the placing of limits on the release of organic waste and sea louse medicine residues from fish farm premises. The latter poses a considerable challenge as these compounds are by their very nature designed to kill crustaceans and therefore if their use was unregulated they may pose a considerable risk to valuable commercial species such as crab and langoustine.

**Sea lice**

SEPA does not regulate releases of sea lice from fish farm cages. This is primarily because parasite infestations of farm animals, and the consequences of those infestations, are likely to be considered an animal health rather than an environmental issue. In addition, the definitions of "pollution" in pollution control statutes used to licence discharges from fish farms, primarily the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR), does not include parasites such as sea lice or their larvae.

SEPA takes the view that unlike discharges of pollutants from a fish farm, or any other premises authorised by SEPA under CAR, the release of lice and control over the scale of such releases is not directly under the management of the fish farmer. The only way in which a farmer can have certainty that no lice will be released from a site is by having no salmon present in the cages. Also, the establishment of a fish farm will almost inevitably lead to a release of sea lice or their larvae and, as discussed in the recent meeting of the Petitions Committee, current evidence suggests an established infestation is difficult or impossible to eradicate due to growing resistance to the available medicines. It is therefore not possible to impose meaningful conditions within the framework of a CAR licence in order to control the release of lice, and therefore such releases cannot be controlled within the CAR regime.

This is in contrast to the issues that SEPA does control via authorisations issued under the CAR regime, for example the scale or rate of release of medicines and chemicals. These are directly

controllable by the fish farmer and therefore can be limited by conditions imposed in CAR authorisations in order to protect the environment.

With reference to sea louse data publication, SEPA endorses, and has always supported the need for, site-by-site sea louse data on as close to real time as possible to be publically available. We made the case for such publication during the passage of the Aquaculture and Fisheries (Scotland) Act 2013, both in written submissions and verbally at the Rural Affairs, Climate Change and Environment Committee. Our support for the availability of such data is for a number of reasons, but mainly because there is a philosophical disconnect in terms of public interest where sea louse data is not published. Sea louse infestations on farmed fish are dissimilar to routine diseases or parasite infestations in terrestrial animals because, unlike these afflictions, the presence of lice on farmed salmon is almost ubiquitous and there is a strong likelihood that the sea lice arising from farmed fish may impact upon the interests of others, for example those who own or enjoy Scotland's wild salmonid fisheries. In a general sense, in most other areas and sectors, the impacts of those who benefit from the use of the Scottish environment and whose practices may impinge upon the interests of others are exposed to public scrutiny. There seems to be no clear reason why sea louse data should be treated any differently.

There are also more practical reasons directly linked to SEPA's environmental protection role why such data should be published. For example, information on sea louse numbers and the effectiveness of treatment interventions would help ensure the best use of treatments – such as an operator avoiding the use of medicines which due to resistance have been ineffective at nearby farms. This would also help minimise the release of these products into the water environment.

### **Closed containment**

Fish farming in close containment facilities gives certain advantages over production in open cage systems. These might typically include the ability to capture some or all of the waste arising from the production of fish, reduced exposure of farmed fish to sea lice larvae from other farms or wild fish, and reduced releases of sea lice from farm stock which might pose a risk to wild salmonid populations.

From the perspective of SEPA's primary duties regarding the control and limitation of the effects of polluting discharges upon the environment, closed containment can be seen to be advantageous. That said, SEPA is confident that the effects of pollution from conventional cage farms can be adequately managed. It is clear that we have a track record that demonstrates this is feasible and the management of such discharges through the CAR system can be done in a way that also aligns with our wider duties to support sustainable economic growth.

To this end, our licensing system is designed to allow cage fish farms to make polluting releases to the environment but to limit the spatial extent of the impacts of such discharges to a defined zone around each farm and to ensure that within this zone that the intensity of impacts is not too severe. This careful balance is ensured through the imposition of scientifically defined site-specific limiting conditions in CAR licences with the licensing regime being supported by monitoring and sanctions for failure. In most cases our licensing framework allows fish production and economic growth while ensuring that the wider environment is protected.

As mentioned at the start of this letter, SEPA is currently gearing up for a number of changes to the licensing framework around fish farming. These will not change the fundamental principles that the Agency does not regulate sea louse releases and that a zone will exist around each fish farm where some degree of environmental impact is expected to occur.

Issues surrounding the licensing of fish farms within the framework of environmental regulation can by their very nature be complex. If you feel that the Petitions Committee would benefit from a more

detailed explanation we are ready to provide such further information or support as you might require.

Yours sincerely

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