

Rural Economy & Connectivity Committee Inquiry Report
Salmon Farming in Scotland
27 November 2018

SEPA welcomes the publication of the Rural Economy and Connectivity Committee's Report, Salmon Farming in Scotland. This is our response to the Committee's recommendations that relate to the protection of the environment

Recommendation 2

Need for urgent meaningful action to address regulatory deficiencies as well as fish health and environmental issues

Our Fin Fish Aquaculture Sector Plan, which was published for consultation in November, sets out our proposals for meaningful action to strengthen regulation of the environmental performance of the sector and so improve environmental protection.

We are committed to, and focused on, implementing this powerful new regulatory framework with the minimum delay once we have taken into account consultation responses. The framework will include strengthened regulatory oversight of the sector and help us drive all operators towards full compliance.

Recommendation 30

To keep the Committee updated on the output from SEPA's consultation on the proposed regulatory framework and how it will be implemented

We published our draft Fin Fish Aquaculture Sector Plan for consultation on 7th November last year. The draft included our detailed proposals for creating a new, significantly strengthened and world-leading framework for regulating marine cage fish farms.

The draft plan took time to prepare because we wanted to get it right. To produce it, we reviewed and developed the underpinning science; analysed the strengths and weaknesses of our existing framework; talked to people in the sector and beyond; and looked at approaches in other countries. We consulted on some initial ideas in 2017 and gave careful consideration to the responses received. Finally, we took account of the evidence provided to the inquiries into salmon farming conducted by the Environment, Climate Change and Land Reform Committee and the Rural Economy and Connectivity Committee.

The consultation on the draft Sector Plan closed on 24 December. Over 120 written responses were received. During the consultation period, we also held consultation events in 9 coastal communities, from Lochgilphead in the South to Lerwick in the North. Around 300 people attended these. We organised further, separate consultation events for fish farm operators; national non-government organisations; and partner public bodies.

We are currently considering the written responses and the feedback we received at the consultation events. We are committed to implementing a strengthened regulatory

framework with the minimum of delay once we have taken into account the views and suggestions received.

Our proposed new regulatory framework focused on discharges of organic wastes (fish faeces and uneaten food) and medicine residues. The proposals included tighter environmental standards for organic wastes; greatly enhanced modelling requirements; much more environmental monitoring by farm operators and by us; and independent accreditation of the monitoring undertaken by operators. We also set out a more comprehensive approach to ensuring fish farm operators comply with the requirements of the new framework, including by using our wide range of enforcement powers and our new national enforcement team.

Once we have finalised the Sector Plan, including our new regulatory framework, we will provide the Committee with a further update.

Recommendations 31, 32 and 33

Effective regulation of medicine – To address any data and analysis gaps; consider other medicines and other chemicals as well as emamectin benzoate; make data on medicine use publicly available.

As the Rural Economy and Connectivity Committee noted, the UK Technical Advisory Group is currently in the process of developing recommendations on new environmental standards for the sea lice medicine, emamectin benzoate. In doing so, it is taking account of the latest scientific evidence, including evidence from a major fish farm survey we undertook in 2017 and reported on last year. The UK Technical Advisory Group is expected to consult on its recommendations this coming spring.

To ensure the marine environment is protected in the meantime, we published an updated interim regulatory position on emamectin benzoate on 7th November. Under this position, we are applying strict, interim environmental standards when deciding whether to authorise applications from farmers to start using the medicine for the first time; increase the quantity of the medicine they currently use; or otherwise make changes to the operation of their farms that would expose additional parts of the sea bed to risk from the medicine.

We introduced this interim regulatory position after careful consideration of the weight of scientific evidence indicating that the existing environmental standard cannot be relied upon to protect the environment. This included the evidence collected during one of the largest environmental surveys of the environmental effects of marine cage fish farming we have so far undertaken. We have published the details of the results of this survey on our website. We have also made all the raw data we collected available.

In our Sector Plan consultation, we set out a number of other proposals for updating and strengthening the regulatory framework we use to control risks posed by emamectin benzoate and other medicine discharges. These included:

(a) much more and better environmental modelling and monitoring of the discharges;

(b) discharge authorisations for medicines being subject to (i) action being taken to reduce the risk of sea lice infections occurring; and (ii) where infections do occur, use of the latest, non-chemical techniques to remove the lice.

(c) new controls on discharges of bath treatment residues that match the tightened standards on mixing zones proposed for discharges of organic wastes;

(d) authorisation of new medicines only considered once robust environmental standards have been established; and

(e) any new medicines that are more persistent or bioaccumulative than the current generation of medicines requiring suitable treatment to denature them prior to discharge.

As part of our Sector Plan consultation, we said we would:

- continue to make all the relevant and appropriate information we hold about individual farms available; and
- work to make sure that information on the environmental performance and compliance of individual farms and the sector as a whole is presented in a way that can be easily understood.

We are now leading work with partner regulators and agencies, including Marine Scotland, to update and improve Scotland's Aquaculture Website to make the information available more comprehensive and easier to access.

Recommendations 40, 41 and 42

Protection of wild salmon - Precautionary approach should be taken; siting important for managing risks to wild fish and sustainable management of sector; Clarity needed over regulatory responsibility

We are concerned about the current status of wild salmon and sea trout populations. Scottish Atlantic salmon populations have declined substantially over the last few decades. A number of different factors are likely to be responsible, including some resulting from climate change. This makes protecting these wild fish and reversing recent declines in their numbers particularly challenging.

The Scottish Government has established an Interactions Working Group. The initial focus of the Group is interaction between farmed salmon and wild salmon through sea lice infections. The Working Group includes representatives of wild fisheries interests, environmental organisations, the aquaculture sector, local authorities, Scottish Natural Heritage, Marine Scotland and SEPA.

In our Sector Plan, we committed to working closely with Marine Scotland, other public bodies and the Interactions Working Group to develop a new, risk-based framework for assessing and managing interactions between marine cage fish farms, sea lice numbers and wild salmon and sea trout.

A technical working group has been established to this end. This is working in parallel with the Interactions Working Group and comprises experts from Marine Scotland, SEPA, Scottish Natural Heritage and representatives of local authorities.

The purpose of the technical group is to develop a practical framework for assessing the level of risk posed to wild salmon and sea trout by marine cage fish farming, taking account of the best available scientific understanding and the precautionary principle. The Group will also consider how the framework can be applied in regulating marine cage fish farms, including by making appropriate use of any of the wide range of existing regulatory powers available to the regulators. This will include consideration of how, and in what circumstances, our regulatory powers might be used.

The Group is aiming to prepare its proposals by the end of June for subsequent public consultation. In doing so, the Group will consider the submissions made on this topic to the Committees.

Recommendations 59 to 64

Regulation of marine cage fish farms – co-ordination of, and interaction between, the various elements of the regulatory regime needs to be significantly improved; need to raise the bar in Scotland by setting enhanced and effective regulatory standards to ensure that fish health issues are properly managed and the impact on the environment is kept to an absolute minimum; need for a comprehensively updated package of regulation; essential that SEPA introduces a significantly enhanced regulatory and monitoring regime under which it will robustly and effectively enforce compliance with environmental standards. key part of any improvement in the enforcement of regulation should be the introduction of mechanisms to provide more open and transparent reporting of regulatory breaches. It move away from the self-assessment culture that appears to be prevalent at present

We see increased coordination and joint working between regulators and other agencies as a key part of strengthening protection of the environment and fish health.

We are already doing a number of things to improve how we coordinate with other regulators and agencies. Some examples are outlined below. We are committed to building deeper, collaborative relationships among regulators and we will working hard to do so as we implement our Sector Plan.

As noted in response to recommendations 41 to 42, we are now working closely with Marine Scotland and other regulators to develop an effective and coordinated approach to protecting wild salmon and sea trout. We are also working with Marine Scotland, other regulators and sector representatives on a number of work streams under the Fish Health Framework.

We have the primary responsibility for protecting the marine environment from all discharges of organic matter and other chemicals from marine cage fish farms. Marine Scotland currently regulates discharges from well boats. The Scottish Government is currently working to transfer regulatory control of these discharges to us. This will result in SEPA being the single environmental regulator for all discharges into the

marine environment associated with marine cage fish farming. We are already the regulator of all discharges into inland waters from hatcheries and freshwater pens. However, it is important we do not operate isolation. We have a close interaction with planning authorities, providing advice on proposed fish farm developments. To improve the effectiveness of how we support local authorities and other regulators, our Sector Plan consultation included a proposal that we would work with others to develop a risk assessment mapping tool to help guide appropriate development.

We are very focused on strengthening the regulatory and monitoring regime for fin fish aquaculture. Our proposals for doing this are described in our Sector Plan. They include proposals for more and better monitoring. We believe it is important for all regulated businesses to monitor the environmental performance of their activities so that they can understand and effectively manage that performance. Consequently, the proposals would require operators of marine cage fish farms to undertake significantly more and better environmental monitoring than at present. At the same time, we are proposing to:

- (a) require independent accreditation of the monitoring undertaken by operators to provide much greater assurance as to the quality of the data provided; and
- (b) increase and strengthen the independent auditing and environmental monitoring we do to check that farms are complying with authorisation requirements.

We believe this is the right approach. The enhanced checks on environmental performance it provides will help drive the sector towards full compliance.