

Dear Prime Minister Harper:

As business leaders, commercial and recreational fishing associations, scientists, lawyers and environmentalists who care deeply about sustainable jobs, prosperous coastal communities and healthy ecosystems, we are gravely concerned about the Department of Fisheries and Oceans' proposal to, in essence, exempt the aquaculture industry from the *Fisheries Act* provisions that prohibit the release of deleterious substances into water frequented by fish. We believe the proposed changes, if enacted, will lead to the discharge of increasingly powerful pesticides and other potentially damaging substances into the ecosystem, significantly reduce government regulatory oversight, and damage Canada's commercial interests as a provider of untainted seafood. Needless to say, these factors diminish our international reputation for environmental protection.

The *Fisheries Act* has been a mainstay of environmental protection for more than 100 years and the section dealing with deleterious substances is key to ensuring that those of us who use Canada's aquatic ecosystems, be they marine or freshwater, do so in an environmentally sound and responsible manner. This section of the Act has never been used inappropriately or frivolously. It has however been used to stop activities highly damaging to fish and their habitat. The most recent instance involved an aquaculture operator in New Brunswick who pled guilty to violating the *Fisheries Act*, in illegally using a pesticide at 15 aquaculture sites, over an extended period of time and despite warnings from Environment Canada. The pesticide is known to be toxic to lobsters and was likely the cause of mortality in hundreds of lobsters found dead in lobster traps during the period of illegal use.

We are also concerned that as a consequence of these proposed changes; Environment Canada's role would be eliminated leaving reliance upon Health Canada and the Department of Fisheries and Oceans (DFO) to ensure environmental protection. Health Canada does not have an undivided environmental protection mandate and DFO does not have the capacity to undertake the surveillance work of Environment Canada. The environmental risk assessments currently performed by Health Canada for pesticide impacts are conducted in a manner that is less than transparent based upon proprietary data sets provided by chemical manufacturers. In the case of drugs, the environmental assessments are negligible and Health Canada does not conduct any subsequent environmental impacts monitoring after these same products are put into commercial usage. In our opinion, under the proposed changes, the environment is less likely to be fully considered much to the detriment of Canada's fisheries and marine life.

We are certainly not opposed to aquaculture activities, nor are we in favour of regulatory overlap or 'red tape'. We are however, strongly in favour of rules and protocol which protect the natural environment and the interests of all Canadians. In particular we are

concerned about sectors like commercial and recreational fisheries and tourism which rely upon government to maintain healthy aquatic ecosystems.

We believe, the proposed regulatory changes will give the aquaculture industry special treatment under the *Fisheries Act*. In our opinion, to exempt one industry from environmental laws that will prejudice others can only increase conflicts among co-users of the aquatic environment. If the aquaculture sector is truly to become sustainable, it will have to deal responsibly with the challenges it faces from parasites, animal health and the unfair international competition from countries with poor environmental protection legislation. There is much the Government of Canada could be doing through research and the negotiation of higher international standards to support the Canadian aquaculture industry in facing these challenges.

We therefore respectfully ask you and your Cabinet colleagues to instruct the Department of Fisheries and Oceans to significantly revise the proposed regulatory changes to the *Fisheries Act* to reflect the substantial concerns expressed herein.

Sincerely,

(Initial signers)

Stewart Lamont	Maria Recchia	Dr. Susanna Fuller	Bill Ernst
Managing Director	Executive Director	Ecology Action	Research Scientist
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