

October 27, 2014

Commission for Environmental Cooperation
Anne Berns (United States)
Lainy Destin (Canada)
Rodrigo García Galindo (Mexico)

Re: Vote on Factual Record for BC Salmon Farms Submittal (SEM-12-001)

On February 10, 2012, the Center for Biological Diversity (U.S.), Pacific Coast Wild Salmon Society (Canada), Kwikwasu'tinuxw Haxwa'mis First Nation (Canada), and Pacific Coast Federation of Fishermen's Associations (U.S.) filed Submission SEM-12-001 (BC Salmon Farms) with the Secretariat of the CEC, a submission on enforcement matters pursuant to Article 14 of the North American Agreement on Environmental Cooperation

On May 12, 2014 the Commission for Environmental Cooperation ("CEC") Council responded to this submission recommending that a formal investigation be conducted into whether Canada is failing in its responsibility to NAFTA to protect wild salmon from disease and parasites from industrial salmon farms.

Article 15(2) of the North American Agreement on Environmental Cooperation provided the commission 60 days to vote on whether to instruct the Secretariat to prepare a factual record regarding submittal SEM-12-001(BC Salmon Farms). Reporting on this vote is now 2 months overdue; in all it has been 32 months since the petition was filed.

Submission SEM-12-001 documented the Government of Canada's failure to effectively enforce sections 35 and 36 of the federal *Fisheries Act* in relation to salmon aquaculture operations, allowing harmful pollutants, viruses and parasites from industrial fish farms to pollute waters used by wild salmon in British Columbia.

On May 7, 2014 the Secretariat issued a determination that it was proceeding with its consideration, pursuant to Article 15(1), in relation to the Submitters' assertions involving section 36 (but not section 35) of the *Fisheries Act*.

On May 12, 2014 The CEC Secretariat issued a determination that the preparation of a factual record is warranted in order to gather additional information concerning the matters raised in the submission.

"The preparation of a factual record is therefore warranted in order to gather additional information concerning the matters raised in Submission SEM-12-001 (*BC Salmon Farms*), and is necessary for

a thorough consideration of the assertions that Canada is failing to effectively enforce section 36 of Canada's *Fisheries Act*."

The CEC Secretariat noted that in accordance with Article 15(2) and Guideline 19.4 the Council had 60 working days, that is, until **12 August, 2014**, to vote on whether to instruct the Secretariat to prepare a factual record. The CEC Secretariat specifically noted CEC Council guidelines, including target deadlines for completing various steps in the submissions process to "improve the timeliness, accessibility, and transparency of the SEM process."

Since Submission SEM-12-001 was filed:

- More than half a million Atlantic salmon were culled and quarantined in BC due to an IHN viral outbreak.
- The Cohen Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River concluded that salmon farms have the potential for "serious or irreversible" harm to wild salmon through disease transfer. The Cohen Commission recommended a freeze on farmed salmon production along part of the Fraser sockeye migration route until 2020, at which time all farms should be removed unless Canada produces hard evidence that the farms are doing no more than minimal harm.
- Research was published reporting a Norwegian strain of piscine virus that appears to have entered BC around 2007. This virus, known to spread easily and associated with a disease that weakens the heart muscle of salmon, has been identified in nearly 100% of farmed salmon raised and sold in BC.
- In a letter to one of the petitioners, the Canadian Food Inspection Agency revealed that there had been no follow-up testing on the internationally reportable ISA virus, despite positive test results in BC farmed salmon.
- In January 2014, without any response to the Cohen Commission recommendations, Canada opened the BC coast to more salmon farms.
- Canada is considering removal of section 36 from the *Fisheries Act* to accommodate the salmon farmers' need for stronger de-lousing drugs.
- In June 2014, Canada's Aquaculture Licence was challenged in federal court to determine if it is in fact legal to give salmon farming companies the power to transfer diseased salmon into net pens in the ocean. A decision is pending.

The undersigned BC Indian Nations, petitioning organizations and Canadian and U.S. fishing and salmon conservation groups respectfully request that the CEC Council vote to instruct the Secretariat to prepare a factual record in this matter, as soon as possible.

Sincerely,

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