

Show Transcript
Deconstructing Dinner
Kootenay Co-op Radio CJLY
Nelson, BC, Canada

July 9, 2009

Title: NORWAY, BRITISH COLUMBIA IV (FARMING ATLANTIC SALMON IN THE PACIFIC)

Producer/Host - Jon Steinman
Transcript - Marsha Ostrovsky

Jon Steinman: And welcome to *Deconstructing Dinner* produced in Nelson, British Columbia at Kootenay Co-op Radio CJLY. I'm Jon Steinman.

Back in January of this year, 2009, we revisited with an ongoing series which has been presenting an in-depth look into the controversial salmon farming industry off the western coast of Canada. With the three largest companies operating in the country representing 93% of total production and all being owned by Norwegian multinationals, the series took on the name *Norway, British Columbia*. Today marks part IV of the series.

As part of those two one-hour episodes that aired in January, we visited a salmon farm and hatchery owned by Marine Harvest Canada – the largest of the three companies operating on the coast. We gave the Province of British Columbia and the BC Salmon Farmers Association an opportunity to share the proponents side of the salmon farm debate. And we also heard from the opponents, who were provided the opportunity to respond to the information that *Deconstructing Dinner* received as part of those tours.

But part 3 of the series ended in limbo, with wildlife biologist Alexandra Morton having shared her reasons for taking the Province and Marine Harvest Canada to B.C. Supreme Court in a constitutional challenge that questioned who should be regulating the salmon farming industry – the Province or the Federal government. And so it was only two weeks after we aired that show, that the decision was made by Justice Chris Hinkson who had been presiding over the case. And so we've invited Alexandra Morton back onto the show to share the outcomes of that decision and what has transpired since then. Also lending their thoughts to the decision will be Otto Langer, a former federal Department of Fisheries and Oceans biologist. We'll hear once again the voices of Bill Harrower of the Province of British Columbia and Barb Addison of Marine Harvest Canada. We'll hear comment from Alexandra Morton's legal counsel Gregory McDade, and we'll examine a letter we received shortly after those January broadcasts from Marine Harvest Canada who expressed quite the displeasure after hearing the two episodes and made some rather perplexing requests that *Deconstructing Dinner* has since responded to.

Increase Music and Fade Out

So before we introduce this grievance that we received from Marine Harvest — the largest salmon farming company in the world, we should first recap the salmon farm tour that *Deconstructing Dinner* embarked on back in October 2008. These tours were part of the Canadian Farm Writers Federation, or the CFWF, conference held on Vancouver Island. The CFWF is made up of agricultural media and those involved in agricultural communications, and as part of the conference, delegates such as myself were offered the chance to tour a salmon farm hatchery located north of Campbell River and a farm site located off the shores of East Thurlow Island — both of which were operated by Norwegian multinational Marine Harvest. Of course *Deconstructing Dinner* saw this as a pretty great opportunity to learn more about this industry and record (in audio) the tour, to then share this relatively in-depth education about this controversial sector of the food system with you. The tour was co-hosted by the Province of British Columbia — who, at that time was responsible for regulating and promoting the sector, and the BC Salmon Farmers Association — the trade group representing the salmon farm companies operating on the coast. It should also be mentioned how many of the delegates on the tour were representing media, and so there were quite a few people taking notes, photographs, and there was me, recording with my portable audio recorder and built-in microphone. Now a few months after the tour we followed up with some of the more vocal opponents of this industry to give them the opportunity to respond to the comments made on the tour. We also followed up with Marine Harvest Canada to inquire into some of the expansion plans the company had applied for to the Province. The two one-hour episodes aired, and then on January 28, less than a week after the second of the two, we received a letter from Ian Roberts — the Communications Director of Marine Harvest Canada. And that letter, went like this:

Bill Metcalfe reading aloud a letter from Ian Roberts: Hi John. You and I had spoken a few weeks ago when I put you in touch with Clare Backman. When you called, you had said you were looking for clarification on possible expansion plans at Marine Harvest Canada and Clare was able to clarify this for you. It would have been nice to have known the context of your program. A few hours on the topic on salmon farming with quite a bit of focus on my Marine Harvest Canada. To understand the true purpose of your call is common courtesy given by most media. It's my understanding that those persons providing the farm tour to you in the fall of '08 were not made aware that they were being recorded for public radio. It is common courtesy for media to make their intentions known. In addition, by not providing an opportunity for those people to comment on the many speculative assertions made by your CAAR interviews in your recent radio show, seems quite unfair and not in good faith. I respectfully ask the following of you: One. Please provide signed release forms for images taken by you that show faces of those providing the tour. If you do not have signed forms, then please remove all photos that show those faces. The MHC specific photos that you have used are property of MHC and require authorization from myself for use – please remove these from your website. Two. Can you please provide me with signed release forms granting you permission to use the voices of those participants on your tour. This would include Paula Galloway, Barb Addison, Bill Harrower and Norm Penton. If you are not able to produce signed release forms, then please remove those voices from your podcasts or any other audio productions. Thank you for your prompt attention to this matter. Please feel free to call should you have any questions. Regards, Ian Roberts, Communications Manager, Marine Harvest Canada.

JS: That was Kootenay Co-op Radio's Bill Metcalfe reading a letter sent to us by Marine Harvest Canada on January 28, 2009.

Now there were some rather perplexing comments and requests made in that letter. For one of the four voices Ian Roberts requested be removed from the broadcast, only one was an employee of Marine Harvest Canada. Norm Penton and Paula Galloway, on the other hand, are employees of the BC Salmon Farmers Association, and Bill Harrower a public employee working for the Province of British Columbia. And perhaps as equally startling is the assertion that those recorded at the farm site and hatchery were unaware of the recordings and unaware that the recordings would be used as part of a media production on salmon farming. Of course the tour was made up of agricultural media and all those working in agricultural communications. This was a media tour by all accounts. And so we felt obliged to first contact the Canadian Farm Writers Federation to confirm that Marine Harvest Canada knew of who was on the tour. And so we wrote a letter to Ian Roberts indicating that we had received his email and would first contact the CFWF before responding in detail.

The CFWF confirmed that those conducting the tour were well aware of who the CFWF was, and on February 2, 2009, *Deconstructing Dinner* responded to the letter and Marine Harvest's requests. And that letter read as follows.

"Dear Ian,

Apologies for the delay in getting back to you. I'm on the road and not around my computer as much as usual.

I've spoken with the CFWF, and with respect to your concerns, their position reaffirms ours.

You indicated in your email dated January 28 – "It's my understanding that those persons providing the farm tour to you in the fall of '08 were not made aware that they were being recorded for public radio."

This is the comment that perplexed me the most. The CFWF is clearly an organization made up of media and communications professionals working within the agricultural sector. Before departing the bus at the Big Tree Creek Hatchery, our tour guides even commented on how their comments and position on the subject of aquaculture is just that; their position. The comment was followed-up with an acknowledgement that how we (as media) decide to write about what we learn on the tour is up to us. I have an audio recording of this statement.

My microphone was in plane view throughout the duration of the tours, and I engaged each tour guide with questions with the microphone in plane view. They were always in a position to refrain from answering questions.

I do not consider it a responsibility to have shared my intentions at the time, because quite honestly, I had no intentions other than recording the tours of yours and other aquaculture facilities and sharing those recordings with the general public: That was my role as a journalist.

Throughout the tour however, it was clear that both the Provincial employee, the BCSFA and Marine Harvest, were in a promotional role and thereby presenting only one side of the story. Because there was ample opportunity to present that side of the story, and because some comments seemed questionable, I provided an *equal* opportunity to those who are critical of the sector to comment on the messages we received. The story unfolded from there.

You assert that the approach to producing the shows was “unfair” and “not in good faith”. I don’t consider any of our actions to have been unfair and have received ample responses from listeners who were impressed with how “balanced” the shows were. I would even argue that there was a greater emphasis on the industry-proponents side of the story as it was the *proponents* who seemed to present their information as fact, while opponents presented information as you suggest, as “speculative”. Mr. Backman was given the opportunity to respond to this speculation.

As a journalist, I believe it’s the responsibility of a business or industry to inquire into the nature of a media question if there is any uncertainty. It should have been clear by the detail of my question sent to you via email that a lot of research had gone into preparing it. If I was in a position of communications within a company, I would have looked into who Jon Steinman and Kootenay Co-op Radio were. Seeing as though I interviewed Mr. Backman on a previous occasion, who I am should not have come as a surprise.

I’m also perplexed by the comment, “To understand the true purpose of your call is common courtesy given by most media.” I am unsure as to what you mean by “true”. The purpose of my initial email to you remains the same now as it did when I first sent it.

Perhaps confusion around this issue on the part of Marine Harvest, is because most media today produce what I would call ‘meaningless soundbites of disinformation’. The recent Global TV segment on the threat of ISA to BC salmon is a great example. I imagine Marine Harvest and the BC Salmon Farmers Association are quite unhappy with that segment, and I believe you should be. It was poor journalism all around. This is why I “somewhat appreciate” your reaction to our story. Deconstructing Dinner is not only seeking to share an underreported topic with the general public – food politics, but is also seeking to provide substance and critical thought that is all but void within mainstream media today.

With that said, we respectfully do not feel any obligation to act upon your requests.

We are nevertheless more than happy to provide a space for Marine Harvest to share your concerns. This can be done through a letter that we could read on the air and/or post on our web site. Or, this could be done via a phone interview that would have to wait until next week or the week after.

If you would like us to accommodate any of the above options, let me know and we can go from there.

As a last comment regarding your 2 requests, one question that I would have to ask within any future interview (and perhaps this can be clarified by Marine Harvest in a statement should you choose that option), is why the communications manager of a company is in a position to speak

on behalf of two employees of an association and one public servant employed by the Province of British Columbia? As a journalist, I believe it's my responsibility to ask: "Is there a relationship (perhaps financial) between Bill Harrower and Marine Harvest Canada that the public should be aware of that encouraged the company to speak on behalf of him?", and: "What should the public think in light of discovering that a Norwegian company is speaking on behalf of a public servant of BC?", and: "Are the other member companies of the BCSFA satisfied that Marine Harvest is speaking on behalf of the trade association that they are also a member of?".

Respectfully,

Jon Steinman
Deconstructing Dinner"

Now as was expected, Marine Harvest did not take us up on our offer, and in fact, no response was ever received to that letter, nor any clarification as to why Marine Harvest Canada was speaking on behalf of a long-standing employee of the Province of British Columbia (someone who is employed by the people of British Columbia) and we received no clarification as to whether Marine Harvest Canada was even permitted to speak on behalf of the trade association of which their competition are also members.

soundbite

A heads-up that we'll be continuing our *Norway, British Columbia* series next week when we'll examine, among other topics, a rather new product to hit grocery store shelves and restaurant menus: organic salmon. As the concept seems quite questionable in light of the many concerns surrounding the farmed salmon industry, we'll speak with Shauna MacKinnon of the Living Oceans Society, and others, to learn more about this rather new seafood product.

Now as part of our coverage of salmon farms back in January, we spent considerable time looking into the legal challenge put forward by wildlife biologist Alexandra Morton along with a team of others. The case, which landed in a B.C. Supreme Court in Vancouver in late September 2008, was challenging the Province of British Columbia and Marine Harvest Canada on the constitutionality of the existence of fish farms along the western coast of Canada. According to the argument made by Alexandra Morton's legal counsel Gregory McDade, the constitution of Canada places the protection of the oceans and fisheries into the hands of the federal government (the people of Canada) and more specifically, the Department of Fisheries and Oceans — the DFO. And in light of salmon farms existing in the open ocean and interacting with the ocean environment, it was argued that the people of Canada —the DFO — should be responsible for regulating the farms. And so if that was agreed with by, in this case, Justice Christopher Hinkson, then the regulating of salmon farms by the province, as has been the case since 1988, would be unconstitutional.

And so as we briefly announced in February of this year, 2009, here on the show, Alexandra Morton did win that case, but we've been waiting to follow-up on her victory to see if any appeals might be filed by either of the two defendants.

Here's Alexandra Morton and her legal counsel, Gregory McDade, speaking on February 9 outside of the BC Supreme Court in Vancouver, shortly after the decision was made by Justice Christopher Hinkson.

Alexandra Morton: Today was won for the wild salmon. The judge decided that salmon, whether they're in the farm or outside of the farm, are wild fishery and should be regulated by the federal government. So fish farms are no longer really farms, they're another type of fishery, a culture fishery. This is so important because fisheries are important to our country, for our economics. They're very, very valuable. And this gives us a chance to start over and do something that makes real sense.

Gregory McDade: I'm Greg McDade, the legal counsel. This was an important decision on constitutional law but it wasn't a new legal principle. The judge relied on a number of major Supreme Court of Canada cases involving the fisheries back from the early 1900s and the late 1800s, where all these questions about who owns the fish and who regulates the fishery were being decided. Fisheries is an exclusive federal jurisdiction, and so the judge just went back to those cases and found that this was a fishery. And this is also a very important case for the oceans and for public rights in the oceans. The judge decided that the Province has no power to privatize the ocean. That's exclusively a parliamentary matter.

JS: To learn more about this decision and what has transpired since then, *Deconstructing Dinner* caught up with Alexandra Morton just prior to this broadcast going to air. Alexandra spoke to us over the phone from her boat near her home of Echo Bay in the Broughton Archipelago. Alex was in the middle of fishing!

AM: Judge Hinkson ruled in our favour that regulation of salmon farming by the provincial government was unconstitutional. So he gave the Province and the federal government twelve months, ending in February 2010, to figure out who is going to regulate fish farms and how it's going to be done, because it needs to be done by the federal government. Now many people are wondering why it might be better to have DFO looking after fish farms than the province, because some people feel that the Province is closer to us and that we should be able to have more impact on them than the federal government, where now you're dealing with members of Parliament all over the country. And I understand those concerns. DFO has been very relaxed, to say the least, about regulating fish farms. But the bottom line is, the constitution of Canada gave the federal government the mandate to protect wild fish. The provincial government does not have that mandate. So what has been happening is the provincial government just regulates the fish farms within the leases. They look inside the pen, they look a little bit outside the pen, kind of underneath, but they don't look at the far-field effect. And that's where the whole raft of problems are occurring. I don't really care that much what's going on inside their farms, but it's the effect it's having on the wild fish. So it was a very clear victory but it doesn't mean we're done. We still need to work very closely with DFO to make sure that they do uphold their job.

JS: Of course many of those watching this case closely awaited any appeals from either of the two defendants: the Province of BC and Marine Harvest Canada. And Alexandra explains the one appeal that came forward in March.

AM: Since then everybody thought that the provincial government and the fish farming industry would appeal the decision. But the province did not at all. They filed a notice. They want to be a part of the proceedings. They want to be a witness to it. But Marine Harvest, who was named in the constitutional challenge, they appealed. But they appealed on a side issue. And as a byproduct of this action, it's very uncertain who owns the fish inside their pens, because under the laws of Canada, nobody's actually allowed to own a fish in the ocean. And what the judge said is the ocean is the same outside the pen and inside, because it moves through the pen with food, oxygen and all of its other qualities. And that's why he was able to come to the clear decision that what goes on inside that pen is a federal responsibility. But now, we don't know who owns the fish. And so Marine Harvest appealed on that. And that was not something that I challenged them on. It's not something I actually want to pay for, to figure out who owns their fish. But I think we will have to go through the process in any case, to some degree, and I'm discussing that right now with my lawyer.

JS: Along with the question of who now owns the fish inside the pens are more overarching questions of just how this industry will now be regulated in light of the decision reconfirming that the onus lies in the hands of the Department of Fisheries and Oceans to protect the wild salmon from the known and unknown impacts of salmon farms. With the DFO now in talks with the province as the February 2010 deadline approaches, Alexandra Morton is concerned about what's being discussed behind those closed doors.

AM: The more disturbing thing is behind closed doors, the federal and provincial government are now trying to sort this thing out. And because it's behind closed doors all you hear is rumours and whispers about what might be going on. I've heard everything from the Province might be paid to look after the industry by the federal government to some kind of sharing of responsibility. Now the Province will always be responsible for the sea floor because they actually have jurisdiction over the bottom of the ocean. And when the fish farm wants to operate they have to get a lease from the Province. So they will always be involved. But the regulation — how many fish, what size of net, what they can do, what drugs they can use, all of that, that's got to be federal. Because whoever's doing it has to have an eye on the wild fish.

JS: Wildlife biologist Alexandra Morton.

As one can only speculate as to how this all might unfold, one person in a pretty adequate position to speculate on the outcomes of this Supreme Court decision is Otto Langer — a 32-year veteran of the Department of Fisheries and Oceans who quit his job in 2001. Otto is a resident of Richmond, BC, and he spoke to *Deconstructing Dinner* over the phone while on vacation in Alberta.

Otto Langer: My name is Otto Langer. I've got a B.Sc. and an M.Sc. in fisheries biology from the University of Alberta, and I've worked with the Department of Fisheries and Oceans from about 1969 to about 2001, about 32 years. And throughout that career I worked on the protection of habitat, mainly salmon habitat along the British Columbia coast. I was involved in a great deal of, I guess a pioneer in applying the *Fisheries Act* in court work. I was an expert witness in over a hundred trials involving the pollution and harm to fish habitat from Newfoundland to British Columbia. In 2001, I left the Department of Fisheries and Oceans. Then I was sort of quite

unhappy about the direction they were headed in, and I joined the David Suzuki Foundation and headed up their marine conservation group for 3 years. Then a couple of years ago I retired, and now I'm on my own enjoying life camping in Alberta.

JS: Prior to the Province taking on the role of regulating fish farms through a memorandum of understanding in 1988, the DFO had been assuming that responsibility, and Otto Langer describes the history of the department's role in managing aquaculture.

OL: Originally, back in the 1970s when people wanted to start up salmon farming, DFO was quite anti salmon farming, and they thought they were the only ones that could protect habitat. They wouldn't let volunteer groups work with fish or fish habitat. Basically, DFO were the only ones qualified to touch a fish and to manage fish habitat. Then in the late '80s, when salmon farming sort of popped up, in a sense, along the coast, DFO seemed quite unprepared for fish farming. Then the multinationals bought out the mom and pop operations along the BC coast. One reason why I think Norwegian money and overseas money bought into Canada is because we were largely unregulated and it was a brand new open piece of grass that they could exploit, with minimal regulation on the east coast and on the west coast of Canada. I was not directly involved in managing fish habitat as related to aquaculture. My responsibilities more related to freshwater and other ocean issues. But I doubt as thought DFO was doing nothing to protect fish habitat for fish farmers. And I often used to get into arguments with the head of director of habitat for the west coast of Canada that we were not doing our job. I basically quit DFO in disillusionment and joined the David Suzuki Foundation where I thought I could do a lot more to work on fish habitat and fish farm issues. I took a lead on fish farm aquaculture issues with David Suzuki Foundation for 3 years.

JS: As would come as no surprise, when the BC Supreme Court case first announced, Otto Langer was paying close attention to the possibility that the DFO might indeed be handed back the responsibility to regulate the industry and protect wild salmon. Since the decision was made in February 2009, Otto is relieved that the responsibility is now back in the hands of the department.

OL: Yeah, I've been going back to when I was with DFO, and I should say several Department of Justice lawyers felt DFO did have a responsibility to manage the fishery and they were ignoring it. I remember one lawyer, and I won't repeat his name, he said that if there was a court of morality, DFO should be the first ones charged because he just thought that they had fallen totally flat on their face and were not doing their job when it came to fish farming. So it's been the view of many of us probably for over a decade that DFO is not doing its job and was living in denial of its responsibilities. And finally this court case caught up to them.

JS: This is *Deconstructing Dinner*. Now the collaboration between the DFO and the Province in regulating fish farms and protecting wild salmon was touched on back in January as part of this *Norway, British Columbia* series. And there was one clip in particular on that topic that was shared as part of episode 3. The clip was of a question that I had posed in October 2008 to the Province of British Columbia's Bill Harrower. Bill was one of the tour guides leading a group of CFWF conference delegates on a tour of a salmon farm off the shores of East Thurlow Island. Based in Courtenay, Bill is a manager of Regional Operations for Aquaculture Development

with the Province's Ministry of Agriculture and Lands and has worked in the industry for over 20 years. And I asked Bill on how effective collaboration has been between the Province and Federal governments.

OL: If you're talking about the collaboration between ourselves and DFO — DFO, I would say, in the last 5 years in particular has really been, maybe a bit longer ago than that, but they have really shifted their attitude, because initially DFO on the west coast was very largely anti-aquaculture. And what's happened is attitudes within DFO have changed, people have learned and have accepted the new reality. There's been a lot of people who were anti-aquaculture who've retired. And so that's been part of the corporate shift as well. By and large, right now, I find DFO extremely helpful with respect to dealing with issues around aquaculture. They have been leading in data gathering with respect to sea lice. And the information they have has really been helpful both to the province and to the industry as well in terms of understanding the real issues around sea lice rather than the hyperbole.

JS: In his response Bill Harrower indicated that a number of DFO scientists had since retired and therefore perspectives on aquaculture at the DFO had become more favourable. And because it can only be assumed that one of those "retired" scientists referred to is Otto Langer, we played this clip for Otto and here's his response.

OL: Well, I think he's incorrect, first of all. He says basically DFO was anti fish farming until 5 years ago. That's absolutely not true. DFO has been a big promoter of fish farming for many years, and they had a director of aquaculture 15 years ago whose primary job was to promote fish farm aquaculture, open-net cage farming. At no time did DFO have a posture of being anti-aquaculture. It's always been promotion. In Ottawa they have a very large office with millions of dollars. It's called the Commissioner on Aquaculture. His job was totally promotion, and he reported directly to the Minister. So to say that DFO was anti-aquaculture until 5 years ago is quite untrue. It's just that probably over the last 5 years ago there has been more collaboration between the province and the federal government because they finally clued in that this is an overall ecosystem problem. This is one of the great problems, is DFO signed an agreement with the Province delegating the Province all responsibility for managing issues on the fish farm, and DFO would manage the issues outside the fish farm. But what occurs in the fish farm is an issue for the whole west coast. You cannot look at one issue separate from the other. That was a failure in the system, and no degree of collaboration was going to overcome that problem. I'm glad the courts did agree that those with the *Fisheries Act* have to be responsible for both issues. This was shown 3, 4 years ago at meetings where DFO... I would disagree that they've been leaders in collecting data. I think they've collected the wrong type of data, and much of their data has been quite unscientific and laughable to say the least. Many years ago, I would say as many as 10 years ago — I know this is going back in history — when they went out looking for sea lice, they went out there at the wrong time of the year, they used the wrong type of net gear, they fished in the wrong locations and then said that sea lice were not an issue. I think this was part of sending DFO in the wrong direction and allowed them to live in denial. And this was good scientists doing this type of work. Just a few years ago when DFO was looking for sea lice, they didn't go in to fish farms to look for them because they said they didn't want to put their foot on the fish farm because of disease transmission. Well, if you're going to look at the source of sea lice, you've got to get into a fish farm, sample the fish there, and then sample the surrounding

environment, not just sample out in the ocean and find very little where they're diluted by millions of cubic metres of water and giant tidal currents. So I'd say the collaboration hasn't been that great. And then the province basically often would refuse to release a lot of the information on the fish farms, saying "oh, this is private, proprietary business information and belongs to the fish farm". Well DFO has to get on board and say we're responsible for this total issue. If you're going to farm fish, farm in a wild environment, and you could harm wild fish that we're responsible for, we're going to look after the whole issue. If you're going to count the sea lice, we want that as public information. We'll look after the fish in the fish farm, we'll look in the surrounding waters, and we'll look after our wild fish as they pass through these areas. That has never been brought together properly.

JS: Former Department of Fisheries and Oceans biologist Otto Langer.

You're tuned in to *Deconstructing Dinner*, a weekly one-hour radio show and podcast produced in Nelson, British Columbia, at Kootenay Co-op Radio, CJLY. I'm Jon Steinman. This is part 4 of our ongoing series titled *Norway, British Columbia*. The series has been presenting an in-depth look into the controversial salmon-farming industry off the western coast of Canada. Today's broadcast is archived on our web site at deconstructingdinner.ca and posted under the July 9, 2009, episode.

We've been hearing from two vocal critics of the salmon farming industry, Otto Langer and Alexandra Morton. Alexandra was recently victorious following her BC Supreme Court case that challenged the Province of BC and Norway's Marine Harvest — the largest fish farming company in the world — on the constitutionality of the regulating of fish farms by the Province. Alexandra argued that because the open-net salmon farms are interacting with the ocean environment, that they should therefore be regulated by the federal Department of Fisheries and Oceans (the DFO), not the Province. Justice Christopher Hinkson agreed and gave the Province and DFO until February 2010 to figure out how the necessary changes will be made. With Otto Langer's 32 years of experience working in the DFO, he comments on the capability of the DFO to now regulate salmon farms.

OL: Even when the provincial employee said DFO was anti fish farming, there were hundreds and hundreds of obvious violations of the *Fisheries Act*, from burning seed bags on beaches, cleaning nets and polluting beaches with tin; these are anti-fouling agents. It went on, and on, and on, and DFO did nothing. So I don't know how anyone could say they were anti fish farming. They basically turned their back on what was happening at the time. But now they've taken the approach, and they've been directed politically to do this, do not get in the way of business, which is the provincial approach. When I met with the deputy minister of the province, Bud Graham, several years ago he said, well the Province takes the attitude business comes first and we'll let fish farms develop and then we'll try and manage the problems as they develop. This appears to be the DFO approach now, and this is why the Province feels as though they're finally in bed with DFO. This is not good for the protection of the wild fishery as a whole. I think there has to be a change in their corporate mentality and they've got to show some leadership that they have been unable to show on habitat protection. Until that takes place, I don't think they're in a position to do a proper job, and that's quite unfortunate. In the federal government it takes so long to staff positions and to be assertive about what they should be doing. In fact, I

would argue that they're going in the opposite direction. Right now, they're delegating to industry and allowing industry to determine whether they're compliant or not with laws. DFO has failed over the years to put the adequate laws or guidelines in place. So I'm really concerned that they will not be able to do a proper job within 12 months.

JS: Former DFO biologist Otto Langer. Otto spoke to us over the phone while on vacation in Alberta.

soundclip

JS: Alexandra Morton also shares similar concerns as to how the DFO might respond to this BC Supreme Court decision. One speculation of course is that the DFO might simply try to find a way to continue to allow the Province to regulate as they have been. And so we asked Alexandra if she thinks that this might indeed happen.

AM: I think so. I think there's a huge risk of that. To do it entirely will take an Act of Parliament, and so the members of Parliament will have to vote on that. Now they're trying to water down the *Fisheries Act* every single year, and there are MPs who are bravely putting their foot in that door and saying, "no, you can't do that". The *Fisheries Act* is an incredibly powerful piece of legislation, and it was really wisely written by people who could see this kind of thing coming. Not necessarily fish farms, but a lack of attention, a lack of appropriate attention to these very, very valuable public resources. The trouble is these farms are unconstitutional and they violate the *Fisheries Act* in many, many ways. And they're unconstitutional because they're trying to privatize the water, the ocean, and no one has been allowed to do that. And they're also trying to own fish in the ocean, and no one has been allowed to do that either. So they're either going to have to change the Constitution of Canada to comply with this industry from Norway or they're going to have to take this industry and make it comply with the laws of Canada. It exists right now in this really chaotic state of lawlessness. A fisherman, or myself, or anybody out on the water, we really do have to obey by the laws of DFO. I've already been stopped twice this summer, once for just floating in a rock cod conservation area. And I applaud those people. Yeah, right on, because you shouldn't be fishing in there. And I wasn't, I was writing. They're very vigilant about the public. But when it comes to these huge, foreign farms, oh boy, there's violations all over the place and nobody's touching it with a 10-foot pole. That's just got to change.

JS: With less than 7 months until the Province and the DFO are required to present a proposed framework for how the salmon farm industry will now be regulated, all eyes continue to remain on the Province, who has since received an application from one of the three Norwegian companies to build what would, if approved, be the largest open-net cage salmon farm in the province.

AM: The Province is still fully in control, and a lot of us are watching this because there's a company called Grieg out of Norway who has applied for two enormous fish farms right on the edge of Johnstone Strait. So, while the other sites are bad, this one is terrible because there's no question about what fish will be exposed to those farms. They will become the gatekeeper to the

Fraser River, all these Vancouver Island rivers, and the mainland rivers. So it'd be interesting to see if the Province feels they have the strength and conviction to allow this lease to go through.

JS: What sets the Grieg Seafood application apart from others is the message the company is using to assure government and the public that the proposed site will employ measures to address many of these concerns. Perhaps the greatest concern is sea lice. Data, such as that gathered by scientists like Alexandra Morton, have pointed to the presence of fish farms as being unnatural incubators of this parasite that is said to be threatening juvenile wild salmon when they pass by the farms. Grieg Seafood has, in response to this concern, come out with what they have called a zero-lice policy that their proposed farm would implement, and Alexandra comments on such a proposal.

AM: It's not actually possible. If Grieg Harvest and the others could do a zero-lice policy, they would have. The trouble is the drug for the de-lousing is in the food, and not all the fish are feeding at any one time. Matter of fact, there's always fish in the pen that are just kind of withering away and dying. And they can persist, I believe, for months. And you'll see them in there, they're really thin and snaky-like rather than really fat like the other ones. There's also fish that won't eat the food when it's laced with the drug. They just don't like it. So as a result there's always a little reservoir of lice that survive the treatment. What I see in the Broughton all the time is that in 6 or 8 weeks, the drug wears off the main population of salmon, and the lice that are on these few other fish start to repopulate the whole school of salmon. Then we're right back up to the louse problem. The only way you can get down to zero is what's called a bath treatment. So then you put tarps all around and presumably under the pens and you pour in a drug that kills the lice. But the problem with that is then you have to lift the tarps and let the drug wash out into the ocean. This should be a great concern to prawn fisherman, shrimp fisherman, crab fisherman. But also a lot of lice in the plankton layer have shells. and everything in the ocean depends on these animals. So releasing large amounts of a drug that's very toxic — I mean, imagine if you're going to dose 700,000 large salmon, that's a lot of drug in these enormous pens. So Canada at the moment doesn't allow that, but they also don't allow the other drug either, the one that goes in the food, and that's being used. So I wonder whether that's what Grieg is planning, because otherwise what they are suggesting simply is not possible.

JS: This is *Deconstructing Dinner*.

Now there has been quite a lot that has transpired since the BC Supreme court case decision was made back in February, and yet another effort that Alexandra has also been undertaking has been sending a letter to the Minister of Fisheries and Oceans Gail Shea and cc'ing the Premier of British Columbia Gordon Campbell. This letter was not being responded to until finally, one was received on June 16.

Alexandra describes the intent of the letter and the response.

AM: I have gradually gotten more and more signatures on the letter that's simply saying, "Could you please apply the *Fisheries Act* to these fish farms?", because you can't have laws that some people must abide by and the others don't need to. That's just not right, particularly when the violation of these laws is causing hardship for the public and for the other people who are

abiding by the laws. So I picked three really small sections of the *Fisheries Act* that I've asked for, just to begin with. One, license your packers, for goodness sakes. Two, turn off your grow lights. They use very powerful grow lights, they say, to make their fish grow faster. But it's also known to attract herring and all species to these pens. So imagine you've got these lights and you're attracting all these fish into pens of fish who are carnivorous. Atlantic salmon eat other fish. So you're basically bringing food into the pen, and that's not allowed by the *Fisheries Act*. You're not allowed to use the lights. And number three, let's have a little look in your pens and in your fish and look at your bycatch because for commercial fisherman, many, many fisheries have to have observers on their boats. These are little boats and these guys have to pay to have a whole other person on this boat in addition to their crew just to check on what they're catching. And some of them have cameras that turn on as soon as the gurdies go. This is a way of protecting herring and black cod and others species that are very valuable to the ecosystem and to other commercial fisheries. I've heard a lot of rumours and seen for myself wild fish inside these pens. We need to know the scope of this problem. So I just wanted these three things. The Minister did not answer me for a long time. And finally she answered a couple of weeks ago. It was one of these completely irrelevant answers that doesn't answer any of the questions. But in there she said that the Province would continue to regulate fish farms. The MLA, I forget his name right now, but the MLA who is the Opposition Critic on intergovernment relations immediately wrote her a letter and so did Member of Parliament John Cummings saying, excuse me, you cannot ignore this BC Supreme Court decision like this. There has to be a lot more discussion. Because the solution now is really easy. You just apply the laws of Canada. Apply the *Fisheries Act*. The ones that can't meet that standard have just got to go. You can't just let them violate the laws. And then every month I get calls from Canadian fish farmers who are embarrassed by their industry, and they would like to try to reinvent it on land. I think the Province should open the door to these guys, and particularly point them towards towns that really need jobs, like Point Hardy and other coastal communities that are on the road system. And then start restoring the wild salmon. I think that British Columbia would be surprised at how greatly they would prosper from that simple series of three steps, because the ocean right now is very alive. I'm out in my boat right now. There's humpback whales, dolphins, there's little herrings flipping all over the place. Ocean productivity is extremely high, and we should be seeing record runs of wild salmon right now. Every time, in the area that I work, every time a fish farm is emptied in front of a river, that river bounces back at levels we didn't even know was possible. The fish really respond. The ocean isn't going to be doing this forever. It goes in cycles. The way wild salmon work is in these on cycles, they bank DNA, they become very, very prosperous, they fill all the rivers. And in the hard times, they start to go down again. And then when things turn around, they have this incredible ability to repopulate themselves. The biologists at this point know so much about wild salmon that we could turn these fish back on. It's not going to be with hatcheries or spawning channels. You have to use the biology of the fish to work in your favour. I am really hoping we get to get past this ridiculous stage of denial and move past really turning these fish on for the benefit of this province.

JS: Alexandra Morton.

Now this idea of "reinventing the salmon farms on land" is an idea that was first introduced on part I of this *Norway, British Columbia* series back in February 2006. While the industry argues that the costs of land-based salmon farms would be substantially higher, the technology does

nevertheless exist. It was after all on part 2 of the series that *Deconstructing Dinner* visited Marine Harvest's Big Tree Creek salmon hatchery located on land and using a closed containment system. The site had just converted from using a flow-through water system (which uses a lot of water) to a recirculation system that uses substantially less. And it was one comment in particular that stood out and which was made by site manager Barb Addison when she answered the question "why" is it they switched systems. Here's a segment from that tour and a response from Alexandra Morton.

Barb Addison: This side of the site is what we call the old site. We don't use it anymore. It's all flow-through. We could grow 80% of our fish on 20% of our water with our new recirculation, or we could grow 20% of our fish on 80% of our water with flow-through. This is all coming out next year, and we're putting in about three and a half million dollars expansion into more recirculation. Our water comes in from the wells. And for incubation and the two buildings here, it goes up through aeration towers, where it goes through plastic beads, which break the water up and release any nitrogen and also add some aeration to it. **(question)** All from wild. We don't use any surface creek water anymore. **(question)** We know what we have. As well, there was disease concerns coming from the wild salmon to here. They have parasites on them that we used to have in here when we used creek water, but we don't anymore.

AM: Yeah, I find that clip is a real signal of hope because if the industry is actually motivated to use closed containment, as they are in this case to protect their own fish, they seem to know how to do it quite well. They know how to aerate the water, take out the nitrogen, get rid of the pathogens, and grow their fish. They're not concerned about our wild fish, and that's why when they go to the next phase, they reverse the argument and say that all the bad things are coming from the outside in and that they're not causing a problem. If the industry was motivated to grow their fish in closed containment, if the government said, look, that's the only way you're going to be able to operate in our province, it sounds to me from listening to that clip that they know perfectly well how to do it. I don't see why we can't move forward with this when the answers are so clear and the industry themselves are saying that they can do it.

JS: Keeping on this topic of parasites and viruses and the inherent risks of raising any animal using factory-style methods, we can also return to yet another issue we covered in January 2009 on the concerns of ISA, or Infectious Salmon Anemia... a virus that has decimated the salmon farming industry in Chile and which has appeared in other salmon farming regions too, just not British Columbia. At least not yet. Alexandra Morton has been raising the alarm bells as to the threats of the virus coming to the BC coast and authored yet another letter to the Minister of Fisheries and Oceans Gail Shea and again, cc'd that one to British Columbia Premier Gordon Campbell.

AM: According to the scientists who are studying this virus as it travels around the world in farmed fish, it's just like swine flu in that you can tell where that virus came from because they mutate so rapidly that if you have the same strain, for example, in Chile as you have in Norway, you know it came from Norway because they've had a big problem with that. It's devastating, particularly to the fish farm industry in Chile. Sixty-seven percent of their fish have died and 20,000 people have been laid off. People who relocated to work on farms and now are stranded because in these areas where there's no employment anymore. Nobody's looking at what's going

on with the wild fish. When I went to Norway a few weeks ago, I talked to a scientist who's tracking this disease all around the world. He said, "Look, if you guys don't already have it in Canada, you're guaranteed to get it if you keep importing eggs from the Atlantic." That includes Icelandic, eastern Canada, Norway, Scotland, Ireland. He said they all are tainted with this virus now. So I wrote to the Minister of Fisheries and I said you have got to close the border, as much for the fish farm industry as anybody else. Not that I really care what happens to the fish farm industry at this point because they have just been so uncooperative. In looking at the issue, it's in their best interests as well that this thing does not come here. And the Minister said, "Don't worry, it doesn't travel in the eggs." And yet, if you Google online "ISA transmission", you will get papers that describe how it does travel in the eggs. The only debate is whether it's in the eggs or on the eggs. But in any case, they can't get rid of it because they do, they try. They don't want this stuff to follow them around. It's alarming to me, because you introduce a virus like this to which these five species of salmon on our coast have no natural immunity that we know of. This can spread like wildfire throughout the entire eastern Pacific. It also affects other species of fish like herring and halibut, and not everything's been tested. The border needs to be closed, simply. There's so many Atlantic salmon here now, I don't even know why they need to ship fish in from elsewhere. They're very secretive about this, as they are with every part of their business. But I felt like nobody's awake at the wheel here. If the Minister is getting advice that this doesn't travel in the eggs, well then they can't even begin to stop it if they don't understand how it transmits. It's amazing to me, no matter what avenue you look at on this industry, government does not want to touch it. I really can't understand that.

JS: If the threat to the industry is indeed of such grave concern, we can only be left wondering how the industry is responding to protect their businesses operating around the world. Alexandra raised this question to Marine Harvest while on her recent trip to Norway.

AM: Well I talked to the Executive Director of Marine Harvest in Norway, a woman named Åse Aulie Michelet, a really lovely person. She was trying to argue with me that maybe it had come from the water in Chile. Now this must have been something she was saying to try to deflect me. If they don't understand how it's being transmitted, if they don't accept the science that's being done in their own country, then they're really not to be trusted with this issue at all. I can only imagine that they are trying, but when I tried to talk to her she said, "look we don't know what the other companies are doing." Well that seems incredibly unwise. They're all Norwegians. You'd think they could sit down and deal with this at least, because 67% of their fish died. The company Marine Harvest just about went under with this. She got up and had to describe to her shareholders what had gone on this year — they had suffered huge losses because this virus followed them into Chile.

JS: This is *Deconstructing Dinner*. If you've missed any of today's broadcast, or perhaps would like to check out previous episodes of this series, you can check out the web page for this episode at deconstructingdinner.ca and under the July 9, 2009, broadcast.

In taking us to the end of today's show, we'll leave you with two last clips from our two guests, Alexandra Morton of the Raincoast Research Society and Otto Langer, a former Department of Fisheries and Oceans biologist who quit his job in 2001 after serving 32 years with the

department. Alexandra leads off these clips, describing her latest email communication titled “British Columbia, It’s Over to You.”

AM: When Grieg Seafood wanted to put these two enormous farms of 1.2 million fish total right up against Johnstone Strait, where one-third of all Canada’s wild salmon migrate in some years, there was a decision that had to be made by the Strathcona Regional Board. I met with these people during their fact-finding portion of this process. These are really good people. They really care about their communities. They really care about the wild salmon. But in the end, they lifted the zoning for that area, because it previously had been zoned for no fish farms. They lifted it and they put some restrictions on Grieg, said that you could only have one farm. Then Grieg said they would do the zero-lice thing and that they wouldn’t turn their lights on in the spring, which of course they never do anyway, and they would go to closed containment when it became available. When I saw this, I was so devastated because even at the most local level, government is succumbing to this industry. They have an amazing ability to talk. British Columbia is not profiting from fish farms because there’s very, very few jobs. There’s a fraction. Depending on whose counting it is, there’s between 1800 and 6000 jobs, whereas wilderness tourism alone, which depends on wild salmon, is 56,000 jobs worth \$1.8 billion versus \$400 million from the fish farms, which goes to shareholders. When I saw this, I thought well maybe Canada wants fish farms rather than wild salmon. Who am I to keep saying what you guys really need is wild salmon? Maybe people just don’t want them. I know in this struggle — I’ve done the science, I’ve gone to court and won, my home is now a research station, there’s other environmental groups that are working on this — what’s really needed is the people. The people have to say how they feel about this, because even if you are a politician, a member of Parliament or an MLA, and you know all about fish farms and you’re concerned, you can’t do anything unless hundreds of thousands of people are behind you. And then the government will go, “Oh, hey, the votes are with these folks, so we’re going to serve them.” I think it’s really, truly that easy. I have this letter on my adopt-a-fry web site asking for the laws of Canada to be applied to the fish farms. At the moment there’s close to 15,000 signatures on it. I think we need 100,000 to move government. I’m barely even getting an answer with 15,000, and the answer is not actually addressing the questions. Really, British Columbia, you need to roar right now, because I know you’re used to hearing wild salmon are going down, but the thing is there’s a bottom and they’re really close. They can come back miraculously, but they can’t come back from zero. Don’t let anybody tell you climate change is the problem, because right now ocean productivity is just a beautiful thing. It’s splendid. There’s no reason these fish would be all collapsing now. My letter was really to let people know that I had failed, after 20-odd years on this issue. Yes, I’ve made changes and all this, but not enough for the fish to survive. Unless we go that extra mile, all of this is for nothing. I suspect strongly that people are going to be really upset when these fish disappear. But let’s not wait for that. Let’s turn around right now because I think we can do it, I really do.

OL: Well I’d say to Alex Morton, and I share her great anxiety over this issue, and what I’d say to the Canadian public is that since Gordon Campbell got into power and since Paul Martin and Harper got into power, that we’ve had to deal with so many environmental issues, from private power production on hundreds of streams, to fish farms that are out of control, to countless changes in logging practices. It just goes on, and on, and on. The public in a sense are often insensitive to these tremendous environmental issues all around them every day. We’re simply

overwhelmed by countless environmental issues. If we had one or two, it would be quite different. I remember when I started out as a biologist 40 years on this coast, protecting estuaries were a big issue and everyone got around those issues. Pollution were big issues. Those were almost like the two major issues. Nowadays there's a 101 issues all around us and that's a challenge we face. I'm not going to blame the public that they've become insensitive to them. They're confused. There's so many issues all around them, and they have to start thinking about jobs and other issues. We just don't have adequate focus on one or two, or three, or four, or five issues. There's just too much facing us.

JS: Otto Langer.

Otto also co-authored a chapter of the book *Stain Upon the Sea: The Battle for the West Coast Salmon Fishery*. That book was featured on our May 21, 2007, episode, so you can check that out if you're interested. It's archived on our web site at deconstructingdinner.ca.

And you can learn more about Alexandra Morton's efforts and sign on to her letter by visiting her web site at adopt-a-fry.org (adopt-a-fry being hyphenated)... so that's adopt-a-fry.org.

And stay tuned for next week's episode when we'll continue with part V of this *Norway, British Columbia* series and examine, among other topics, the slowly appearing presence of organic salmon.... a seemingly perplexing concept. We'll speak with The Living Oceans Society's Shauna MacKinnon and others, to learn more about this new segment of the salmon farming industry.

Ending Theme

JS: That was this week's edition of Deconstructing Dinner produced and recorded at Nelson British Columbia's Kootenay Coop Radio. I've been your host Jon Steinman. I thank my technical assistant Jon Ryan.

The theme music for Deconstructing Dinner is courtesy of Nelson-area resident Adham Shaikh.

This radio program is provided free of charge to campus/community radio stations across the country and relies on the financial support from you the listener.

Support for the program can be donated through our web site at deconstructingdinner.ca or by dialing 250-352-9600.