

For Immediate Release

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Victory for wild salmon as Federal Court strikes down aquaculture licence conditions

Department of Fisheries and Oceans needs to err on the side of caution in regulating fish farms, Court rules

VANCOUVER — The Federal Court has [struck down](#) aquaculture licence conditions that allowed private companies to transfer fish infected with viruses to open-pen farms in the ocean.

“This is a great day for wild salmon,” said Margot Venton, Ecojustice staff lawyer. “The Court has sent a clear message confirming the Department of Fisheries and Oceans duty to protect and conserve wild fish and the marine environment.”

Ecojustice lawyers, acting on behalf of biologist Alexandra Morton, filed a lawsuit in May 2013, after learning that fish later confirmed to be infected with the piscine reovirus (PRV) had been transferred into an open pen fish farm operated by Marine Harvest in Shelter Bay, BC. The farm is located along the migration route of the Fraser River sockeye. The presence of PRV at Marine Harvest’s Dalrymple hatchery was confirmed by a provincial pathologist during legal proceedings last year.

Marine Harvest was operating under the terms of a federal aquaculture licence that gave it the power to decide whether to transfer fish carrying viruses that may be harmful to wild fish into the ocean. The Court found that the licence conditions at issue in the case were inconsistent with the law which prohibits the transfer of fish carrying diseases or viruses that may be harmful to conservation of wild fish.

“This was a reckless practice that put wild salmon at risk by exposing them to potentially dangerous disease agents,” Morton said. “The Court’s judgement comes as a big relief. Salmon farms are just nets or cages open to our oceans. To stock them with farmed fish carrying viruses is playing biological roulette. It cannot be left to these companies to decide whether putting farmed fish carrying viruses into the ocean environment is safe.”

Scientists have identified PRV as the most likely cause of Heart and Skeletal Muscle Inflammation (HSMI), a severe disease that affects the muscles and heart of salmon. The Court rejected the Department of Fisheries and Oceans (DFO) argument that its license conditions were based on sound science about HSMI or other fish diseases, finding there was no evidence that DFO relies on science in issuing aquaculture licenses. Instead, after noting that “the weight of the expert evidence before this Court supports the view that PRV is the viral precursor to HSMI”, the Court accepted that transfers of farmed salmon infected with viruses like PRV may be harmful to the protection and conservation of fish – and thus contrary to the law.

HSMI is prevalent in farmed salmon in Norway, and has since appeared in Scotland, another jurisdiction with an intensive fish farming industry. In this case, the Court stated that “it would be an unreasonable inference to draw from the evidence that it will not appear in farmed Atlantic salmon on the Pacific Coast.”

“Common sense, experience from around the globe, and the overwhelming weight of scientific evidence all tell us that putting farmed fish carrying viruses in close proximity to healthy wild fish is a bad idea,” Morton said. “We need to err on the side of caution when it comes to protecting wild fish, and I am delighted that the Court agrees.”

Read the full [federal court decision](#).

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