



Submission to the RAI Committee - Follow-up inquiry into salmon farming in Scotland: SEPA

We note that the Scottish Environment Protection Agency (SEPA) will provide evidence to the committee at its session on 19th June. SEPA are a key regulator of our sector and as such we would like to make some observations on some of the more significant activities undertaken by SEPA since the 2018 inquiry and report by the Rural Economy and Connectivity committee.

Before doing so, we would like to reiterate our position, that we seek strong, evidenced-based regulation, which is balanced and proportionate. Such regulation is vitally important in helping us demonstrate our exemplary standards of operation to our national and international customers, to relevant stakeholders, and to the wider public.

We would like to provide brief comments on the following:

- The revised regulatory framework.
- Our 2019 complaint.
- Response to Covid.
- The Sea Lice Regulatory Framework (SLRF).
- The 2020 cyberattack and its wider implications.

The revised regulatory framework

In 2019, SEPA launched a revised regulatory framework for marine finfish farms. It is our view that this revised framework is a significant improvement on the previous approach adopted by SEPA, that it provides a much-improved understanding of our actual impacts on the environment, and that it is a more evidence-based approach to the regulation of our sector – this is of benefit to all stakeholders.

The previous approach adopted by SEPA consented farms using an out-of-date model and salmon farmers were then required to assess potential benthic impacts against the outputs from that model, regardless of whether the model or its outputs were accurate or not. In many cases our experience told us the model was not providing an accurate assessment of our true benthic footprint.

The revised approach uses state-of-the-art modelling to predict a benthic footprint for each farm. Farmers then use that modelling to guide where they should monitor the seabed for any impacts. But crucially, this marine monitoring is used to assess the overall size of the benthic footprint under farms, and it is the size of this area that is used as a measure of benthic compliance. This means that the new approach provides a much better assessment of the scale of any impacts from our farms, rather than assessing our farms against model outputs only.

The process to introduce this new framework has been long and challenging, and during that process we have been frustrated by the lack of clarity and guidance from SEPA on many aspects of the new approach. We are also frustrated that some farms are yet to be transferred onto the new framework. But we continue to work with SEPA to complete this process and believe it will be complete in the coming months. We firmly believe the new approach is the right way to regulate our farms.

Our 2019 complaint

In 2019, and in response to a growing number of concerns, Salmon Scotland submitted a stage two service level complaint to SEPA. This complaint was significant, including 14 specific points for investigation, and drawing evidence and examples from across our farming membership. Following a detailed investigation by SEPA, 10 of our 14 complaint points were upheld in part or full. SEPA then introduced an action plan to address issues that had been identified.

We remain concerned about progress against some of the points raised in our complaint and there is ongoing dialogue with SEPA to better understand service levels and to drive improvements. But we acknowledge there has been a significant improvement in engagement with SEPA, which includes regular liaison with the sector as well as meetings to consider specific policy areas. It has been agreed that SEPA will provide an update on the post-complaint action plan at our next liaison meeting on 24th June 2024, and we look forward to hearing on progress.

Response to Covid

The global Covid pandemic brought a wide range of issues for salmon farmers. The almost immediate closure of international markets and the UK food service industry meant that salmon farmers were unable to harvest their fish as planned. This resulted in a significant “backing up” of fish in farm production systems, with an increasing number of large fish being held on farms, without a market. Our members were faced with the likely prospect breaching their farm biomass limits, but without any means of preventing that from happening. Furthermore, fish health, and in particular sea lice, management became a concern, due to the number and age of fish being held on our farms.

Following a request by our sector, SEPA developed a risk-based approach to allow temporary flexibility around farm biomass limits and some medicine controls. This allowed our members to amend production and harvest schedules to ensure farms were managed in the most appropriate manner for fish health and welfare, and for the environment. We appreciate SEPA’s action to support our sector during that challenging time.

The Sea Lice Regulatory Framework (SLRF)

In 2020, the Cabinet Secretary for Rural Affairs and Islands designated SEPA as the lead body responsible for managing the risk to wild salmonids from sea lice from fish farms. At that time the Cabinet Secretary also instructed SEPA to consult on proposals for an adaptive spatially based risk assessment framework for managing sea lice interactions between farmed and wild salmonids, which was to be applied through the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

In 2024, and following consultations in 2022 and 2023, SEPA introduced its Sea Lice Regulatory Framework. We have always been clear - we are committed to supporting the development of a robust, validated model and framework for assessing the potential risk to wild salmon that might be posed from the activities of salmon farms. However, we remain concerned about numerous aspects of the framework, the evidence that supports its introduction, the path SEPA have taken to develop it, and the science that underpins it. We also have significant concerns about the impact the framework will have on farmed fish health and welfare, with pressure to treat fish more regularly to meet arbitrary lice thresholds that have been set through modelling and not through empirical evidence. This runs counter to veterinary guidance and has the potential to significantly impact fish health and survival. We have regularly articulated these concerns to SEPA’s executive team and Scottish Government. We have also sought to make SEPA’s Board aware of our concerns, without success.

We continue to work with SEPA on the introduction of this framework, and on the science, modelling and monitoring required to implement it. We note that Salmon Scotland have employed an experienced oceanographic modeller to further support this work.

The 2020 cyberattack and its wider implications

On 24th December 2020, SEPA were targeted by a major cyberattack, which effectively eliminated its IT systems. This had far reaching impacts for SEPA and the businesses and sectors it regulates. The cyberattack, its impacts, and the frustrations of businesses and sectors impacted by it are well known and widely reported. Although we have been frustrated by the speed of SEPA's response to the cyberattack and specifically to the replacement of services, these are perhaps not for further discussion in this letter. However, there is one specific issue that continues to cause our members difficulties. During the cyberattack SEPA's system for assessing and grading the compliance of farms against the conditions of their permits was destroyed. Although compliance is being assessed there is no formalised public reporting process in place. Our sector relies heavily on these public regulatory compliance reports as a means of demonstrating high standards of practice to our national and international customers. We also rely on them to reassure wider stakeholders and the public of our farming behaviours. We note that our sector reported high levels of compliance prior to the cyberattack. It is now well over 3 years since the cyberattack, and we still await a replacement system. This is a significant issue for our sector.

We have repeatedly requested that SEPA urgently introduce a replacement system. We have been assured that SEPA will launch a consultation on a replacement in late 2024 or early 2025. But this still leaves us with the likelihood of being without a compliance assessment system until later in 2025 at the earliest.

Concluding comments

We continue to work with SEPA on a number of important regulatory activities that are relevant to our sector. We continue to experience challenges and frustration with some of these, including with the level and rate of progress. We acknowledge that, in part, some of these issues are due to ongoing resource constraints within SEPA, which can be seen across Scotland's regulatory agencies. We urge the committee to consider the impact of continued resourcing issues within Scotland's regulatory authorities. Engagement and working relations with SEPA's policy makers and executive team remain good and we will continue to build on those working relationships.