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OCEANS

# Rising Tide

Spring 2023



Photo credit: Tavish Campbell

## Discovery Islands: Déjà Vu!

It's back to Federal Court for the salmon farming companies who were told in February that there would be no re-issuance of licences for 15 of the sites in the Discovery Islands region, near Campbell River. Living Oceans was of course thrilled with the announcement: this is the area we dubbed the Wild Salmon Narrows decades ago, to draw attention to the millions of young salmon smolts passing through the region and becoming infected with lice and disease pathogens emanating from the farms.

These same companies took former Fisheries Minister Jordan to court over her December 2020 decision to refuse licences on the grounds that the industry lacked social licence. The Court in that case found nothing in the record of her decision to justify an apparent breach of procedural fairness: she hadn't consulted properly with the industry. It referred the decision back to the Minister and, true to her commitment, Minister Jordan kept the farms closed throughout her tenure.

**What's different this time? Just about everything.**

Minister Murray has had the benefit of speaking with scientists outside the Department, who provided an unvarnished view of the harm that Discovery Islands farms were causing. She amassed an extensive brief of scientific evidence, much of which remains completely unaddressed by Departmental aquaculture scientists. The Minister concluded, politely, that

*Continued on page 4...*



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Send your name and e-mail address to: [info@livingoceans.org](mailto:info@livingoceans.org) or sign up online at: [livingoceans.org/media/newsletters](http://livingoceans.org/media/newsletters)

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Living Oceans is working to ensure the long-term health of the ocean and coastal communities of Canada. We believe that people are part of the environment and that we can build sustainable communities by protecting coastal ecosystems today.

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# Less Talk, More Walk Needed By Seafood Brands!

## Seafood Progress

How committed are major seafood brands to sustainable and socially responsible seafood?

Find a brand...

From canned tuna to frozen fish sticks - which seafood brands deserve your support when you buy seafood? SeafoodProgress.org has the answer!

SeaChoice's new Seafood Progress report shows which brands - like High Liner, Oceans Brands and Cloverleaf - are laggards and which are leaders in social and sustainability commitments.

Here are the report highlights:

- **Most companies are failing to set meaningful targets.** Just over half of brands profiled (including major players such as Clearwater and High Liner) have not set deadlines for achieving their sustainable seafood goals. Without setting target completion dates, their commitments lose meaning and day-to-day operations are bound to take priority over sustainability goals.
- **Some companies are failing to disclose their progress.** For the second year in a row, True North, a division of Cooke Aquaculture Inc., has declined to engage and take accountability for its role in the seafood supply chain.
- **Some companies take action on greenwashing.** Due in part to SeaChoice's guidance, two major canned tuna brands (Ocean Brands and Rio Mare) and one salmon brand

(DOM) reported they are working to remove their self-declared claims of sustainability from packaging. Janes is the sole brand to only apply third-party verified claims on its packaging.

- **Several companies are making progress.** Ocean Brands and Clover Leaf both received the highest overall score at 90 per cent, and Toppits achieved the most improved overall score since last year (from 47 to 69 per cent) across all brands. Toppits' efforts include up-to-date disclosure of the amount of seafood sold that met its commitment and advocating for critical improvements to the Best Aquaculture Practices and Aquaculture Stewardship Council certification standards.

You can view the scores of all 13 seafood brands on the Seafood Progress website: [SeafoodProgress.org](http://SeafoodProgress.org)

### TAKE ACTION:

Head to [SeafoodProgress.org](http://SeafoodProgress.org) select a brand and tell them to **WALK THE WALK** in just a few clicks.

P.S. Look out for Seafood Progress' 2023 report on major grocers late May!



# Combating Greenwash Requires Laws with Teeth



“Sustainable” “Net-Zero” “Eco-friendly”. Green claims on products and company websites are now commonplace. Unfortunately, so is the practice of greenwashing.

Greenwashing - the practice of making a misleading or unsubstantiated claim - can create an unwarranted favourable image of a company and has the potential to shift shopper preferences toward products that are not environmentally beneficial. Because of this, greenwashing has the potential to undermine genuine efforts and improvements aimed at addressing the climate emergency and other sustainability issues such as the overexploitation of our oceans.

In 2020, Living Oceans and our SeaChoice colleagues published an investigation into green claims on seafood. We found self-claims, those made by companies without any third-party verification, were

rampant in grocery stores. Even more concerning, 80% of self-claims were found to be so vague they were essentially meaningless. In comparison, third-party certifications fared better as they typically adhere to global frameworks such as the International Social and Environmental Accreditation and Labelling Alliance (ISEAL)’s Codes of Good Practice. We are actively involved in ISEAL’s current revising of their codes which proposes expanding the code to include a set of claims criteria that sustainability certifications - from farmed salmon to timber to palm oil - must uphold.

Beyond voluntary global frameworks, governments need to ensure their competition and consumer rights laws are fit for purpose. Jurisdictions around the world are beginning to recognize the threat greenwashing poses to achieving climate goals and a sustainable economy. Remarkably, the European Union is proposing to ban vague and unverified green claims; meanwhile, the Canadian government’s lax regulation for green claims enables a Wild West.

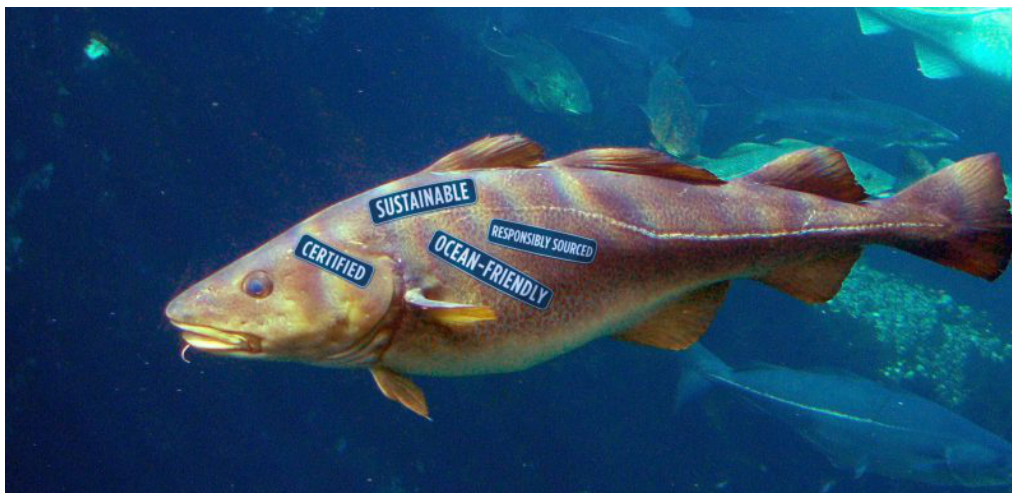
In April our colleagues at Ecojustice and other law experts called for the Canadian government to modernize the Competition Act to effectively address

greenwashing and to utilize the law as an “economic lever that complements other environmental and climate policies”. In other words, we need to reform Canada’s laws to ensure companies are walking the walk, not just talking the talk - for the sake of getting to net-zero and a healthy planet.

But the majority of what is sold at our local grocery stores isn’t covered by the Competition Act. Claims on food and beverages are regulated under the Safe Food for Canadians Regulations. The regulations’ claims guidance enables companies more than enough wiggle room to determine what can be claimed and with what evidence. Further, with no Canadian regulations defining “sustainability” its interpretation is left to those who claim it. (Here’s looking at you, farmed salmon industry).

Meanwhile, we know that Canadians want actions taken to tackle greenwashing. An Angus Reid poll earlier this year found 68% of Canadians don’t trust the green claims companies make about their products. This echoes SeaChoice’s commissioned 2020 YouGov poll that found 83% of Canadians are somewhat to very concerned about greenwashing.

Thankfully some companies are starting to take note. This year, due in part to our SeaChoice guidance, two major canned tuna brands and one salmon brand are in the process of removing vague self-claims from packaging. While it’s a start that a few multi-national seafood companies are taking the issue seriously, it’s high time for the Canadian government to set regulations that not only prohibit greenwashing on all products and services but are also enforced effectively.



*Photo credit: Original photo by Hans-Petter Fjeldjavascript*

the present state of science renders the Department's science advice 'uncertain'. We would say, 'suitable for binning'.

Having found a conservation concern, the Minister applied the precautionary principle properly for perhaps the first time in the history of the Department: she acted to eliminate a threat of harm.

In addition to properly discharging her duties under the Fisheries Act to protect wild salmon from harm, the Minister was also armed with over 50,000 letters of public support (thank you!) that would assist her to address the social and economic consequences of her decision. She could weigh the inevitable loss of economic activity and some 200 jobs against the overwhelming (75%) public support for the removal of salmon farms.

Minister Murray also consulted extensively with First Nations throughout the Province, recognizing that Indigenous rights to wild salmon throughout the Fraser River system, as well as in territories local to the farms, are impacted by salmon farming. She sat down with environmental organizations, citizens' groups, industry and local governments to hear their concerns. The Minister provided an outline of her concerns to industry, indicating clearly her intent to consider social, economic and scientific information in making her final decision.

We haven't yet seen the official record of Minister Murray's decision and it will be that document on which the Court bases its review of the decision. We do know (because we told her) that the Minister was alive to the potential for her Department to present her with an inadequate record, the same way they did with her predecessor: leaving out all of the latest information about sea lice outbreaks, bacteria like *Tenacibaculum maritimum* and viruses like PRV, all of which have been associated with poor

returns of wild Pacific salmon and all of which are amplified in the Discovery Islands by salmon farms.

Against what appears to us to be a textbook case of proper discharge of her authority under the Fisheries Act, the industry complains in its court documents about inadequate consultation: to wit, the failure of the Minister to meet with each of them one-on-one, as opposed to the group meetings that were conducted. They say she failed to tell them what science she was reading (spoiler alert: it's the same science on which the industry was fully briefed by the Aquaculture Management Directorate, which then failed to pass on the same briefing to Minister Jordan). They complain that their plans to reintroduce farmed salmon to the Discovery Islands were not specifically addressed in the Minister's decision and that there is no justification for closing down these particular farms before the long-awaited Transition Plan for the entire industry is completed.

It will be up to the Court, of course, to evaluate these claims. For the moment, let us just observe that a personal interview with a Minister of the Federal Crown has never before been adjudged to be a requirement of procedural fairness for the issuance of a discretionary licence. We doubt that a Minister is obliged to single out and comment upon an applicant's preferred approach to obtaining and using a licence.

Finally, as to the need to address salmon farms in the Discovery Islands quickly and decisively: Fraser River sockeye salmon once numbered 30-40 million annually. Now, the returns are numbered in the low hundreds of thousands, with many of the discrete populations of the Fraser endangered or threatened. All of these remaining fish pass through the Discovery Islands on their migration. What remains of the genetic diversity of these fish is essential to their ability to withstand the myriad other pressures on

their habitat. We can't afford to allow any manageable impact on their survival to continue.



Photo credit: Steve Hillebrand

## Stop Funding Overfishing

In June 2022, World Trade Organization (WTO) members reached an historic agreement to cut billions of dollars in harmful fisheries subsidies that promote overfishing. That was a great first step, but the agreement requires two-thirds of the members to sign on for it to take effect. Until recently, only a handful of smaller countries had signed on. On April 12, 2023, the United States became the first major fishing nation to ratify the deal. We're hoping you will lend your voice to the effort to put pressure on Canada and governments around the world to do the same.

The Food and Agriculture Organization of the United Nations (FAO) long-term monitoring of assessed marine fishery stocks confirms that marine fishery resources continue to decline.

Make sure that WTO members continue to prioritize this critical issue for the health of our oceans, the wildlife and people who depend on it. Join [#StopFundingOverfishing](https://stopfundingoverfishing.com/#jtc) [stopfundingoverfishing.com/#jtc](https://stopfundingoverfishing.com/#jtc)



## Clear the Coast is Back Again



We are ramping up our Clear the Coast campaign for this year. Through this initiative we work to protect sensitive foreshore, recovering habitat polluted by ocean plastics and other marine debris.

With the help of volunteers, partners, and pure grit, we're hoping to collect at least 15 tonnes of debris this year and looking forward to taking on the challenges that come with such a large operation.

If you are passionate about healthy communities and healthy oceans, you

can support our efforts to remove marine debris from sensitive habitat on Vancouver Island's northwest coast.

**Consider supporting our Clear the Coast campaign through a monthly or one-time donation. [livingoceans.org/donate](https://livingoceans.org/donate)**

Maybe you would rather give the gift of your time. If you are interested in volunteering or supporting the campaign with in-kind donations email us at [info@livingoceans.org](mailto:info@livingoceans.org).

You can find out more about the Clear the Coast initiative by visiting our website [livingoceans.org/initiatives/clear-the-coast](https://livingoceans.org/initiatives/clear-the-coast)



First Place, Coastal Wildlife. Photographer: Anthony Bucci



Second Place, Coastal Wildlife. Photographer: Heather Baskey



Third Place, Coastal Wildlife. Photographer: Zach Qiu

## Ocean Exposure Contest Opens This Summer

Every year, we invite the public to be creative and share their favorite ocean photos with us. Start collecting those amazing shots for the 2023 Ocean Exposure contest. You don't have to be a professional. Just send us your best pics.

When you share your photos through this contest you allow the Living Oceans Society to showcase the wondrous beauty of the ocean as we advocate for its protection.

Please make sure that while you are snapping your photos, you stay safe and

make sure to minimize your impact on the nature and wildlife around you.

The contest is scheduled to open in the summer and close September 30, 2023. More information will be available when we launch the contest, but the categories will remain the same as last year:

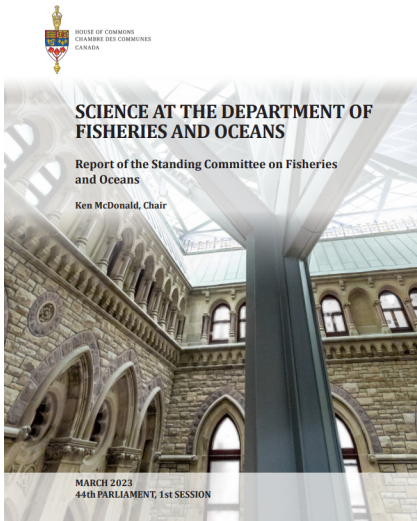
- Below the Surface (photos taken under water)
- Work and Play on the Ocean (people interacting with the ocean)
- Coastal Wildlife (wildlife near the coast)

As always, you'll get to vote for your favourite photo "Sea Huggers Choice".

We'll announce our judge and contest prizes when we open the submissions.

For inspiration, take a look at the fabulous winning photos from last year. [livingoceans.org/media/news/2022-ocean-exposures-photo-contest-winners](https://livingoceans.org/media/news/2022-ocean-exposures-photo-contest-winners)

# Out-Standing Committee Report!



It looks like the gloves are finally off in the fight to reform the Department of Fisheries and Oceans' management of science in general and aquaculture in particular. If you find the analogy to the boxing ring a bit over-the-top, you haven't read the latest report from the House Standing Committee on Fisheries and Oceans.

We can hear your eyes rolling. Yes, there have been dozens of critical reports written about the Department's science and little has changed. Yes, the Parliamentary Library is filled with Standing Committee reports that never served for more than some partisan point-scoring. But this one is different.

The Committee, known as FOPO, tabled its report titled "Science at the Department of Fisheries and Oceans" in Parliament in March after hearing from 57 witnesses including Department scientists, managers, First Nations, fishing organizations and conservation groups. Unsurprisingly, many of these witnesses provided detailed examples of science misrepresented, suppressed or defunded by the Department.

The evidence disclosed that, while some good science is being done within the Department by highly competent scientists, their results are being 'massaged' to meet management objectives before being reported to the Minister. It also pointed the finger at aquaculture science itself, alleging deliberate suppression and falsification of findings.

There were numerous reflections on the east coast cod fishery collapse, widely attributed to the chronic failure of DFO to allow science to inform its management. There were outraged scientists, who had seen their own conclusions altered by DFO to suit management objectives. And there were plenty of observations that the Department's science advice process fails to adhere to internationally accepted norms of scientific integrity, such as peer review, transparency and open access to data.

This, we all knew; but it is refreshing to see it all set out in print, together with detailed recommendations for change. It is in the recommendations themselves that we see something new and different: this Committee is demanding independent investigation and responses to the House of Commons on a wide variety of alleged malfeasance.

Normally, Committee reports are tabled and the Ministries to which recommendations are addressed make some form of response, which may accept or reject a recommendation or (more often) glibly claim to have dealt with the problem. This report asks "the Government of Canada" to task the Chief Science Advisor with a number of audits going to the ethics and integrity of the

science advice process and to report on that audit to Parliament by 2024—in other words, taking its enquiries out of the hands of the Department and injecting some objectivity.

A great deal of the report concerns DFO's under-funding of the ocean sciences division, as compared with fisheries and aquaculture. FOPO demands an audit and annual disclosure of the number of fish stocks assessed each year, as a means of ensuring that field work is reinstated; and recommends prioritizing "regular and thorough stock assessments on all three coasts". It asks for legislation to require a science-based fisheries management framework and public disclosure of reasons for fisheries decisions.

When it comes to aquaculture science, the Committee had a laser focus on the so-called 'risk assessments' that formed the basis of the Department's advice to Minister Jordan that salmon farms posed no more than a minimal risk to wild sockeye: citing "the suppression of ...research that could have had a material impact on the overall risk assessment", Recommendation 45 asks for an independent audit of the entire process surrounding the Discovery Islands risk assessments, as well as of the "accuracy and decision-informing value" of the science advice given.

The first among the many audit reports required by the Committee is due June 9, 2023 and should be interesting: FOPO has asked for an independent audit of how DFO responded to the 2018 Report of the Independent Expert Panel on Aquaculture Science, which itself made sweeping recommendations for improvement. There is certainly no public evidence that anything has changed!

The full FOPO report: [ourcommons.ca/DocumentViewer/en/44-1/FOPO/report-8/](https://ourcommons.ca/DocumentViewer/en/44-1/FOPO/report-8/)



# The Ship has Reached the Shore

The United Nations has been labouring over a treaty to protect the ocean beyond areas of national jurisdiction for nearly twenty years. In March, 2023, it finally achieved agreement on the text. In order for the treaty to come into force, at least 60 countries must ratify it. Canada is one of over 100 nations that joined the High Ambition Coalition for Nature and People, whose members pushed for this treaty as a key component of the '30 x 30' commitment to protect 30% of the world's land and ocean by 2030. In order for Canada to ratify the treaty, we have to incorporate it in domestic law.

The Treaty almost didn't happen. The main sticking point in the negotiation was equity: who gets to decide what happens on the high seas and who benefits from economic activity there. Access to marine genetic resources, to participation in research and in setting the standards for commercial activity in the ocean all had to be ironed out before the text was finalized. Delegates worked literally around the clock for days, overshooting their deadline for an agreement by fully a day before the floor erupted into "cheers and a standing ovation", according to [a report in The Guardian](#).

As you might expect of a vast, lawless area of our planet, there's a lot going on out on

the high seas that we want to see stopped. Unregulated fishing, leading to overfishing of species like sharks and exploitative labour practices, is high on that list. The push for seabed mining has driven new concerns for making some ocean areas off limits to extractive industries. This treaty will enable a framework of rules, protected areas and enforcement mechanisms to protect the high seas. It will provide co-ordination among the patchwork of multilateral agreements that currently try to manage particular species and instead, enable a more holistic approach to our relationship with 60% of the planet.

The prospect of protecting large swaths of ocean habitat in areas off limits to extractive industries is perhaps the most attractive aspect of the treaty, making the 30 x 30 goal attainable—if the member nations proceed at top speed to ratify and implement the treaty.

Properly implemented, the High Seas Treaty has the potential to increase the ocean's resilience to climate change and to protect habitats and species. This will enure to the benefit of billions of people around the world who depend directly on a healthy ocean for their sustenance or livelihood. Large protected areas could also contribute on a planetary scale to efforts to control atmospheric carbon.

## Sinking to New Depths

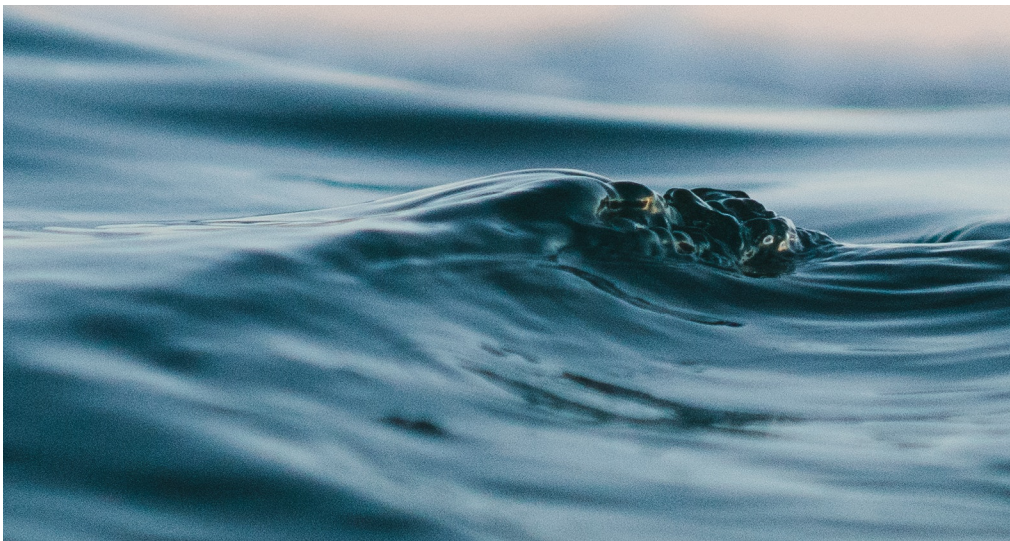
Canada is among the members of the International Seabed Authority (ISA) - in charge of who can explore and, eventually mine, the deep ocean floor.

It's already given out 31 contracts to explore the deep sea for minerals. The countdown for the ISA to adopt its first set of exploitation regulations for deep-seabed mining could result in the green light for deep-seabed mining this year.

As mining companies explore exploitation options, there is growing concern over how much damage deep-sea mining could cause to the overall environment and the ocean in particular.

Scientists fear the introduction of toxic metals into marine food networks, destruction of deep-sea habitats, and waste dispersal over long distances will have adverse and long-lasting effects on fisheries and delicate ecosystems like coral reefs. With potential to smother ocean life and wreak havoc on the blue economy it is vital that no deep-sea mining is permitted until enough information is available to understand the effects of such an undertaking.

Canada has issued a domestic moratorium on deep-sea mining but stopped short of demanding a global ban. Our technological progress should not be to the detriment of ocean health. Call for Canada to join the states demanding a moratorium and sign the recent petition to stop deep-sea mining to [#DefendTheDeep](#). [only.one/act/mining](#)



# Climate Solution Engineering

It seems the predicted fate of the ocean grows worse with each passing day. It is acidifying faster and holding more heat than previously calculated; its currents are slowing and changing habitats in myriad ways and places. Despite warnings from the Intergovernmental Panel on Climate Change (IPCC), global greenhouse gas emissions have continued to increase. Proponents of geoengineering are increasingly clamouring for the go-ahead to unleash unprecedented experiments in climate engineering with virtually incalculable results.

Geoengineering is the controversial science of manipulating the climate for the stated purpose of fighting man-made climate change. Schemes like ocean fertilization, intended to increase the production of phytoplanktons that absorb CO<sub>2</sub>, have been shown to have extremely limited beneficial effects and deplete essential nutrients. Geoengineers have proposed experiments on land, sea

and in the atmosphere, none of which are supported by robust scientific evidence. Once begun, such experiments would likely be irreversible.

The United Nations Convention on Biological Diversity (CBD) addresses geoengineering on an ongoing basis and to date, has the unanimous consent of its 110 member countries to prohibit such experiments on the grounds that the potential impacts to biological diversity are incalculable and probably irreversible. Yet it keeps coming up on the agenda.

Solar geoengineering is particularly popular with those who would deflect attention from the urgent need to decarbonize. Recently, when an unauthorized U.S. startup company engineered a small scale solar experiment on Mexican soil, the government responded by announcing that it would take all necessary steps to enforce the moratorium and to adhere to the precautionary principle under

international law. The Secretariat stated, “there are enough studies that show that there would be negative and unequal impacts associated with the release of these aerosols, which cause meteorological imbalances such as winds and torrential rains, as well as droughts in tropical areas; in addition to generating impacts on the thinning of the planet’s ozone layer”.

Hundreds of leading scientists from over 50 countries are calling for an International Non-Use Agreement ([solargeoeng.org/](http://solargeoeng.org/)) that would prohibit governments from supporting the development of solar geoengineering technologies and ban all outdoor experiments, patenting, and deployment. Will you add your voice to the call? Visit [solargeoeng.org/take-action/](http://solargeoeng.org/take-action/)



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**By cheque or credit card:** please fill out this form. Cheques must be payable to CANADIAN COASTAL RESEARCH SOCIETY. Please note: Monthly donors receive annual tax receipts.

**3. Online:** You can donate directly to Living Oceans or to the Canadian Coastal Research Society using your credit card or Paypal on our web site.

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[livingoceans.org/donate](http://livingoceans.org/donate)