

[Global Alliance Against Industrial Aquaculture](#), 6th September 2016

Five-Year Stay of Execution for Scottish Salmon's Serial Seal Killers - U.S. outlaws killing of marine mammals by 2022

Despite [sceptical media reports](#), a new U.S. rule [published](#) last month [explicitly states](#) that salmon farms must stop killing seals in order to export to the lucrative U.S. market [1]. Scottish salmon - the [UK's #1 food export](#) - now risks being banned from the [£200 million per year U.S. market](#) over Scotland's [ongoing seal slaughter](#) which [exceeds 1,500 dead seals since 2011](#). Importing countries will have a [five-year interim exemption period](#) (starting on 1 January 2017) to implement a regulatory program that "[prohibits the intentional killing or serious injury of marine mammals in all fisheries](#)".

"Scottish salmon farmers must bite the bullet and stop shooting seals or go bankrupt losing over £200 million per year in exports," said Don Staniford, Director of the [Global Alliance Against Industrial Aquaculture](#). "Scotland's serial seal killers have been served notice and should hang their heads in shame on death row until 2022. Consumers around the world should immediately boycott farmed salmon sourced from lethal salmon farms. Cheap and nasty farmed salmon - to steal Donald Trump's catchphrase on The Apprentice - you're fired!"



"The regulatory definition of a commercial fishing operation includes aquaculture, and National Marine Fisheries Service will classify foreign aquaculture operations considering both intentional and incidental mortality and serious injury according to the requirements of this rule," [stated the U.S. Federal Register](#) on 15 August 2016. "When making comparability finding determinations for farmed salmon imports, the National Marine Fisheries Service will evaluate measures to reduce interactions, prohibit intentional, and reduce incidental mortality and serious injury of marine mammals in foreign aquaculture operations as compared to the U.S. standards for aquaculture facilities (*e.g.*, use of predator nets and the prohibition on intentional killing).

Read the new U.S. rule in full via [Fish and Fish Product Import Provisions of the Marine Mammal Protection Act](#)

The U.S. is the largest export market for Scottish farmed salmon accounting for [30,000 tonnes in 2015](#) at [a value of £215 million in 2014](#). With 186,508 tonnes of Scottish farmed [forecast to be produced in 2015](#) that means one in six or 16% of Scottish farmed salmon is

exported to the U.S. Farmed salmon is the largest food export from Scotland, accounting for around [40% of total value and in 2014 it also topped the list of UK food exports](#).

"The new U.S. rule is a body blow for Scottish salmon which is shamefully drenched in the blood of dozens of dead seals," said Staniford. "In the spirit of the US/UK's 'special relationship', perhaps Scotland's lethal [marksmen](#) could be re-deployed on the new Mexican wall or on one of Trump's Scottish golf courses to [deter ramblers](#)?"

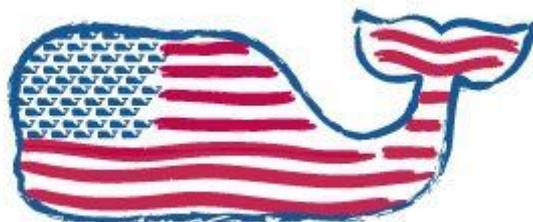
WARNING: GRAPHIC CONTENT

Scroll down for video



This is the moment that two seals were legally shot off the coast of Scotland close to two salmon nets

Meanwhile along the West Coast of Scotland there are unconfirmed reports of seals and whales ([a humpback whale was killed in a salmon farm off the Isle of Mull in 2014](#)) leaping for joy and singing the Star-Spangled Banner.



In Shetland and Orkney, hotspots for seal killing, tourists spotted seals waving the American flag. And in British Columbia (where [15 California Sea Lions were killed at a Cermaq-operated salmon farm in the Clayoquot Sound UNESCO Biosphere Reserve between October and December 2015](#)) sea lions were caught doing a Happy Feet dance.



"The 1st January 2022 is a date for all marine mammals to put in their diaries," concluded Staniford. "Marine mammals around the world voice a seal of approval to their very own Independence Day."



Scotland is not the only country killing marine mammals deliberately. For example, official figures [published by the Canadian Government](#) for Q4 2015 (October-December) reveal that 15 sea lions and 2 seals were killed at just two salmon farms in British Columbia:

 AQUACULTURE MANAGEMENT <small>Ensuring Sustainable Fisheries</small>		Authorized Marine Mammal Control Activities October-December, 2015				
Facility Reference Number	Licence Holder	Site Common Name	DFO Pacific Fishery Management Area	Marine Mammal Species		
				Harbour Seal	California Sea Lion	*Other
1148	Cermaq	Binns	24		15	
728	Cermaq	Sir Edmund Bay	12	2		
Total:				2	15	0

GAAIA's [letter to the U.S. Department of Commerce of August 2015](#) also detailed other fatalities at salmon farms in Chile, Australia, New Zealand as well as Canada:

"In addition to the killing of seals in Scotland, there are ongoing kills in Canada, Chile, New Zealand and Australia for example. In Australia, seals have been killed on salmon farms in Tasmania (read more via "[Tasmania's salmon trade casts deadly net](#)"). Environment Tasmania [report](#) that: "As of June 2013, at least 144 protected seals have died as a result of fish farming in just four years". The Tasmanian Times [reported](#) in July 2015: "the Tasmanian Government seal management strategy has resulted in normally protected seals being deliberately killed with Government approval".

In New Zealand, dolphins and seals have been recently been reported killed in salmon farms in the Marlborough Sounds (read more via "[Dolphins die on NZ King Salmon farms](#)"). In Chile, a photo of salmon farmers killing a sea lion attracted the [condemnation of both the Chilean Government and salmon farming industry](#) itself in July 2015. Sernapesca filed a formal complaint for animal abuse following the identification of the salmon farming company responsible (read more via "[Sernapesca files formal complaint over salmon farm workers' animal abuse](#)"). In Canada, data on mortalities at salmon farms in British Columbia is routinely [published online](#)."

Read more via:

- "[Campaigners claim new NOAA rules could see Scottish salmon banned from US](#)"
- "[U.S. ban for lethal Scottish salmon- £200 million in exports killed off by seal slaughter](#)"
- "[End the slaughter of seals in Scotland now](#)"
- "[Charity makes plea to end seal shooting in Scotland](#)"

Notes to Editors:

[1] The Federal Register's [Fish and Fish Product Import Provisions of the Marine Mammal Protection Act](#) (15 August 2016) states under '[Petition to Ban Imports](#)':

Additionally, on October 5, 2011, and on March 13, 2012, NMFS received correspondence from 21 animal rights and animal welfare organizations and Save Our Seals Fund, respectively, urging it to take action to ban the importation of Canadian and Scottish aquaculture farmed salmon into the United States due to the intentional killing of seals asserting such lethal deterrence is subject to the importation ban under the MMPA sections 101(a)(2) and 102(c)(3) for international fisheries. NMFS decided that the proposed rule would be broader in scope than the 2008 petition. In particular, NMFS decided that it would be not limited in application to swordfish fisheries and would cover intentional, as well as incidental, killing and serious injury of marine mammals.

Read correspondence [online here](#)

Under '[Aquaculture](#)' it states:

Aquaculture

Comment 12: Numerous commenters supported inclusion of aquaculture operations under the rule. The Marine Mammal Commission recommended that foreign aquaculture operations should be subject to the import provisions under the MMPA recognizing that aquaculture operations interact with marine mammals in ways that can result in intentional or incidental mortality or serious injury. Additionally, several commenters called for an immediate investigation into lethal practices (*e.g.* intentional shooting of depredating seals) by the global salmon aquaculture industry, while others recommended an immediate import prohibition of salmon harvested by aquaculture operations that engage in such practices, stating it was a violation of the MMPA to import the product.

Response: The regulatory definition of a commercial fishing operation includes aquaculture, and NMFS will classify foreign aquaculture operations considering both intentional and incidental mortality and serious injury according to the requirements of this rule. When making comparability finding determinations for farmed salmon imports, NMFS will evaluate measures to reduce interactions, prohibit intentional, and reduce incidental mortality and serious injury of marine mammals in foreign aquaculture operations as compared to the U.S. standards for aquaculture facilities (*e.g.*, use of predator nets and the prohibition on intentional killing).

NOAA's factsheet "[Seafood Import Provisions under the Marine Mammal Protection Act](#)" includes:

Seafood Import Provisions under the Marine Mammal Protection Act

Background

Purpose:

The Marine Mammal Protection Act (MMPA) includes provisions to reduce marine mammal bycatch associated with fisheries that supply imports to the United States. Specifically, the MMPA requires that the United States ban imports of commercial fish or fish products caught in commercial fisheries resulting in the accidental killing or serious injury (bycatch) of marine mammals in excess of United States standards. NOAA has published a final rule containing regulation implementing these MMPA import provisions. These regulations establish conditions for evaluating a harvesting nation's regulatory program for reducing marine mammal incidental mortality and serious injury in fisheries that export fish and fish products to the United States. To import fish and fish products into the United States under this regulation, harvesting nations must apply for and receive a comparability finding. To receive a comparability finding nations exporting fish and fish products to the United States must demonstrate they have a regulatory program for reducing marine mammal incidental mortality and serious injury that is comparable in effectiveness to U.S. standards. To comply with U.S. standards, harvesting nations must implement a regulatory program that:

- Prohibits the intentional killing or serious injury of marine mammals in all fisheries; and
- Assesses marine mammal stocks, estimates bycatch, calculates bycatch limits, and reduces total bycatch below the bycatch limit for fisheries that have interactions with marine mammals and export fish and fish products to the U.S. ("Export Fisheries"); or
- Implements alternative measures for those fisheries.

A five-year exemption period has been provided to allow foreign harvesting nations time to develop, as appropriate, regulatory programs comparable in effectiveness to U.S. programs. During this time, NOAA will identify fisheries that have interactions with marine mammals and export fish and fish products to the U.S. and NOAA will consult with harvesting nations with such fisheries to gather information about their marine mammal bycatch.

[2] A [legal opinion secured by the National Environmental Trust in 2005](#) (following the [slaughter of seals by Marine Harvest Scotland](#)) first raised the issue of a U.S. ban on imports of farmed salmon sourced from seal-killing salmon farms:

Under this legislative history, the shooting of seals at salmon farm net pens is clearly prohibited. Not only does the MMPA itself prohibit lethal take of this nature, but the Secretary has taken regulatory action to "proscribe" this activity.

As this analysis makes clear, the MMPA provides a strong and directly applicable legal tool to address this problem. Fish caught from the salmon farms operated by companies in foreign countries that engage in lethal deterrence is subject to the importation ban of section 102(c)(3). In addition to the clear prohibition against importation of fish from salmon farms where seals are shot under section 102(c)(3), it is possible that this activity may fall within the scope of section 101(a)(2) of the MMPA and the related import restrictions. This is a question that would require further analysis. We would be happy to consult with you further on this issue.

US to block seal cull farm salmon

EXCLUSIVE

By **Meg Milne**

US Government officials are set to ban the import of Scottish salmon from fish farms where seals are shot.

The move follows Scottish Sunday Express revelations that seals are being slaughtered in the sea around Skye.

A secret cull is being carried out by marksmen for a multi-million-pound salmon giant in a bid to protect their fish stocks.

Yesterday it was revealed government lawyers in Washington are studying a legal opinion warning that under the US Marine Mammal Protection Act it is illegal to sell fish produced on farms that shoot seals.

Amsterdam-based Marine Harvest, which predicts an annu-



SEAL CULL: The animals are being shot to protect fish farms

al turnover of one billion euros this year, ordered the cull after losing around 3,000 fish.

Marine Harvest, part of the giant Nutreco multi-national, which employs 6,000 people in eight countries, insist seals have must be shot to stop them attacking salmon at their Hebrides fish farm.

Yesterday, Don Staniford, the European co-ordinator of Pure

Salmon, a fish-farming pressure group, applauded the American move.

Mr Staniford said: "Either the company stops killing seals or they potentially lose access to one of the world's largest farmed salmon markets."

"The simple solution to the problem - as well as escapes, waste pollution and discharges - is to enclose the cages."

On Friday, Mr Staniford attended a Nutreco meeting in Amsterdam and presented a dossier of our revelations to the company's board.

Nutreco bosses were also given a copy of the legal opinion warning of US prohibition on the importation of salmon from their fish farm.

The controversial cull, to the west of Sron an Tairbh at Loch Alsh, has been condemned by campaigners demanding seals are given more protection.

Local businessman Nigel Smith, who runs a local wildlife tourist business, photographed some of the dead animals.

Mr Smith said: "When I went past with a boat load of tourists, all they could see was carcasses rotting on the beach."

Marine Harvest insist they only shoot seals "as a last resort".

In 2012, NOAA confirmed in a [letter to Save Our Seals Fund](#) that commercial fishing operations "includes aquaculture farms":

The MMPA prohibits the intentional killing of marine mammals in commercial fishing operations, which includes aquaculture farms. Specifically, section 101(a)(2) of the MMPA (16 U.S.C. 1371(a)(2)) states that "[t]he Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards..." Section 102 (c)(3) states that it is unlawful to import into the United States "... any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish."

In 2010, NOAA's National Marine Fisheries Service published in the *Federal Register* an advance notice of proposed rulemaking (ANPR; <http://edocket.access.gpo.gov/2010/pdf/2010-10158.pdf>) announcing that we were developing a proposed rule to establish the standards that would determine which commercial fish products would be eligible for importation and deemed in compliance with these import provisions of the MMPA. This rulemaking would define the "United States standards" referred to in MMPA section 101(a)(2), along with any associated criteria by which the United States would assess foreign fisheries that supply fish and fish product imports to the United States. The rule also would describe procedures for ensuring the established standards and their associated criteria are met, as well as procedures for developing recommendations regarding import prohibitions if those standards and associated criteria are not met.

In 2012, The Sunday Express [reported](#):

Picture: JOHN GILES/PA

NEWS

SUNDAY EXPRESS July 1, 2012 21

Fish ban call over seal culls



ANIMAL rights groups have called for a ban on Scottish salmon after new figures revealed that fish farms killed more than 300 seals in just one year. Campaigners say retailers have "blood on their hands" after the shocking extent of the legal cull was revealed after a Freedom of Information request. The data, supplied by Marine Scotland, showed hundreds of the mammals were destroyed over the 12 months to April. And now the activists are compiling a "name and shame" list of the firms, which "murder" seals "wholly unnecessarily". The Global Alliance Against Industrial Aquaculture (GAAIA) and the Save Our

By Paula Murray

Seals Fund (SOSF) repeated the plea to ban salmon imports while asking supermarkets to stop sourcing "seal-unfriendly" fish. Don Staniford, of the GAALA, said: "Scotland's seal killers should hang their heads in shame and hang up their guns. Supermarkets such as Sainsbury's and Tesco, which condone the killing of seals by selling seal-unfriendly farmed salmon have blood on their hands." The SOSF Scotland has approached the US Department of Commerce to use existing legislation to ban the import of

Scottish farmed salmon until they install seal exclusion nets. According to the groups, only a fifth of the country's fish farms use the predator nets, yet the law says the animals cannot be shot without a licence – and even then, destruction must be as a "last resort". But the Scottish Government insisted strict licensing means seals are given an "unprecedented level of protection". A spokeswoman said "few" animals target fish entering fisheries and nets, or attack farms, and added: "Licensing is necessary to control the removal of these seals, as a last-resort measure after any non-lethal alternatives have failed."

TARGETED: More than 300 seals have been killed in Scotland in the course of a year

[John Robins](#), Secretary of [Save Our Seals Fund](#) in Scotland, [said](#): "We have asked the US Department of Commerce to use existing US marine mammal protection laws to ban the import of salmon from Scottish floating factory fish farms. I hope the US Government can force Scottish salmon farmers to install seal exclusion nets, something the Scottish Government and the RSPCA have disgracefully failed to do. When you buy Scottish farmed salmon, even RSPCA-endorsed Scottish farmed salmon, you pay for bullets to shoot seals."

The Sunday Herald [reported](#) in September 2016:

Huyton pointed out that the US National Oceanic and Atmospheric Administration had last month agreed new rules to limit the import of fish. To comply with US standards, nations that want to sell to the US must have a programme that "prohibits the intentional killing or serious injury of marine mammals in all fisheries".

As Scotland officially licences the shooting of seals it was hard to see how it could comply, Huyton argued. The US is the top market for Scottish salmon, with exports of 41,000 tonnes worth over £213m in 2014.

Continued seal killing would damage Scotland's image abroad, he warned. "With the world now watching, inaction is simply not an option if Scotland's reputation as a country that respects and celebrates its wildlife is to be preserved."

Sarah Dolman, senior policy manager of Whale and Dolphin Conservation, described seal shooting as "Scotland's bloody marine secret". It was "proven to be cruel and it is unnecessary," she said. "The Scottish government should stop this inhumane activity."

Don Staniford, an anti-fish farming campaigner from the Global Alliance Against Industrial Aquaculture, called on fish farmers to install anti-predator nets around salmon cages, rather than reaching for guns. "Scottish salmon is shamefully drenched in the blood of dead seals," he said.

The US was likely to erect trade barriers to keep out Scottish salmon, he warned. "Instead of shooting themselves in the wallet, Scottish salmon farmers should hang up their guns and stop killing seals."

The fish farming industry pointed out that it was the only fisheries sector that was now promising to reduce the number of seals shot to zero. "The Scottish salmon farming industry takes very seriously its responsibility to animal welfare," said the chief executive of Scottish Salmon Producers' Organisation, Scott Landsburgh.

"It is our ambition to have enough techniques throughout the whole industry to avoid the need to shoot seals. In other words, it is our clear intention to reduce the number of seals shot to zero."

The industry was looking at the potential impact of the new US rules, Landsburgh added. "Unlike us, it should be noted there are other sectors within Scotland shooting seals that don't appear to have a public commitment to getting to zero."

Neither the Salmon Net Fishing Association of Scotland nor the Association of Salmon Fishery Boards responded to requests to comment. Between 2011 and 2014, 54 per cent of seals were shot by netting stations and river fisheries, and 46 per cent by fish farms.

Read more via "[End the slaughter of seals in Scotland now](#)" (The Sunday Herald, 4 September 2016)

Please note however that the statement above by the Scottish Salmon Producers' Organisation regarding "getting to zero" is misleading at best. In fact, the killing of seals at salmon farms in Scotland is increasing not decreasing with 80 seals killed in [2014](#) compared to 95 in [2015](#). Moreover, of the 24 seals reported killed thus far in 2016 (only Q1 data is [available online](#)) all but one were killed by salmon farms.

The Herald [reported](#) in October 2015:

Protests planned as number of seals killed in Scots salmon farms rises by 20 per cent



Protest as number of seals killed in Scots salmon farming rises

30 Oct 2015 / Martin Williams, Senior News Reporter / [@MWilliamsHT](#)



ANIMAL rights protesters are calling for a boycott of Scottish salmon as new figures show that the number of seals killed for salmon farming in the first half of the year has risen by 20 per cent.

Since [official Government figures](#) were disclosed in 2011, over 750 seals have been killed at Scottish salmon farms (read more via "[Mapped: every Scottish salmon farm that shot seals](#)") with over 800 killed by river fisheries and netting stations. It is true that the number of seals killed by salmon farms in Scotland decreased between 2011 and 2014 (241 seals were killed by salmon farms in [2011](#); 208 dead seals in [2012](#); 105 dead seals in [2013](#); 80 dead seals in [2014](#)). However, [2015](#) shows an increase back up to 95 and 2016 is shaping up into another year approaching 100 seals killed by salmon farms (if Q1's figure of 23 dead seals is any indication at all).

Nor is the killing of seals by salmon farms an isolated incident practised by a few 'rogue' salmon farming. For example, for the first quarter of 2016 [official Government figures](#) show that salmon farmers have already killed 23 seals including 10 by [Scottish Sea Farms](#) (Bight of Bellister, Vidlin North, Slocka Ronas Voe, Shapinsay, Kishorn West and Loch Spelve), six by [Marine Harvest](#) (Eilean Grianain, Isle Ewe, Torridon, Greshornish, Maol Ban) and four by [Loch Duart](#) in the Sound of Harris. An [analysis of the data in October 2015](#) revealed that [Scottish Sea Farms](#) (who exclusively supply [Marks & Spencer](#)) were Scotland's worst serial killers with 150 dead seals followed by [Grieg Seafood Hjaltland](#) (136 seals killed), the [Scottish Salmon Company](#) (128 seals killed) and [Marine Harvest](#) (76 seals killed).

Read more via GAAIA's press releases:

["U.S. ban for lethal Scottish salmon- £200 million in exports killed off by seal slaughter"](#) (4 September 2016)

["Closing the Net On 'Seal-Friendly' Scottish Salmon"](#) (29 December 2015)

["Scottish Salmon Blinded by Seal Killing"](#) (29 November 2015)

["Stop Shooting Seals for Salmon Meals"](#) (30 October 2015)

["Cecil the Seal Killers Named & Shamed in Scotland - Call for Boycott of "Seal Unfriendly" Scottish Salmon"](#) (30 August 2015)

["VICTORY: Disclosure of Seal-Killing Salmon Farm Data Ordered by 21 August"](#) (7 July 2015)

["Scottish Salmon's Secret Seal Killers! - FOI refusal prompts call for boycott of farmed salmon"](#) (24 August 2014)

["Lethal Scottish Farmed Salmon: Serial Seal Killers Named & Shamed!"](#) (8 May 2013)

["Scottish Salmon's Seal Killers Named & Shamed!"](#) (2 December 2012)