



Fisheries and Oceans  
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October 3, 2019

Attn: Alexandra Morton  
Via email

Dear Ms. Morton;

We write to you today to thank you for your engagement with Fisheries and Oceans Canada on the Department's decision whether to test live fish for Piscine Orthoreovirus (PRV) prior to authorizing their transfer under section 56 of the *Fishery (General) Regulations* (FGR), and to inform you of DFO's decision on this matter. The Department has considered the points raised by yourself and 'Namgis representatives during the consultation, as well as the comprehensive materials you provided, and included your final submission as part of the decision note.

After thorough consideration and analysis, DFO has concluded that the transfer of wild fish infected with PRV-1a BC strain into the marine environment is consistent with section 56 of the FGR. Therefore, at this time, DFO will not require hatchery fish to be tested for this virus and will not refuse to issue a transfer licence should smolts be found to test positive for PRC-1a BC strain.

While this decision is based on best-available current information and science, there is active work, further engagement and advice expected and forthcoming, which will inform Department's approach to managing PRV in the coming months and beyond. This will include consideration of the advice and pending recommendations of the Fish Health Technical Working Group, which will provide an opportunity in the near term for DFO to revisit management approaches, including the PRV policy.

## Background

As you are aware, on February 4, 2019, the Federal Court directed the Minister of Fisheries and Oceans to reconsider the Department's PRV policy, which did not require testing for PRV when issuing transfer licences under section 56 of the FGR. The Court indicated that DFO should reconsider the interpretation of the applicable regulations, leaving it open to the Department to determine whether or not to maintain the policy. The Department was given four months for its reconsideration (June 4).

During those four months, the Department continued to advance its *Framework for Aquaculture Risk Management* (FARM) and developed a new interim decision-making framework based on the FARM, the *Risk-Based approach on the movement of live fish under section 56 of the Fishery (General) Regulations* (RBA). On June 4, 2019, DFO

released both frameworks and sought public feedback for 60 days. Additionally, all parties agreed to an extension of the reconsideration of the PRV policy for four months (until October 4), to allow additional time for meaningful consultations to take place.

### **The PRV policy decision**

DFO scientists and fisheries management experts have analyzed the PRV policy using the FARM and the RBA, which are both grounded in the precautionary approach, to evaluate the likelihood of exposure and potential impact to susceptible wild fish populations when considering the movement of live fish. Applying the precautionary approach through these frameworks gives DFO the tools to exercise caution when information is uncertain, and to avoid possible harm by intervening in advance of potential threats.

DFO completed two CSAS peer reviewed science assessments which looked both at PRV in general and with respect to risk associated with aquaculture activities. The Disease Agent Assessment (DAA) for the endemic strain of PRV (1a BC strain) was also completed. The DAA, an initial step in the RBA, assessed whether PRV has been shown to be associated with disease generally, or in Canada specifically; whether there is an association with farm level losses or mortality events; and whether PRV is likely to cause disease in wild fish populations. The DAA considered information from the two previous CSAS assessments, recent primary publications, and input received during consultations.

DFO reviewed information relating to wild fish and their potential exposure to, or infection with, PRV as a part of its science reviews. In considering the potential impacts on wild fish, DFO has consistently implemented a precautionary approach. DFO based risk assessments on salmonids, which appear to be the most susceptible wild fish; set risk tolerances based on the most vulnerable of the wild salmonid aggregates; explicitly incorporated uncertainty, both in the risk assessment determination, and through the analysis in the DAA; and incorporated conservative variables. Even within the most conservative risk matrix and accounting for any uncertainty associated with the evidence, DFO finds the preconditions set out in section 56 are satisfied.

DFO is also moving forward to implement two management measures, adapted partly in response to input from engagement with yourself and others, as part of DFO's commitment to the precautionary approach:

- DFO will screen fresh water hatcheries in B.C. for the presence of two specific strains of PRV – the non-native Icelandic and Norwegian strains; and
- DFO is investing resources to enhance monitoring for HSMI in farmed Atlantic salmon and jaundice syndrome in cultured Chinook.

Overall, DFO's decision is based on the best-available peer-reviewed science advice, as well as consultation and engagement with stakeholders and Indigenous peoples. Following a review of practices in other jurisdictions, DFO is of the view that this approach is consistent with international standards.

## **Consultation and Engagement**

From May to September, 2019 DFO made significant efforts to exchange information and enter into a dialogue with numerous interested parties on the science, management, and policy related to PRV. DFO meaningfully considered the concerns raised, and information provided by yourself and others. This information shaped and informed the recommendations developed for the decision-maker. DFO's ultimate assessment was that the level of residual risk was minimal and therefore met the requirements of section 56 of the FGR.

## **Next Steps**

The Department uses an adaptive management approach to aquaculture management. This approach allows for adjustments and improvements in the approach as new results or information becomes available. Through this approach, DFO will reconsider its PRV policy at any point that new information becomes available which might affect the Department's view of these issues.

In order to foster enhanced collaboration and dialogue, the Indigenous and Multi-stakeholder Advisory Body (IMAB) and three Technical Working Groups (TWGs) (Area Based Aquaculture Management, Alternative Production Technologies, and Fish Health) have been established and are working to provide advice to DFO in the coming months. One of the tasks of these groups is to make recommendations related to each area of expertise. We are pleased that you have agreed to sit as a member of both the Indigenous and Multi-Stakeholder Advisory Body and the Fish Health Technical Working Group.

Based on best available current information and science, Fisheries and Oceans Canada is confident in its assessment of PRV-1a BC strain, and is of the view that the measures undertaken will not only meet, but surpass, the obligations of the Department as set out under the FGR. DFO looks forward to receiving the recommendations of the TWGs and the IMAB which will inform new approaches to management of aquaculture in BC, build upon international best practices, and foster the continued application of the precautionary approach to help ensure that DFO continues to be a leader in the conservation of wild fish and the regulation of sustainable aquaculture.

Once again, thank you for your hard work and dedication related to the reconsideration of the PRV policy. We will be contacting you to discuss this issue further. We look forward to continuing to work with you in the future.

Sincerely,



Rebecca Reid  
Regional Director General  
Fisheries and Oceans Canada

cc. Kegan Pepper-Smith, Ecojustice