

January 15, 2021

Aquaculture Management Directorate
Fisheries and Oceans Canada
200 Kent Street (10th floor)
Ottawa ON K1A 0E6

Sent via email: AquacultureConsultations.XMAR@dfo-mpo.gc.ca

To Whom It May Concern;

RE: Discussion Paper- A Canadian Aquaculture Act

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA welcomes this opportunity to provide our perspective on the discussion paper from Fisheries and Oceans Canada (DFO) regarding the proposed Canadian Aquaculture Act ("the new Act"). Currently, the Canadian aquaculture industry is overseen by a combination of federal, provincial and local bodies, and is regulated by DFO through the federal *Fisheries Act*. However, the intent of the *Fisheries Act* is to manage and conserve wild fisheries and species, and is no longer applicable to modern aquaculture. OFA strongly supports the development of a federal legislation specific to aquatic farming. A modern and comprehensive legislative framework will support the sustainable growth and competitiveness of the sector.

Without the new Act, the number of departments involved to regulate the industry, federally and provincially, can be confusing and cumbersome to navigate, and create regulatory burden. OFA supports identifying one overarching body to regulate and support the sustainable growth of the aquaculture industry. Identifying a single department responsible for this industry will make for a

more efficient regulatory framework and support a responsible and sustainable aquaculture industry in Canada. OFA believes DFO is equipped to accomplish this task, and we look forward to working together in the future to ensure a sustainable aquaculture industry. OFA recommends the creation of a federal advisory agency, whose mandate would support the economic development of a thriving, sustainable and competitive aquaculture sector, while allowing DFO to retain its regulatory and constitutional responsibility.

The term “aquaculture” is currently not defined in the *Fisheries Act*. The definition of aquaculture needs to include the full scope of aquatic farming, including the farming of fish, mollusks, crustaceans, aquatic plants, shellfish and other aquatic organisms for commercial purposes. The definition should also reference the variety of conditions under which they are farmed, including water environments, human-made containers of water, or on/in/under the foreshore. Aquaculture is the practice of farming waters, and is a food-production practice which takes place with fish as private property, occurring in legally defined private spaces. OFA recommends that new legislation clearly designate aquaculture as a farming activity, consistent with federal and provincial legislation, including tax legislation. Aquatic farming should be clearly distinguished from wild-capture activities.

OFA would like to recommend that the proposed federal legislation clarify that the new Act applies to the farming of aquatic species. The *Fisheries Act* should not apply to those licensed under the new Act.

OFA supports respecting roles and responsibilities outlined in treaties and rights reconciliation arrangements, and establishing mechanisms to enable Indigenous participation in the aquaculture industry while respecting Indigenous rights and knowledge.

Clearly outlining and enabling forms of regulatory cooperation between governments, including Indigenous government bodies is critical in creating more clarity in the aquaculture sector. OFA advocates for collaborative approaches within government, and agrees with including all levels of government, Indigenous partners, and communities to align initiatives and reduce conflict.

Aquaculture must respect wild fish, fish habitat, and other users in the aquatic space. The new Act would include and potentially enhance the current environmental prohibitions found under the *Fisheries Act*. OFA recommends that the environmental protections specified in the new Act be made specific to the aquaculture sector and not be applied more broadly.

Current legislation prohibits the death of fish by means other than fishing, and the harmful alteration, disruption, or destruction of fish habitat. The *Fisheries Act* defines fish habitat as “water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life process...”. OFA is concerned that this definition may inadvertently capture open ditch drainage as well as irrigation systems such as those that exist in Niagara-on-the-Lake, Ontario. OFA strongly recommends that man-made infrastructures that were built to support agricultural activities, including aquacultural activities, not be considered fish habitat. OFA further recommends that the death of fish in these man-made, agriculturally-purposed infrastructures as a result of the normal operation and/or maintenance of these infrastructures not be prohibited.

OFA believes the new Act should support an environmentally, socially, and economically sustainable aquaculture sector. To realize the potential of this growing industry, a modern, updated, and sector-specific legislative framework is critical. OFA appreciates the opportunity to provide our perspective on the new Act.

Sincerely,



Peggy Brekveld
President

cc: Mary Robinson, President, Canadian Federation of Agriculture
Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
Ontario Aquaculture Association
OFA Board of Directors