

Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill

To: Primary Production Select Committee

*Submission on behalf of **Animals Aotearoa***

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Introductory Comments

Animals Aotearoa is a registered charity, whose mission is to end the suffering of farmed animals. While our primary focus is the welfare issues resulting from current practices in farming of chickens for meat, we work towards improved welfare standards for all farmed animals, and note the implicit similarities between intensive chicken farming and marine farming environments.

We would like to thank the Primary Production Committee for the opportunity to comment on the proposed Bill.

Animals Aotearoa would like to express strong opposition to the proposed Bill, and believe it should be rejected in its entirety in favour of the current permit consent process. However, if the Government feels strongly that a 'blanket' extension is needed, we recommend that it be for only five years with a commitment to use those five years to review the animal welfare and environmental concerns of fish farming, and a commitment to avoid 'blanket' extensions in future.

As an organisation, we are opposed to the farming of fishes on animal welfare grounds, though strive for improvements in farming practices while these industries exist.

Our concerns with the proposed Bill extend beyond animal welfare to damaging effects on the environment, impact on the mana whenua of the affected lands and waters, implications on locals and councils, and that the process has been undemocratic.

We would like to acknowledge the significance of the proposed twenty year extension of current consents, some of which were previously extended in 2004.¹ The farms under these consents are using farming methods that have never been reviewed by the National Animal Welfare Advisory Committee (NAWAC), and with this current Bill, are now posed to continue without proper redress.

Given the potential effects on animals recognised as sentient under the *Animal Welfare Act 1999* (Animal Welfare Act), it is concerning that we and other animal welfare and environmental advocates have had only ten days to compile our submissions.

Our submission will detail the major reasoning behind our opposition to the proposed Bill.

In summary, our submission will cover:

1. Animal welfare concerns and acknowledgement of sentience
 - a. Nutrition
 - b. Environment
 - c. Health
 - d. Behaviour
 - e. Mental state
2. Environmental concerns
 - a. Pollution
 - b. Habitat destruction
 - c. Animal escape
 - d. Climate change and a dynamic environment
 - e. International reputation
3. Democratic and fairness concerns
4. Recommendations
5. Conclusion

1. Animal welfare concerns and acknowledgement of sentience

While often referred to only in terms of biomass production,² each animal farmed in New Zealand aquaculture is an individual who deserves due consideration to the life they experience in the marine farm system. Over 100 billion aquatic animals are farmed globally per annum,² and this drastic number carries with it the capacity for undue suffering on a massive scale, due to the scope of the industry, the lack of

acknowledgement of individuals in aquaculture, and inherent issues in the farming environment.

The Animal Welfare Act acknowledges fishes as sentient;³ that is, individual animals who are capable of experiencing both positive and negative affective states, who have emotions, and are deserving of recognition of their interests in their own right. It also sets out a requirement for any person responsible for animals to ensure that their physical, health, and behavioural needs are met.

The current marine farming practices to which farmed fishes and other marine animals are subjected do not provide individuals with a “life worth living”, due to marked restrictions placed on their physiology, denial of natural instincts and behaviours, and confinement in an artificial social environment. Given the increasing acceptance of these inherent issues and value the community places on animal welfare and sentience here in New Zealand and globally, allowing current marine farming practices to continue unchecked for an additional 20 years is unacceptable, and risks New Zealand falling behind contemporary animal welfare standards globally.

Weighing animal sentience and the right to a “life worth living” with the demands and constraints placed on animals in the farming context is commonly addressed via the “Five Freedoms” animal welfare model (or more contemporary “Five Domains” model).⁴ The principles of the “Five Freedoms” are legislated in Section 4 of the Animal Welfare Act. Marine farming practices are inconsistent with adequately addressing these models as outlined below:

a. Nutrition – provision of a nutritious, species-appropriate diet, in an enriching manner, sufficient to maintain good health

As the aim of farming is to produce the largest biomass of animal meat as rapidly and cost-effectively as possible, farmed salmon are fed inappropriately in the marine farming industry. Both the manner of feeding and food on offer is completely inappropriate to the species.

Salmon are naturally solitary, carnivorous animals, preying on smaller fishes and invertebrates.⁵ In a marine farm environment they are provided with by-products of meat production for human consumption, including bloodmeal and feathermeal.⁶ Intensive salmon farming also necessitates further fishing for smaller fish species to feed to the salmon,⁶ compounding poor animal welfare outcomes and strain on the environment. Less expensive, but species inappropriate, vegetable proteins and oils are also utilised in salmon feeding.⁶ Proper and sufficient food is a requirement of the Animal Welfare Act Section 4(a).

As farmed salmon are confined in large groups in the marine farm environment, this results in competition and additional stress during feeding which is not experienced in the solitary life of wild fishes. Aggression and mortality are inherently associated with this competition for food.

b. Environment – provision of an environment which is comfortable, species-appropriate, and free of hazards

The marine farming environment is markedly removed from the natural environment of the salmon. A solitary, migratory species, Chinook salmon, the species farmed as 'King Salmon' in New Zealand,⁶ migrate up to an incredible 3,000km upstream to spawn.⁵ Far from the expanse required to follow their instincts, farmed salmon in New Zealand are housed intensively in marine farms, with no designated stocking limit but rather an unenforceable statement in the industry standard that stocking density must be "maintained at a level that reduces the risk of physiological stress and minimises external damage to the fish".⁷ A broad statement such as this allows industry to take no accountability for the unnatural environment provided, nor the welfare issues that follow: aside from the behavioural stressors of crowding and limited space provision, injuries associated with fishes fighting, injuring their fins and abrading themselves on other fishes and enclosures are commonplace.⁷ The risk of injury is exacerbated during fish handling and capture for transport and slaughter.

Environmental changes in water and sediment quality associated with the high stocking density in marine farms are also aversive to farmed salmon.^{7,8}

c. Health – maintenance of good health without physical or medical disease concerns, with preventative care and prompt veterinary treatment where appropriate

Given the lack of acknowledgement of farmed fishes as individuals, monitoring of disease concerns is only provided on a group basis, checking for proportions of animals affected by health issues, mass mortality events, etc. This results in a high likelihood of individual animal suffering, and is in breach of the Animal Welfare Act Section 4(e),³ as rapid diagnosis of disease in an individual is not possible.

In addition to the physical health concerns as a result of overcrowding, injury and aggression/predation detailed earlier, spinal curvature, a condition of undetermined cause in which the spine starts to deviate causing impaired movement and pain, affects up to 40% of farmed Chinook salmon in New Zealand.⁹ No treatment is undertaken for individuals affected by this condition. Baseline salmon mortality is also very high in marine farms, at approximately 25%.¹⁰

Intensive animal farming, particularly in an open marine environment as is the case in both salmon and bivalve marine farms in New Zealand, carries with it the risk of disease outbreak, with infectious diseases having the capacity to spread explosively between closely housed individuals. This could have devastating effects on animal welfare. This was exemplified with high mortality in the New Zealand salmon industry in 2015, with the discovery of bacteria infecting the fishes which had not previously been detected in New Zealand.¹⁰ Other mass mortality events have occurred in recent years due to heat stress in 2018¹¹ and 2022.¹²

d. Behaviour – facilitation of positive, species-appropriate interactions with other animals (of the same and/or different species) and humans, as well as to exhibit the normal repertoire of instinctive behaviours

Farmed salmon are completely denied their natural behaviours in a marine farm environment; inappropriately housed in close proximity with other fishes in a solitary species, with no capacity for normal hunting behaviour and denial of the strong, intrinsic urge to migrate. This is in breach of Section 4(c) of the Animal Welfare Act, disallowing the display of natural behaviours.³

e. Mental state – overall mental wellbeing resulting from the preceding four factors

As is clear from the welfare issues discussed above, the overall mental state of farmed salmon in New Zealand is poor, not at all consistent with the “Five Freedoms” position on justifiable farming practices, and therefore inconsistent with the model required by the Animal Welfare Act. There is no attempt to provide an enriched state or alleviate the stressors on fishes.

Animals Aotearoa maintains that these severe animal welfare issues and the deprived lives lived by farmed salmon in New Zealand are incompatible with the proposals of the Bill. Approving marine farms in their current state, up until 2050 in some cases, prevents New Zealand from being able to improve these conditions for up to 25 years; on animal welfare grounds, the Bill **should not** be passed.

2. Environmental concerns

New Zealand is blessed with a stunning and unique natural environment, which we are obligated to protect as taonga. The marine environment is critical for biodiversity and sustaining life, not only in the sea itself, but on land. The unnatural keeping of high stocking densities of both fishes and bivalves in marine farms in New Zealand carries multiple risks to the precious ocean ecosystem, which are addressed below.

a. Pollution

Pollution is a clear adverse effect caused by the intensive keeping of marine animals in an otherwise natural environment. Organic pollution occurs in the form of uneaten food which accumulates under marine farm enclosures, as well as excreta from the animals themselves.¹³ This can result in the process known as eutrophication, in which the excessive organic matter disrupts the natural environment and can result in algal blooms, changes in water oxygen concentration, sediment changes and other adverse effects on the ecosystem.^{9,14}

The risk of medications and discarded or broken equipment causing pollution also needs to be considered in the marine farm environment.¹³ Furthermore, disposal of bodies associated with salmon mortality into landfill is an additional environmental impact of the salmon farming industry.¹²

b. Habitat destruction

Construction of the marine farms themselves involves destruction of the natural environment, often in sensitive coastal areas, to provide the infrastructure needed for commercial marine farm operations. It is acknowledged that several current New Zealand farms are located in inappropriate areas for ongoing aquaculture,¹⁵ and a responsible industry would seek to remedy this issue in a timely manner; the Bill would allow these farms to continue operations unchecked for decades. The presence of marine farms also have a negative impact on biodiversity in the surrounding environment. The chemical composition of aquatic environments is critical to marine life health, and disturbances caused by unnaturally high stocking densities of animals is known to cause marked changes to this.¹⁴ Even changes to water flow, notable around bivalve farms, can cause disruptions to native marine fauna.⁹

c. Animal escape

Marine farms carry the risk of fish escape, resulting in a non-native species entering the New Zealand aquatic environment, with associated biosecurity and ecological concerns, such as predation on native species and introduction of disease, the severe potential effects of which were previously discussed.

d. Climate change and a dynamic environment

A changing climate has been well documented globally, and has an accentuated effect on coastal and marine environments. The mass mortality events from heat stress are examples that have already taken place in 2018¹¹ and 2022.¹² Resultantly, farms which have previously been operational are likely to face new challenges and may no longer be environmentally appropriate in coming decades. Deferring review of farms up until 2050 in some cases fails to acknowledge the impact of environmental change.

e. International reputation

New Zealand needs to place itself at the forefront of global standards to remain competitive in the aquaculture industry. The overarching proposal to approve all marine farms, regardless of environmental or animal welfare concerns, for a further 20 years, has the potential for standards to slip and the reputation of New Zealand to fall behind contemporary environmental and welfare practices globally.

3. Democratic and fairness concerns

Animals Aotearoa is concerned about how this Bill legislates for the long-term use of systems that undermine the Animal Welfare Act. Fishes are recognised as sentient, and as described above the use of aquatic farms severely restricts their natural behaviours.

When practices are used by production industries that undermine the Animal Welfare Act, this should only be under the recommendation of NAWAC using the Animal Welfare Care and Procedures Regulations, and require phase out of no more than 10 years.

Extending the consents of these farms allows these practices to continue without proper oversight of animal welfare which undermines the Government’s obligations to all sentient animals as outlined in the Animal Welfare Act. In addition it undermines the Government’s Treaty obligations and creates worse environmental outcomes.

How do the options compare to the status quo/status quo?

	Option One – Status quo	Option Two – extend all consents by five years	Option Three – extend all consents by 15 years	Option Four – extend all consents by 25 years	Option Five - extend all consents to 2050
Reduce the regulatory burden on applicants and consenting authorities	0	+	0	0	
Promote the sustainable management of natural and physical resources	0	--	--	--	--
Provides certainty for industry and consent authorities	0	+	++	++	++
Upholds the Crown's Treaty of Waitangi obligations.	0	--	--	--	--
Effectiveness	0	0	0	0	0
Efficient	0	+	+	+	+
Overall assessment	0	0	0	-	-

Key for qualitative judgements:

- ++ much better than doing nothing/the status quo/status quo
- + better than doing nothing/the status quo/status quo
- 0 about the same as doing nothing/the status quo/status quo
- worse than doing nothing/the status quo/status quo
- much worse than doing nothing/the status quo/status quo

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The advice given by the Ministry for Primary Industries as part of their Regulatory Impact Statement shows that a blanket recommendation to extend all marine farm consents, (whatever the time period), is much worse for the sustainable management of natural and physical resources, and much worse in terms of upholding the Crown's Treaty of Waitangi obligations, compared with the status quo.

The hallmark of a leading government is a fair, accurate and justified representation of its constituents. The current manner in which the proposed Bill has been addressed fails on numerous counts to adequately represent New Zealanders. While the Bill was universally supported by the marine farming industry, both Māori who were consulted and regional consenting authority stakeholders were opposed to it, on the grounds of a lack of flexibility (especially with regard to changing native animal populations and climate change), lack of recognition of cultural and public use interests, effect on the Crown's Treaty obligations, and lack of an appropriate engagement opportunity/inadequate consultation with these stakeholders.¹⁵

Public consultation will be largely disregarded with the Bill as written, with no capacity for concerned locals to provide input on the consent process, as is the case with the current system.

The Bill as proposed is a 'blanket' policy with no acknowledgement of issues with individual farms. Approximately 300 of the 1,200 marine farms in New Zealand which fall under approval by the *Resource Management Act 1991* (RMA) have consent expiring by the end of 2024; 25% of the industry was previously granted an extension without review, therefore now stands to be granted an **additional 20** years, without review¹⁶ It is noted that the resultant period a consent could be granted without review is, for most farms, more than 45 years, and in some cases, more than 50 years.¹⁵ This is not justifiable, is shortsighted, and in terms of industry sustainability and impact on the New Zealand public, may not even be the most financially viable option for industry regulation.¹⁵

3. Recommendations

Animals Aotearoa recommends that the proposed Bill be rejected in its entirety.

In addition:

- Order the National Animal Welfare Advisory Committee to urgently investigate aquatic farming and provide recommendations on whether this meets the Animal Welfare Act.
- Consult with Māori, environmental and animal welfare advocates, and local residents when considering any application to extend or approve consent for any fish farm.
- If a 'blanket' extension is used, ensure it is a one-off and for five years or less.

4. Conclusion

Animals Aotearoa strongly opposes the proposed Bill on animal welfare grounds, but also due to its negative environmental and societal implications. We again thank the Primary Production Committee for the opportunity to provide a submission, and implore the Committee to act in accordance with the law, science, compassion, and public expectation, and oppose the proposed Bill.

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