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To Roseanna Cunningham MSP Cabinet Secretary for Environment, Climate Change &
Land Reform,
& Fergus Ewing MSP Cabinet Secretary for Rural Economy and Connectivity
The Scottish Government,
St. Andrew's House,
Regent Road,
Edinburgh,
EH1 3DG

Dear Ministers,

I have just become aware of Parliamentary Question S5W-02631 which Mark Ruskell lodged on September 12th and the reply of September 15th from the Cabinet Secretary for Environment, Climate Change & Land Reform.

Mark Ruskell asked the Scottish Government, if “... ***in order to preserve access to the US market for fish and fish products, whether it will introduce legislation that prohibits the intentional killing of marine mammals in all of Scotland's fisheries.***”. Ms Cunningham replied; “***There is already legislation in place to prevent deliberate killing of marine mammals, except under controlled circumstances. This is delivered by the Marine (Scotland) Act 2010 for seals, and The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for cetaceans.***”.

In an article in the Sunday Herald on September 18th it was reported that the Cabinet Secretary for Rural Economy and Connectivity told the newspaper that compliance with import regulations in another country was a matter for exporting companies and that, “The seal licensing system in Scotland enables fish farms to control seal predation as a means of last resort,” “Having a licence is not mandatory, and some fish farms choose to use only non-lethal deterrents instead.”

Your comments on this issue show that you are both being very wrongly advised on the situation regarding future exports of salmon and other fish from Scotland to the USA. I have been in contact with the regulatory bodies in the USA since early 2012, urging them to use their powers under the Marine Mammal Protection Act (MMPA) to ban the import of salmon from countries where, unlike in the USA, producers are legally allowed to deliberately kill seals. The US Government has agreed to this and specifically mentioned Save Our Seals Fund when they announced they are going to use the MMPA to implement a ban on fish imports from countries where producers are allowed to kill marine mammals.

I stress that it is wrong to say individual fish farmers must meet the no seal killing rule being enforced by the American Government. From 2022 the U.S.A. will only allow imports from ***countries where it against the law for fish producers to deliberately kill marine mammals***. The Scottish Government permits the deliberate killing of seals by issuing licences for the shooting of seals by fishery interests.

I also note that in the Sunday Herald article Mr. Ewing perpetuates a myth much mooted by his predecessors by claiming shooting seals is *only allowed as a last resort in Scotland*. This is definitely not the case as only 10% to 20% of salmon farms use proper predator exclusion nets which are far more expensive than guns and bullets. It should also be noted that without predators exclusion nets (please do not confuse these with double cage nets) salmon farmers simply cannot meet their legal obligation to protect their stock from the attention of predators as required under the Animal Health and Welfare (Scotland) Act 2006.

The fact of the matter is that if Scottish salmon is to be exported to the U.S.A. after 2022 the Scottish Government must make it illegal for salmon producers to kill seals. It would also make sense to *make it compulsory for all marine salmon farms to install and maintain proper predator exclusion nets*. Implement these two requirements and salmon farmed in Scotland will not only meet the import criteria required by the US Government it will at last also meet the requirements of Scottish animal welfare legislation.

If you wish to seek further information on the US exports situation I suggest you visit the website of The Global Alliance Against Industrial Aquaculture (GAAIA) where my fellow campaigner Don Staniford explains the situation in great detail and provides links to relevant US Government documents.

Yours sincerely,

John F. Robins,
Save Our Seals Fund