WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM

Guidance on The Registration of Fish Farming and Shellfish Farming Business (Amendment) (Scotland) Order 2002

By
The Scottish Executive Environment and Rural Affairs Department
May 2002
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INTRODUCTION

The Registration of Fish Farming and Shellfish Farming Businesses Order 1985 has been amended to introduce a mandatory requirement to notify Scottish Ministers of escapes. The new legislation comes into effect on 10 May 2002.

The purpose of this guidance is to provide advice to fish farmers (and also wild fishery interests) about the new notification requirement and the action to be taken when an escape is either suspected or has clearly occurred, including how to apply to Scottish Ministers for authorisation of emergency use of nets to effect recapture, where this is deemed appropriate.

BACKGROUND

Over the last few years, there has been a rising interest and concern about the number of farmed fish escapes and their possible impact on wild stocks. These concerns largely focus on the fact that escaped fish may occupy valuable habitat to the exclusion of wild fish, interbreed with wild fish, threatening the genetic purity of local stocks, and represent a disease hazard.

In the light of these concerns and the commitments made to the North Atlantic Salmon Conservation Organisation (NASCO), the Executive established a working group (comprising farmed and wild fishery interests and chaired by SEERAD) to review the situation in Scotland. Its Report concluded that there would always be circumstances (extreme weather) which would result in escapes, that recapture efforts were likely to have a limited effect and that the main focus should always be on secure containment. Its main recommendations were:

- site-specific containment measures and contingency plans should be an integral requirement of the environmental assessment process;
- notification of escapes should be a statutory requirement;
- the Executive should put in place arrangements for the authorisation of emergency use of nets; and
- the industry should ensure that nets are provided on a local basis and that the costs for dealing with an escape should be borne by the farm.

Site-specific containment and contingency plans are now required in support of all fish farm applications. The other issues are dealt with by the legislation and this guidance.

SCOPE

The legislation and guidance apply to all finfish farms in Scottish waters, including freshwater sites. Intentional releases from wild fisheries restocking hatcheries are not included.
**NOTIFICATION**

The statutory instrument requires that Scottish Ministers be notified in writing immediately there is cause to suspect that an escape has occurred. However, in order to facilitate timeous recovery of escaped fish, where an escape is either suspected or discovered, and immediate phone call should be made to:

**The Duty Officer,**  
**Environmental Protection Unit,**  
**FRS Aberdeen.**

**Telephone 07770 733423**

This number is manned at all times.

The information supplied should be that requested on the Initial Notification form (see Annex 1).

It is also important to provide early notification to others with an interest, including for both marine and freshwater farms:

- the relevant District Salmon Fishery Board and Fishery Trust;
- the local police, if vandalism or other criminal activity is suspected; and
- the Scottish Environment Protection Agency (for freshwater farms only).

It is recognised that initial data supplied may not be entirely accurate, and that the full facts of an incident may only emerge subsequently. It is therefore necessary for the initial notification to be followed up by a second notification, which provides final figures and other information regarding the escape.

The two forms provided for notification can be found in the Annex to this guidance and are available on-line at: [www.scotland.gov.uk/whatwedo.asp?topic=aqua](http://www.scotland.gov.uk/whatwedo.asp?topic=aqua).

The completed forms may be sent by e-mail or by facsimile, but in all cases should be confirmed in hard copy and sent by post, to the address below:

**SEERAD**  
Room 409  
Pentland House  
47 Robb’s Loan  
EDINBURGH  
EH14 1TY

The final notification must be returned within 28 DAYS of the initial notification.

At the present time, commercially sensitive information provided during the notification process will be treated as confidential, unless the express permission of the farmer is given to allow disclosure to third parties. This will be reviewed following introduction of the Freedom of Information legislation.

However, in view of the wider public and media interest in fish farm escapes, we would urge fish farmers to be as open and informative as possible about the facts of
any incident. It will be particularly important for local wild fishery interests to be aware of any escapes and, where appropriate, to assist with any recovery efforts.

Failure to notify Scottish Ministers of any suspected or confirmed escape of farmed fish may be an offence under the new legislation.

GUIDANCE ON COMPLETION OF FORMS

1. **Initial Notification form:**

   Section 1: Please provide details of the organisation that operates the site. The contact name given should be that of the person who would liaise with SEERAD during any follow-up action.

   Section 2: Please provide details of:
   - **Species of fish:** where more than one species is involved, please provide a separate form for each.
   - **Health Status:** please provide details of the recent (i.e. within the last 6 months) health history of the fish, in particular where they have a notifiable disease* or have been treated for sea lice infestation.

   Section 3: Please provide the OS Grid reference of the exact location.

2. **Final Notification form:**

   Subsequent to any recapture efforts and an assessment of the true scale of the losses, a Final Notification form must be submitted with 28 days of submission of the initial notification, and should contain the following information:

   Section 1: Details as per those supplied in Initial Notification form.

   Section 2: The total number of fish lost should include numbers of fish subsequently recaptured. The information supplied on the recovery methods should include an assessment of the effectiveness of the methods used, or where it was deemed inappropriate to effect recapture, the reasons for not doing so.

   Section 3: The health status of remaining fish should include details of any notifiable disease* and/or sea lice infestation.

* - A notifiable disease is a disease that requires to be reported to Scottish Ministers in terms of section 4A (6) of the Diseases of Fish Act 1937.

Copies of both notification forms should be kept for inspection for 4 years from their dates of submission.
HOW TO OBTAIN AUTHORISATION FOR THE USE OF GILL NETS

Because of the potential impact of escapes on local wild fishery stocks, we urge fish farming companies to engage the District Salmon Fishery Board and Fishery Trust in discussions on recovery. It is recognised that in some areas (having regard to local conditions, age of fish, etc.) no immediate action may be required other than careful monitoring. If recapture is deemed appropriate, then the subsequent strategy should be agreed with SEERAD, the District Salmon Fishery Board and the Fishery Trust.

Methods used for recapture of escaped fish will necessarily vary, depending on the location of the farm site and the local topography, the size of the fish involved, and implications for other wildlife (such as wild salmon and other fish species, birds and marine mammals). In many instances the appropriate recapture method would involve rapid deployment of gill nets of appropriate mesh size.

It should be noted that a fish farmer or other person seeking to recapture or catch escaped fish might need temporary local exemption from conservation regulations. There are two provisions that allow for this: Section 28 of the Salmon Act 1986 and Section 9 of the Salmon and Freshwater Fisheries (Protection)(Scotland) Act 1951. Advice about this will be provided following notification of an escape. In almost all cases, continuing action will require permission from Scottish Ministers.

To seek authorisation, telephone: 07770 733423 (Environmental Protection Unit, FRS Aberdeen).

FURTHER INFORMATION

Further information can be obtained from:

Alistair Prior
Scottish Executive Environment and Rural Affairs Department
Aquaculture Policy and Development Branch
401 Pentland House
47 Robb’s Loan
EDINBURGH
EH14 1TY

Tel: 0131 244 6223
Fax: 0131 244 6512
e-mail: alistair.prior@scotland.gsi.gov.uk
ACTION IN THE EVENT OF AN ESCAPE

Has an escape occurred?

- yes
  - Reinstate site containment integrity
  - Telephone FRS, Aberdeen (24hrs)
    - 07770 733423
  - Notify other interested parties
    (refer to site-specific contingency plan)

- don’t know
  - Perform containment integrity checks
    (refer to site-specific contingency plan)

  FRS:
  - Record details – forward to SEERAD

  SEERAD:
  - Discuss feasibility of stock recovery

- Recovery to be attempted?
  - yes
    - Enact recovery plan
      (refer to site-specific contingency plan)
  - no
    - SEERAD:
      - Dispatch Net use Authorisation

Update Contingency plan, as appropriate

Complete and submit Notification Form 1 to SEERAD

Complete and submit Notification Form 2 to:
SEERAD

Keep copies of forms for 4 years

END
**ANNEX 1**
Initial Notification Form

**FARmed Fish Escapes – Initial Notification**

This form is to be submitted following any circumstances which caused or might have caused an escape of fish from a fish farm.

Please refer to “WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM” for further guidance on how to complete this form.

1. **Please supply details of the Company, Fish Farm or Hatchery submitting the initial notification**

<table>
<thead>
<tr>
<th>Site Name:</th>
<th>SEERAD Site No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td>Telephone No:</td>
</tr>
<tr>
<td>Contact Name:</td>
<td>Fax:</td>
</tr>
</tbody>
</table>

2. **Where an escape of fish has occurred please supply the following details for the fish involved**

<table>
<thead>
<tr>
<th>Species:</th>
<th>Age in months:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average weight:</td>
<td>Estimated no. of fish lost:</td>
</tr>
</tbody>
</table>

On a separate sheet please supply details of any treatments for notifiable diseases(1) or for sea lice infestation administered to fish on the fish farm in the last 6 months.

3. **Please provide details of the circumstances surrounding the incident**

<table>
<thead>
<tr>
<th>Time:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Exact location:</td>
</tr>
<tr>
<td>Weather and tidal conditions:</td>
</tr>
<tr>
<td>Full details of circumstances referred to above (continue on a separate sheet if necessary):</td>
</tr>
</tbody>
</table>

Completed by:       
Position in Organisation:  
Date:               

<table>
<thead>
<tr>
<th>The form should be sent to:</th>
</tr>
</thead>
</table>
| SEERAD, Room 409, Pentland House, 47 Robb’s Loan, EDINBURGH, EH14 1TY  
Tel: 0131 244 6175  
Fax: 0131 244 6512 |

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(1) A notifiable disease is a disease that requires to be reported to Scottish Ministers in terms of section 4A(6) of the Diseases of Fish Act 1937. Section 4A was substituted by the Diseases of Fish Act 1983 c.30, section 3.
ANNEX 2
Final Notification Form

FARMED FISH ESCAPES – FINAL NOTIFICATION

This form is to be submitted **not later than 28 days** following an initial notification of circumstances which caused or might have caused an escape of fish from a fish farm.

Please refer to “WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM” for further guidance on how to complete this form.

1. **Please supply details of the Company, Fish Farm or Hatchery submitting the final notification**

<table>
<thead>
<tr>
<th>Site Name:</th>
<th>SEERAD Site No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td>Telephone No:</td>
</tr>
<tr>
<td>Contact Name:</td>
<td>Fax:</td>
</tr>
</tbody>
</table>

2. **Details of fish involved in escape**

   | Date of initial notification: | Total number of fish lost: |
   | Date of final notification: | Number of fish recovered (if none please specify “none”): |

Please detail the methods used to recover fish (continue on a separate sheet if necessary):

On a separate sheet please supply details of any treatments for notifiable diseases or for sea lice infestation administered to the fish remaining on the fish farm.

Completed by:  
Position in Organisation:  
Date:  
The form should be sent to:  
SEERAD, Room 409, Pentland House, 47 Robb’s Loan, EDINBURGH, EH14 1TY  
Tel: 0131 244 6175  
Fax: 0131 244 6512