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Aquaculture company on the hook for \$500K for pesticide use

Kelly Cove Salmon pleaded guilty to 2 charges related to deaths of lobsters in Bay of Fundy

CBC News



Environment Canada found the dead lobsters had been exposed to cypermethrin, an agricultural pesticide that's illegal for marine use in Canada. (CBC)

A New Brunswick aquaculture company has been ordered to pay \$500,000 after pleading guilty to two charges in connection with the deaths of hundreds of lobsters in the Bay of Fundy from an illegal pesticide about three years ago.

The penalty against Kelly Cove Salmon Ltd. is the largest ever imposed in New Brunswick for environmental violations under the federal Fisheries Act, according to an Environment Canada official.

And "it's in the top three fines in Canada," said Robert Robichaud, regional operations manager for the environmental enforcement division in New Brunswick.

"We feel that it will definitely send strong message, not only to the aquaculture sector, but to other marine users, that the illegal use of pesticides is simply not tolerable."

Environment Canada had [charged Kelly Cove Salmon](#) and three company executives with 19 counts each of depositing a substance that's harmful to fish into fish-bearing water, under the Fisheries Act.

Kelly Cove Salmon, a division of Cooke Aquaculture, which is based in Blacks Harbour, pleaded guilty to two of the counts in St. Stephen provincial court on Friday morning.

The company, which is the largest independent aquaculture company in North America operating more than 100 aquaculture farms in Atlantic Canada, was fined \$100,000

It was also ordered to pay \$350,000 to the University of New Brunswick's environmental studies program and an additional \$50,000 in trust to the environmental damages fund.

The charges against Cooke's CEO Glenn Cooke, vice-president Mike Szemerda, and Randall Griffin, the regional production manager for Kelly, were withdrawn.

In a statement on the company's website, Cooke said: "We made the difficult decision not to fight these charges even though we question the allegations."

"Our main reason for this decision was to relieve our people, our company and our customers from a lengthy and public court battle," he said. "We want to resolve this matter today and move on."

Matthew Abbott, Fundy Baykeeper with the Conservation Council of New Brunswick, applauds the guilty plea and hopes the case makes the public think twice about what's going on at fish farms.

"We're seeing comparably toxic, or even more toxic chemicals approved for use or considered for future use, so I hope this gives pause in our future management of the sea lice problem," he said.

Used to combat sea lice 'infestations'

According to the agreed statement of facts presented to the court, Kelly Cove Salmon "acquired significant quantities of cypermethrin-based pesticide from a specialized supplier in 2009."

The company used the cypermethrin at 15 of its sites in six different communities between October 2009 and November 2010 "in an effort to control sea lice infestation and the associated losses to the company."

Cypermethrin is an agricultural pesticide that's illegal for marine use in Canada and toxic to lobsters. It's a fast-acting insecticide and has been used to kill sea lice in European fish farms.

Sea lice are a parasitic crustacean that feed on the flesh of farmed salmon until the salmon die or the sea lice are removed.

"For a number of years, the aquaculture industry in southwest New Brunswick was using an in-feed additive commonly known as 'Slice' to control sea lice infestations in farmed fish," the court documents state.

'We cannot stock these farms until the industry has access to a full suite of pest treatment and management tools. Unfortunately, this will have negative consequences for jobs and for the local economy.'—CEO Glenn Cooke

However, sea lice appeared to develop a resistance to the product and its efficacy decreased over time.

By the fall of 2009, there were "severe" sea lice infestations in the southwest Bay of Fundy salmon farms, according to the court documents.

The six communities where the cypermethrin was used included: Grand Manan, Deer Island, Seeley's Cove, Red Head, Maces Bay and Campobello, the courtroom heard.

The company will now "limit stocking" of the farms that experienced warmer water temperatures and higher sea lice levels in 2009-10, according to the CEO's statement.

"We cannot stock these farms until the industry has access to a full suite of pest treatment and management tools," said Cooke.

"Unfortunately, this will have negative consequences for jobs and for the local economy."

Meanwhile, the company continues to explore the benefits of using lice traps and the possibility of building sea lice resistance into its breeding program, Cooke said.

Tests showed 'significant concentration levels'

Hundreds of dead and dying lobsters were hauled up in traps in 2009 and 2010, an investigation by Environment Canada revealed.

In November 2009, four lobster fishermen discovered a large number of dead lobsters, officials said. Tests showed the lobsters had been exposed to cypermethrin, they said.

In December 2009, two commercial lobster fishermen had about 15 crates of lobster in Clam Cove, near Deer Island. Several hundred pounds of those lobsters were also dead and tests showed they too had been exposed to cypermethrin.

The following day, Environment Canada officials took samples from a site operated by Kelly Cove Salmon in Seal Cove, Grand Manan and found the presence of cypermethrin.

In 2010, Environment Canada conducted routine inspections at numerous aquaculture sites operating in the Bay of Fundy to monitor for compliance with the Fisheries Act.

"The test results registered the presence of cypermethrin in significant concentration levels in salmon samples collected from a number of aquaculture sites owned and operated by Kelly Cove Salmon," according to the court documents.

The maximum penalty for the charges is up to \$1 million per charge and up to three years in prison.

Kelly Cove Salmon's annual sales are in excess of \$165 million, according to court documents.

The company produces about 60 million pounds of Atlantic salmon and two million pounds of trout annually and employs more than 500 people, the documents state.

<http://www.cbc.ca/news/canada/new-brunswick/story/2013/04/26/nb-cooke-aquaculture-lobster-pesticide.html>