

Submission of
Priscilla Judd
to the
Commission of Inquiry
into the
Decline of Sockeye Salmon in the Fraser River
Honourable Bruce Cohen
Commissioner

Kamloops, October 21, 2010

contact information:
Priscilla Judd

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

my vision for salmon sustain ability

I believe that the only way to sustain our wild salmon is to recognize the difference between "salmon" and the "language of salmon". I hope this Commission has the opportunity to investigate "language" used in rules, regulations and laws that effect salmon.

In order to secure a future for salmon we must define and apportion weight to our "language of salmon". We must recognize that proposed and active salmon regulation is really an abstract exercise. That regulation is a way of understanding our human interaction with our natural environment. That regulation is something that happens in an office, on computers, on paper, in conversation and we must understand that regulation and enforcement is not a physical entity in our physical world.

Even if effective regulations were fully enforced the Act of regulating is an after effect. In other words, Regulations are a response to violations and as we have seen lately, environmental violations from whatever cause, human error, faulty equipment, greenhouse gas emissions or legalized wrongdoing they cannot be undone. We can't fix or replicate an environment in the same way that nature does.

In our society - freedom is the premise upon which we govern ourselves - we are all self regulating and that applies to human individuals and groups, First Nations, scientists, the corporate citizen, the regulating bodies, Governments, courts and lawyers as well as the environmental NGO. We must and we do rely on good faith. That is why the language of salmon is so important to the sustainability of salmon that live in our rivers and ocean water.

The Oxford Dictionary defines Stakeholder as a noun:

1 (in gambling) an independent party with whom each of those who make a wager deposits the money or counters wagered. I might ask if we using our salmon as betting tokens and if so is there any wisdom to that?

The second definition is "a person with an interest or concern in something, especially a business." As a modifier "denoting a type of organization or system in which all the members or participants are seen as having an interest in its success: a stakeholder economy."

Apparently business is of greater importance to the stakeholder. It's clear that salmon are not "stakeholders" and that stakeholder's "interest" is economic success. I am trying to make the point about a stakeholder's interest - that it's not about salmon or the environment - its about ideas - about language - to do this I'm going to take it away from the environment and tell a story.

I see you have a nice car- now - I could use your car in my business plan that will make millions of dollars - in fact, I have an economic interest in your car so now I'm a

stakeholder in your car. I'm going to take your car and use it to generate income but don't worry - the "right to make money regulation" says I must return it with new tires when I'm done.

You can deny my right - investigate the laws, hire lawyers, get a court date, call the police, wait months while I go around getting support for my business plan - finally you get to plead your case and deny me any right to your car. You dealt in the abstract over your physical car. That is how regulation in our society works. Salmon like the automobile in the above example are silent.

Whether it be "salmon science" - "environmental science" - "economic science", "government science" or "legal science" all must be weighted with common sense.

Economic stakeholders are not tied to the environment once the minerals are extracted, the trees are logged, the water is polluted. When the economy fails - the economic stakeholders are gone, the environment is depleted and citizen is abandoned. The language of stakeholders is important but we the people are the keepers of wild salmon and we must never place economic interests above the interest of salmon otherwise there will come a time when wild salmon no longer exist.

Activism is a reaction to regulation that has denied the individual citizen a real interest in salmon. Common sense is the ability that allows the citizen to understand the most complex issues without being a scientist or an economist. It is the language of salmon that excludes the citizen from participating in the recovery of sockeye.

For example: There is a Government sign in the Lumby Salmon Trail that says "many researchers now believe that open pen fish farms pose life threatening challenges to wild salmon populations." (TheOceanYears.html) That sign was approved by DFO however, it seems to conflict with DFO's position on fish farms. Who are we to believe?

You can see all the signs on the Internet at <http://gordonjudd.ca/lst> I made an Inquiry about that sign to my MLA Mr Foster who replied that "government is well informed on the latest **science** which demonstrates that wild salmon and salmon farming can coexist". He sent me to the Canadian Science Advisory Secretariat Review. However, their web site does NOT report science based information that supports salmon farming.

It states: "Chemicals enter the aquatic environment during **normal aquaculture practices**." I would like the Commission to understand that "Normal Aquaculture Practice" does not mean scientific or safe or sustainable practice. Normal only means following accepted industry practices. So if all fish farms pour pesticide into the ocean then pouring pesticide into the ocean is considered "Normal Aquaculture Practice".

"Normal Aquaculture or Normal Farm Practice" is farm liability protection offered under the Right to Farm Act and the BC Farm Board quasi judicial process that regulates the Right to Farm Act intends to keep farmers farming no matter what kind of practice they use.

<http://www.leg.bc.ca/cmt/36thParl/CMT08/hansard/1999/af052599.htm>

See: 1998/99 Legislative Committee on Agriculture and Fisheries - Transcripts of Proceedings (Hansard) Tuesday May 25, 1999 where J.Collins, Farm Board General Manager states (page 99):

"One of the advantages that the Act gives the farmer - Under the Act he can keep doing it until the board decides whether it's a normal farm practice or not." In our experience the Farm Board's decision making process translated into years of that "normal or not" farming.

In that same document Mr.Husdon states that the process serves to tie up complainants in a legal battle with the Farm Board to empty their deep pockets so they can't stop the "normal or not" farming. I can say that that process has created parcels of land and water where the Constitutional Rights of access to and protection of the law does not exist. People who wish to use the law to stop pollution are once again prevented from effectively participating in a legal process that could effect the sustainability of sockeye salmon. Wrong doing has been legalized by regulation that's intends to bankrupt those who would try to stop farm pollution.

Here is another example where the language of regulation destroys the intent of the Federal Pesticide Control Act - intending to protect human health and the environment.

There is no admission from the Science Secretariat that releasing pesticides, antifoulants and disinfectants "directly into the water column" is scientifically safe. The pesticide label says that SLICE is highly toxic to fish. The secretariat states that data to determine the effect of this practice on wild salmon "is limited" meaning that they can't make a scientific determination. A sign in the Lumby Salmon Trail reports these toxics as harmful to salmon.

The Secretariat mentions the collection of data on the effects of fish farm drugs in faeces. That may be a scientific exercise but again it happens after the fact - meaning that scientists are only measuring the result of pollution from fish farms. It may be scientific to measure how many salmon are killed by pouring pesticide into the water but it makes more sense to read the pesticide label which says it that SLICE is highly toxic to fish. Common sense says that if the pesticide makers say it's toxic to fish - it's toxic to fish. Why are we looking to find ways to regulate around that important piece of information?

I believe Canada has signed onto the Precautionary Principle and the intent of the precautionary principle is to prevent irreversible harm. That language needs to be weighted by the Commission. When do we decide that something causes irreversible harm? After we have caused it? Here again the WE need to apply common sense to the language of laws and regulation and weight all things that effect salmon.

Should anyone be permitted to release poisons directly into a body of water? If scientist have informed the public not to flush toxics down a toilet, why should the fish farms flush chemicals directly into the water column?

The Secretariat goes on to say: "While data are collected on use patterns of therapeutants, access to these data is limited, which greatly hinders the characterization of pathways and of effects". Why is data limited? Because fish farms refuse to release it and BC's government is complicit in this. Is it acceptable or useful to be a hindrance to the Science Panel that may in fact find fish farms practice unacceptable? Belligerence is not usually part of any scientific program and does not inspire confidence in Canadian fish farm regulation.

A more sensible approach to regulation in the environment is to look at the engineering model. Canada doesn't let a corporation build a bridge in the most economical way just because it provides profit and jobs. The bridge contractor does not claim proprietary information to hide the blueprints from public review. A bridge design is not accepted because there is no data to prove that it's not safe. Good grief, we demand proof of safety before any bridge is built.

If more research is needed to understand the adverse effects of human activity on Sockeye then there is no science based legitimacy to that activity whether it concerns the fish farm operations, local sewage pollution or PMRA pesticide registrations.

In an official letter from PMRA concerning Federal and Provincial pesticide violations - The PMRA regulated the Federal Pesticide Control Act by using our observation of pesticide spray as the bar for meeting the Act. Where is the science in that? My husband's observation *that the spray was more appropriate to the trees canopy* was enough to satisfy the scientific measuring done by the 300 scientists who purportedly protect "Human Health and the Environment" under the Federal Pesticide Control Act.

The letter also notes that the Provincial Farm Board reviewed matters of Federal Jurisdiction so everything was dealt with - and finally the farmers who sprayed us, our home and property with 112 pesticides over two summers were *reminded to use pesticide in a safe manner*. That is the science and silence of farm regulation in our Country. How safe are the sockeye salmon knowing about the language of our experience?

We are looking for credible solutions and a healthy salmon stock. I hope the Commission with review the language of regulation and the laws of science and the lack of science, make logical decisions and weigh the problems of a science based model against the silence of the sockeye salmon and the citizens who have been prevented from effectively participating in creating safe salmon habitat.

On Pollution:

I have provided some information of an environmentally effective way of cleaning up pollution. New England Waste Systems are affordable, clean and remove 99% of pollutants. I have been told that the biggest hurdle for any community to install such

systems is the regulatory agencies. Please use your report to help us gain access to Regulatory Agencies for permission to start the process of cleaning up salmon habitat with natural clean affordable Vegetative Sand Bed systems.

As to the Right to Farm Act - It should be absolutely investigated by this Commission because Right to Farm is an end run around common law and the Courts and the very laws that are in place to protect salmon and salmon habitat.

Priscilla Judd