

Public Submission to the Cohen Commission

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Risk Management

Risk management, risk assessment and risk communication are integral to fisheries management (and just about any other activity with uncertain outcomes).

On the basis of my observations of the Cohen Commission exhibits and expert testimony, I am sceptical of the ability of DFO to manage ongoing risks to the Pacific fisheries, not just the Fraser River sockeye runs.

In context of the fisheries risk management in general and the Fraser River sockeye in particular, I urge the Cohen Commission to recommend

- Improved strategic management by the DFO
- Improved recognition of ecosystem services
- Marine spatial planning
- Better use of scientific information in informing policy makers

General

The DFO does not lack scientific expertise. The DFO does not lack skills in writing well crafted policy documents. But what the DFO lacks, at least based on the Cohen Commission testimony is an ability to transform scientific observations into credible policies that reflect realities, not just the institutional background of the DFO.

In common with some other federal departments of my acquaintance, there is a structural problem with federal policy making – there is always a subliminal pressure more to achieve Canada wide policy coherence than to achieve geographic specific policies. Further, absent solid regulatory impact assessment, DFO is slow to manage and change poorly functioning policies and regulations (but to be fair, the same could be said for most large organizations).

Risk Assessment

I am sceptical that the DFO manages risk assessment adequately with respect to the Fraser River sockeye. For some reason, issues identified as risks to salmon stocks sometimes become low risks when the scientific data crosses the BC/Alberta border.

Issues around use of scientific information are not unique to the Cohen Commission. Indeed they are common to most policy making¹. What is startling, and some of the expert testimony at

¹ REVIEW *From Science to Policy in Early Childhood Education* William T. Gormley Jr.; 978 19 AUGUST 2011 VOL 333 SCIENCE www.sciencemag.org

the Inquiry bears this out, just how little of the new scientific evidence, especially molecular genetics, enters into risk assessment and eventually policy making. I was struck by the prevalence of harsh criticism of the aquaculture opponents' scientific evidence, by the aquaculture industry experts and counsel when, what the Inquiry is, is a forum to present independent scientific evidence.

I was dismayed that there was little manifestation in the DFO documents, of analysis of ecosystem services (the essential of any modern environmental policies) to guide risk assessment.

Whatever conclusions are drawn by Justice Cohen, one significant recommendation should be that future policy making with respect to the Fraser River sockeye should be informed by an independent scientific panel with access to all the scientific advice, not just the advice proffered by DFO departmental experts. The risk of policy conformity induced by DFO institutional pressures will always be present.

Risk Management

As an outside observer with no connection with the fisheries industry, it would be fair to say the DFO does not lack for effort to manage the salmon fisheries. Whether they do this successfully is for Justice Cohen to decide.

From my viewpoint, my conclusion, on the evidence presented, is that the DFO does not ignore risks, high or low. My disagreement is that the assessment of the nature of the risk changes as policy making flows from BC to Ottawa and then returns as a risk management policy of a different nature. To manage risks, requires clear identification of the nature of the risk, identification of potential hazard and consequence and the political direction that recognizes public interest not just stakeholder interest.

In context, some of the clash of ideas during the Inquiry testimony, to me resembled more a vigorous defence of property rights than a search for evidence.

In the absence of high level strategic plans for the oceans and fisheries and marine spatial planning, what might transpire is

- A lack of an integrated and proactive approach to marine management may not address conflicts that arise between marine activities and fisheries.
- Lack of clearly expressed, integrated policies may result in difficulties in evaluating proposed new developments.
- Lack of cumulative impact assessment of activities on the environment, might result in unsustainable development.
- Inefficient use of marine resources.
- Unprepared to deal with the new demands
- Data collection may remain inefficient.

I urge the Cohen Commission to recommend improved strategic planning and spatial planning as an aid to fisheries policy making.

I was struck by the evidence presented that the regulatory burden imposed by the DFO policies is not matched by compatible enforcement mechanisms. If the DFO has a regulatory mandate that it does not enforce, then perhaps it is time to look at new styles of risk management since the actions suggest the perceived risks that create the regulations are not deemed significant risks at all.

Risk Communication

A key element in the Inquiry is the relationship of the salmon aquaculture facilities to the wild salmon migration routes.

While the scientific evidence is still accumulating, there is a sufficient body of evidence to suggest the possibility of a connection between salmon migration losses and the presence of salmon fish farms, it appears to me that the DFO, or their communication staff, has decided, because the body of evidence is still emerging, that salmon farms therefore present no risk. In other words, the strategic use of scientific evidence by the aquaculture industry, impels the policy makers to hold to established policies rather than adapt to new and developing evidence.

I urge Justice Cohen to recommend a fresh look at just how the DFO uses scientific information to inform policy makers and use the same information to develop pragmatic regulations.

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