Regulatory Cooperation Council – 2016 Work Plan

Regulatory Area to be Addressed

Regulatory Cooperation on Marine Aquaculture

Building on the existing bilateral relationship and expertise in both countries, Fisheries and Oceans Canada (DFO) and the National Oceanic and Atmospheric Administration (NOAA) are endeavoring to undertake greater cooperation in the environmental management of the marine net pen aquaculture sector under four specific work streams:

1. Comparison of regulatory environmental management objectives and outcomes for net-pen aquaculture;
2. Cooperation on farmed and wild fish interactions;
3. Cooperation on regulatory development initiatives for offshore aquaculture; and,
4. Evaluation of the feasibility, as well as costs and benefits, of a joint-statement on the equivalence of Canada and United States of America regulatory programs.

DFO Aquaculture Management Directorate and NOAA Fisheries are the lead organizations for the DFO-NOAA aquaculture regulatory partnership and each intends to undertake the appropriate steps to work in partnership with their relevant national and sub-national regulatory departments and agencies, as necessary, to further the collaboration.

Improved regulatory cooperation between DFO and NOAA supports continued sustainable aquaculture development in both countries, as well as ensures that aquaculture regulatory reform is aligned to the extent practicable as both countries improve overall environmental management of the sector.

Since the beginning of this arrangement, DFO and NOAA have met regularly in Canada and the United States of America to review this Technical Work Plan with the aim of capturing emerging trends in the industry. Phone calls are also taking place routinely between both agencies, as well as discussions with the aquaculture industry. With the concurrence of the co-chairs of the Aquaculture Regulatory Cooperation Committee, the Technical Work Plan has been updated to document the efforts and achievements to this point, with the aim of detailing additional steps to further greater cooperation in the environmental

management of the marine aquaculture sector. DFO and NOAA met with Canadian aquaculture industry members in May 2016 and provided updates on progress made on the Technical Work Plan, including the draft reports under Work Streams A and B.

Canadian aquaculture industry has expressed interest in the assessment of 3rd party certification standards and industry codes of practice as additional work item for consideration under the RCC. DFO will manage this request outside the scope of work under the RCC, but the findings could be tabled as a baseline for further discussions under this arrangement.

As indicated in the Joint Forward Plan, this Technical Work Plan is not intended to create binding obligations under domestic or international law. In addition, meeting the targeted deadlines in this Technical Work Plan is subject to overall support from the executive branch of government in both countries, as well as the availability of appropriations, personnel and other resources.

Work Stream A

DFO and NOAA intend to compare regulatory environmental management objectives and outcomes for the aquaculture sector in both countries.

DFO and NOAA share similar environmental management objectives for aquaculture, namely to ensure that living marine resources and their habitats are protected using mitigation, monitoring and compliance approaches that are efficient, effective and commensurate with the potential risk to the environment.

This work may be used in the future to evaluate the feasibility, as well as costs and benefits, of developing a joint-statement on the equivalence of Canadian and American regulatory programs for net-pen aquaculture under Work Stream D.

Planned Initiative and Sub-Deliverables	**Targeted Dates**
Comparison of regulatory environmental management objectives and outcomes for net-pen aquaculture	**2015-2016**
Identify working group co-leads	Completed

Establish full membership of working group	Completed
Draft terms of reference for working group	Completed
Draft detailed work plan for working group	Completed
Comparability assessment of regulatory environmental management objectives and outcomes for net-pen aquaculture (Draft Report)	Completed
Review, ensure accuracy, and synthesize the comparability assessment report	3rd quarter 2016
Annual working group meeting involving DFO and NOAA aquaculture co-leads, share information on the comparability assessment, and discuss next steps including broader dissemination	4th quarter 2016

Work Stream B

DFO and NOAA intend to collaborate on management approaches that address farmed to wild fish interactions as they relate to genetic interactions and pathogens.

In order to ensure effective management of the marine aquaculture sector, it is necessary to consider the potential environmental impacts of farmed and wild fish interactions and take appropriate management actions. DFO and NOAA are particularly interested in genetic and pathogen related effects of farmed to wild fish interactions.

Ultimately, cooperation on farmed to wild fish interactions will support the sustainable development of the aquaculture sector in Canada and the United States of America.

As of June 2016, DFO and NOAA reported that significant progress has been made under Initiative 1 for Work Stream B. This sub-deliverable was completed well in advance of the previously established deadline. The results of this work may be used in the future to evaluate the feasibility, as well as costs and benefits, of developing a joint-statement on the equivalence of Canadian and United States of America regulatory programs for net-pen aquaculture under Work Stream D.

Planned Initiatives and Sub-Deliverables	Targeted Dates
Initiative 1: Cooperation on farmed and wild fish interactions	**2016**
Comparability assessment of escape/containment regulatory measures (Draft Report)	Completed
Comparability assessment of aquaculture siting decisions (Draft Report)	Completed
Comparability assessment of area management approaches (Draft Report)	Completed
Comparability assessment of overall regulatory risk assessment framework for potential genetic interactions and potential pathogen transfers (Draft Report)	Completed
Review, ensure accuracy, and synthesize comparability reports	3rd quarter 2016
At annual working group meeting, including DFO and NOAA aquaculture co-leads, share information on comparability assessments and discuss next steps including broader dissemination	4th quarter 2016
Initiative 2: Identification of potential areas for regulatory alignment on management of farmed and wild fish interactions	**2018**
Exploration of areas for cooperation on escape management and codes of containment	2nd quarter 2018

Work Stream C

DFO and NOAA intend to collaborate on regulatory aspects for offshore aquaculture with the goal of advancing development of offshore aquaculture in each country. For purposes of this work, offshore aquaculture refers to open ocean aquaculture in exposed areas of federally managed waters of each country's exclusive economic zone.

Globally, offshore aquaculture is being explored as the new paradigm in marine aquaculture. Siting aquaculture facilities in deeper waters that are farther away from the coast can potentially reduce environmental impacts and conflicts with other coastal users.

Currently, all marine aquaculture operations in Canada are located in coastal waters. In the United States of America, most marine aquaculture operations occur in coastal waters, with a limited number of offshore aquaculture sites.

The United States of America has been working on regulatory frameworks to enable offshore aquaculture in federal waters. Several new permits for offshore aquaculture in federal waters were issued in 2014 and early 2015. However, economic, scientific, regulatory, and social challenges remain for the industry to reach its full potential. Though Canada has advanced in developing regulatory measures and tools for managing environmental impacts associated with coastal aquaculture, a regulatory regime for offshore aquaculture has not yet been developed. Work Stream C will provide an opportunity for Canada to examine the American regulatory framework for offshore aquaculture and possibly enable alignment of Canada's future offshore aquaculture development to the American framework.

Planned Initiative and Sub-Deliverables	**Targeted Dates**
Cooperation on regulatory development initiatives for offshore aquaculture	**2017**
Inventory of regulatory development initiatives of offshore aquaculture management	2nd quarter 2017
Identification of regulatory tools and challenges moving forward	4th quarter 2017

Work Stream D

Preliminary results from work done under Work Streams A and B suggest similarity in the intended outcome of the overall regulatory regime for marine net pen aquaculture in Canada and the United States of America. Both countries share similar environmental management objectives, namely to ensure that living marine resources and their habitats are protected using mitigation, monitoring and compliance approaches that are efficient, effective and commensurate with the potential risk to the environment. Both Canada and the United States of America are concerned about the environmental impacts of potential farmed to wild fish interactions and the need to take appropriate management actions.

DFO and NOAA intend to evaluate the feasibility of a joint statement on the equivalence of Canadian and American regulatory regimes for marine finfish net pen aquaculture based on the findings from Work Streams A and B.

Planned Initiative and Sub-Deliverables	Targeted Dates
Evaluation of the feasibility, as well as costs and benefits, of a joint-statement on the equivalence of Canada and United States of America regulatory programs	**2018**
Annual working group meeting involving DFO and NOAA aquaculture co-leads, use information on comparability assessments from Work Streams A and B to discuss strategy and next steps for potential joint statement	4th quarter 2018