To: GLOBALG.A.P. Secretariat
Andras Fekete, VP / Chief Integrity Officer
CC: Global Sustainable Seafood Initiative (GSSI)

22nd September, 2023

Dear Mr. Fekete,

FORMAL COMPLAINT

Re: New urgent conservation advice identifies Macquarie Harbour salmon farming operations as a "catastrophic" threat to endangered Maugean skate; and the continued endorsement of these same salmon farms by GLOBALG.A.P.

We draw your attention to the significant and urgent Conservation Advice by the Threatened Species Scientific Committee (TSSC) to the Australian Government's Department of Environment, released 7th September 2023.[1]

The advice identified Macquarie Harbour salmon farming operations as a "very high risk" threat that is "almost certain to impact the Maugean skate throughout the entire harbour" with "catastrophic" consequences.

The advice found that the primary threat to the species is reduced water quality, namely low dissolved oxygen levels. Low dissolved oxygen significantly correlates to the increased salmon farm production in the harbour:

> *"Substantial recent evidence indicates a **high risk of extinction** for the species in the near future. The **primary threat** to the species is degraded water quality, in particular substantially reduced levels of dissolved oxygen throughout Macquarie Harbour. There is a significant correlation between the reduction in dissolved oxygen levels and **increases in salmonid aquaculture** due to the bacterial degradation of organic material introduced into the water column from fish-feed and fish-waste"*

The advice notes that biomass caps and management actions taken to date by the industry regulator, the Tasmanian Government, has not improved water quality:

> *"Despite these management measures, dissolved oxygen levels in the harbour have not improved substantially. Elasmobranchs are known to be susceptible to eutrophication and decreased oxygen, and changes in the Maugean skate subpopulation in the harbour are evident."*

[1] Australian Government, Department of Climate Change, Energy, the Environment and Water (2023) Conservation Advice for Zearaja maugeana (Maugean skate): http://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf

The TSSC advised the destocking of salmon farms before Summer 2023/24 should be an urgent priority in order to substantially improve and sustain dissolved oxygen concentration (at least to 2009 levels) in Macquarie Harbour. As of 13th September, neither the Australian or Tasmanian governments have committed to taking this urgent conservation action. Meanwhile, these farms continue to be endorsed by GlobalG.A.P.

We emphasize: GlobalG.A.P. certified Macquarie Harbour salmon and trout farms are considered a "very high risk" threat with "almost certain" "catastrophic" consequences to the endangered Maugean skate according to the Australian Government's Conservation Advice.

On the 25th July, 2023, 81 signatories sent an open letter[2] calling on GLOBALG.A.P. to revoke certification from Macquarie Harbour fish farms. On the 23rd August, 2023, GLOBALG.A.P. provided a response statement.

GLOBALG.A.P.'s finding that "no deviations" with the Integrated Farm Assurance (IFA) requirements could be found on the part of the Macquarie Harbour certified producers indicates that **the GLOBALG.A.P. scheme and its IFA Aquaculture Module is not fit for purpose**.

Despite "no deviations" found with the IFA requirements, the scientific evidence remains: Macquarie Harbour farms — including those certified by GLOBALG.A.P. — have been determined by Australia's leading authority to be the major driver of the decline of the endangered Maugean Skate.

While GLOBALG.A.P. stands behind the technical compliance (i.e., no deviations) of these operators with the IFA; seafood consumers, retailers, consumer protection regulators, civil society groups, and other aquaculture operators will find it indefensible that GLOBALG.A.P. can credibly (and potentially within the legal bounds of Australian Consumer Law) endorse the certification of Macquarie Harbour salmon and trout farms as "environmentally responsible" when in reality, according to the Australian Government's Conservation Advice, these certified farms are driving what would be the first modern day extinction of a shark or ray species due to human activity.

We again call on GLOBALG.A.P. to revoke certification from Macquarie Harbour farms due to the following evidence:

- Macquarie Harbour is naturally low in dissolved oxygen, however since 2009 water quality has crashed particularly in the mid to bottom waters (>15m), including where the Maugean skate's habitat and eggs are found.

- The habour's degraded water quality, particularly the substantially reduced low dissolved oxygen, is considered the "primary threat" to the Maugean skate.

- Scientific evidence concludes a "significant correlation" between the expansion of salmon farming since 2009 and the harbour's low dissolved oxygen levels, particularly in the mid to bottom waters causing hypoxia.

[2] Emailed to GLOBALG.A.P. 24/07/23

- The bottom hypoxic (low oxygen) waters can be displaced through the water column into the Maugean skate's habitat during oceanic storms. In 2019, such a weather event resulted in half the skate population suffocating.

- As such, salmon farming operations are considered a "very high risk" threat that is "almost certain to impact the Maugean skate throughout the entire harbour" with "catastrophic" consequences.

- The GLOBALG.A.P. Integrated Farm Assurance – Aquaculture Module fails to capture the impact salmon farms are having on the harbour's dissolved oxygen levels. The module imposes no dissolved oxygen performance metrics that farms must adhere to in order to be certified.

- The Aquaculture Module requires compliance with an environmental monitoring program and benthic monitoring. In the case of Macquarie Harbour this would be the Macquarie Harbour Broadscale Environmental Monitoring Program (BEMP) Licence Conditions.

- The BEMP Licence Conditions have been found:
  "Not to be adequate as environmental standards to monitor and protect the environmental health of Macquarie Harbour…
  Of note, there is only a single limit for oxygen at 2m depth. An oxygen limit for bottom and mid waters is strongly recommended to ensure the adequate protection of the flora and fauna of Macquarie Harbour".

- GLOBALG.A.P. certified farms are considered in compliance (aka "no deviations") with these "inadequate" licence conditions.

- Despite no oxygen limit for bottom and mid waters in the Licence Conditions, oxygen profiles taken by the BEMP (and other studies such as CSIRO Sense-T and EPA water quality monitoring) have found low dissolved oxygen levels in mid to bottom waters due to nutrient loads from salmon and ocean trout farms.

- Consequently "adequate protection" for the skate is not happening under the regulator's licence conditions or IFA Aquaculture Module.

- Negative impacts to the endangered skate's habitat are occurring (as described by the scientific studies and the new Conservation Advice) but these impacts are not looked for under the current MH BEMP Licence Conditions and, thus, go undetected and unpenalized.

By ignoring the conservation advice, scientific evidence, and independent reviews that find the Licence Conditions inadequate, GLOBALG.A.P. risks becoming implicated in facilitating certified Macquarie Harbour farms to continue to negatively impact the endangered Maugean skate. GLOBALG.A.P. can also expect to be held accountable in the event of continued negative conservation outcomes.

Consequently, we are submitting this **formal complaint** regarding the GLOBALG.A.P.'s continued endorsement of certified farms in Macquarie Harbour.

Macquarie Harbour salmon farms are clearly incompatible with GLOBALG.A.P.'s stated vision, mission, and purpose of "environmentally responsible farming" and "safeguarding our environment".[3].

The issue of greenwashing has received unprecedented consumer concern and significant attention in Australia in recent times. So much so that a Senate Inquiry into Greenwashing is currently underway by the Parliament of Australia.[4] Several submissions to the inquiry flag serious concerns that seafood certifications are not living up to their promises and, in actuality, are misleading consumers.

According to the Australian Consumer Law (Schedule 2 of the Competition and Consumer Act 2010), businesses have the obligation not to make false or misleading representation or engage in misleading or deceptive conduct.

A business is considered to be engaging in greenwashing by the Australian Competition and Consumer Commission (ACCC) where:

> *"they use any claim that makes a product, service or business seem better or less harmful for the environment than it really is".*[5]

For the second year running, the ACCC announced that greenwashing will be a top enforcement priority.[6] Meanwhile greenwashing cases are occurring in the Australian Federal Court.[7]

GLOBALG.A.P.s claims of "environmentally responsible" and "safeguarding our environment" are completely misleading to consumers and are, in our view, greenwashing. A credible certification could not be endorsing farming practices that are clearly linked to an extinction threat to a species.

Other certifications, the Aquaculture Stewardship Council and RSPCA, no longer certify Macquarie Harbour salmon farms due to the environmental damage caused by the industry within the harbour and presumably the credibility risk to their stated mission and objectives. We would welcome and urge GLOBALG.A.P. to demonstrate leadership that respects the trust of seafood consumers and the retailers that rely on your GLOBALG.A.P. certification to uphold their sustainable seafood policies.

In the event that GLOBALG.A.P. continues to endorse certified Macquarie Harbour farmed salmon and trout as "environmentally responsible", we will escalate our concerns to the ACCC on this serious matter.

Below we elaborate and respond, with evidence, to GLOBALG.A.P.'s investigation statement.

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[3] GLOBALG.A.P. (2023) GLOBALG.A.P.- Putting Food Safety and Sustainability on the Map: https://www.globalgap.org/uk_en/who-we-are/about-us/
[4] Parliament of Australia (2023) Senate Greenwashing Inquiry: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Greenwashing
[5] Australian Competition and Consumer Commission (2023) Environmental and sustainability claims: https://www.accc.gov.au/system/files/Environmental%20and%20sustainability%20claims%20-%20draft%20guidance%20for%20business_web.pdf
[6] ACCC (2023) 2023-2024 Compliance and Enforcement Priorities: https://www.accc.gov.au/system/files/2023-24%20Compliance%20and%20Enforcement%20Priorities_0.pdf
[7] ACCR (2023) Australisian Centre for Corporate Responsibility updates case against Santos in Federal Court: https://www.accr.org.au/news/australasian-centre-for-corporate-responsibility-updates-case-against-santos-in-federal-court/

The science shows salmon farm expansion in Macquarie Harbour is directly linked to the plight of the endangered Maugean Skate.

Urgent Conservation Advice from the Threatened Species Scientific Committee was recently published by the Australian Government.[8] Significantly, a risk matrix of threats to the endangered Maugean Skate lists the reduced water quality due to salmon farming operations in Macquarie Harbour as a "very high risk" threat that is "almost certain to impact the Maugean skate throughout the entire harbour" with "catastrophic" consequences. See Risk Matrix below.

Each threat has been described in Table 1 in terms of the extent that it is operating on the species. The risk matrix (Table 3) provides a visual depiction of the level of risk being imposed by a threat and supports the prioritisation of subsequent management and conservation actions. In preparing a risk matrix, several factors have been taken into consideration, they are: the life stage they affect; the duration of the impact; the spatial extent, and the efficacy of current management regimes, assuming that management will continue to be applied appropriately. The risk matrix and ranking of threats has been developed in consultation with experts and using available literature.

Table 3 Risk Matrix

Likelihood	Consequences				
	Not significant	Minor	Moderate	Major	Catastrophic
Almost certain			Recreational line fishing	Temperature and rainfall increases due to climate change Recreational and commercial gillnet fishing Metal pollution and sediment contamination from upstream historical mining operations	Reduced water quality from salmonid aquaculture operations in Macquarie Harbour Hydroelectric damming that alters the flow of the King and Gordon Rivers
Likely					
Possible					
Unlikely					
Unknown					

Risk Matrix legend/Risk rating:

Low Risk	Moderate Risk	High Risk	Very High Risk

[8] Australian Government, Department of Climate Change, Energy, the Environment and Water (2023) Conservation Advice for Zearaja maugeana (Maugean skate): http://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf

The advice states:

> *"Substantial recent evidence indicates a **high risk of extinction** for the species in the near future. The **primary threat** to the species is degraded water quality, in particular substantially reduced levels of dissolved oxygen throughout Macquarie Harbour. There is a significant correlation between the reduction in dissolved oxygen levels and **increases in salmonid aquaculture** due to the bacterial degradation of organic material introduced into the water column from fish-feed and fish-waste"*
>
> *"The primary threat to the Maugean skate is habitat degradation resulting from sustained reduction of dissolved oxygen… the most important anthropogenic contributor to the oxygen debt in Macquarie Harbour is ongoing salmonid aquaculture."*

The advice notes that the management actions taken to date by the industry regulator, the Tasmanian Government, has not improved water quality:

> *"**Despite these management measures, dissolved oxygen levels in the harbour have not improved substantially**. Elasmobranchs are known to be susceptible to eutrophication and decreased oxygen, and changes in the Maugean skate subpopulation in the harbour are evident."*

These Tasmanian government management measures included reducing capped biomass in the harbour based on so-called "adaptive management".[9] In 2017, the Tasmanian Government reduced the biomass cap citing "reductions in dissolved oxygen and in benthic in-fauna have negative implications for the Maugean skate" as a reason.[10] The state's Minister for Primary Industries and Water proclaimed the decision was "necessary to ensure the environment can cater for the salmon industry"[11] and that "adaptive management continues to work at Macquarie Harbour".[12]

Another reduction limit was made in 2018 to 9,500 tonnes; again citing the health of the harbour and impacts to the skate as the reason.[13] The Director of the Tasmanian Environmental Protection Authority, Wes Ford, acknowledged the science used to support expansion in the harbour was 'wrong', stating "The harbour has just not performed in the way anyone thought it would and hence has been more degraded and hence the biomass has had to be put down".[14] Mr Ford also claimed that the harbour would recover: "It is just a matter what the time frame for that is".

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[9] Tasmanian Government (2017) Adaptive management continues to work at Macquarie Harbour: https://www.premier.tas.gov.au/releases/adaptive_management_continues_to_work_at_macquarie_harbour
[10] Environment Protection Authority (2017) Directors Notice of Determination: https://epa.tas.gov.au/Documents/EPA%20Directors%20Notice%20of%20Determinations%20for%20Aquaculture%20Companies%2c%20Macquarie%20Harbour%2c%20Jan%202017.pdf
[11] ABC (2016) Proposed cut in Macquarie Harbour salmon stocks dismissed as 'window dressing': https://www.abc.net.au/news/2016-11-30/environmental-watchdog-tells-salmon-producers-to-reduce-biomass/8078382
[12] Tasmanian Government (2017) Adaptive management continues to work at Macquarie Harbour: https://www.premier.tas.gov.au/releases/adaptive_management_continues_to_work_at_macquarie_harbour
[13] EPA (2018) Statement of reasons for determinations: https://epa.tas.gov.au/Documents/MACQUARIE%20HARBOUR%20DETERMINATIONS%201%20JUNE%202018%20TO%2031%20MAY%202020.pdf
[14] ABC (2018) Macquarie Harbour salmon expansion science 'wrong': https://www.abc.net.au/news/2018-03-23/macquarie-harbour-salmon-expansion-science-wrong-admits-epa/9579140

In 2022, the Tasmanian Environmental Protection Agency noted farms had actually increased production from 2019-2021 by around 10% due to "production creep" (companies extending the growing season) and shifted from a biomass cap to a total permissible dissolved nitrogen output.[15] In their rationale the regulator states the EPA director has lowered the biomass since 2017 to "allow for the recovery of the harbour"[16]; and goes on to acknowledge, within the statement of reasons, that government measures to date have not improved water quality:

> "***Recent reports on the environmental health of Macquarie Harbour indicate that a sustained recovery of middle and bottom dissolved oxygen levels has not yet eventuated.*** *This remains a concern in terms of potential linkages to increased lease non-compliance; the spread of Beggiatoa into the World Heritage Area."*[17]

Despite the Tasmanian Government's claims that management measures would "work" and that the harbour "would recover", the regulator has simultaneously and consistently acknowledged that the science indicates dissolved oxygen levels in the middle and bottom levels of the harbour have not improved.

Consequently, the **Threatened Species Scientific Committee advises to urgently prioritize destocking salmon and trout farms before Summer 2023/24:**

> *"Eliminate or significantly reduce the impacts of salmonid aquaculture on dissolved oxygen concentrations. The fastest and simplest way to achieve this is by significantly reducing fish biomass and feeding rates."*

The Conservation Advice is based on numerous scientific studies including Moreno et al., 2023[18] which cites mounting evidence that the degraded environmental condition of Macquarie Harbour – particularly low dissolved oxygen (DO) levels – are the cause for the Maugean skate population declines:

> ***"There is mounting evidence that these low DO conditions are impacting the Maugean skate population, including inducing mortality events*** *(Moreno et al., 2020)...*
>
> ***Therefore, in the case of the Maugean skate, the ongoing impacts to DO levels and mixing dynamics are of extreme concern for the persistence of the species."***

The authors noted "the environmental conditions in the harbour, particularly dissolved oxygen levels, have been impacted by anthropogenic inputs". While historical activities (i.e., forestry and mining) have long contributed to changes within Macquarie Harbour, the authors state it is recent anthropogenic activities (i.e., hydro and salmon aquaculture) within the *past 15 years* that *considerable changes* have occurred, particularly to DO levels:

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[15] EPA (2022) Rationale for changing management determination from Biomass to Total Permissible Dissolved Nitrogen Output: https://epa.tas.gov.au/business-industry/regulation/salmon-aquaculture/marine-finfish-farms/macquarie-harbour/rationale-for-changing-management-determination

[16] Ibid.

[17] EPA (2022) Statement of Reasons for TPDNO Determination: https://epa.tas.gov.au/Documents/Statement%20of%20Reasons%20-%20TPDNO%20Determination%20-%201%20September%2022%20to%2031%20August%202027.pdf

[18] Moreno and Semmens (2023) Interim report - Macquarie Harbour Maugean skate population status and monitoring: https://imas.utas.edu.au/__data/assets/pdf_file/0007/1655611/Maugean-skate-2021-interim-report-FINAL.pdf

> *"While anthropogenic activities since European colonisation have long impacted the harbour,* ***in the past 15 years altered river flows*** *(growing reliance on hydroelectric generation and production demand)* ***and large-scale development of salmonid aquaculture have resulted in considerable changes to the environment.*** *The Maugean skate has been shown to have behavioural and physiological mechanisms that allow it to survive in the challenging conditions of Macquarie Harbour. However,* ***recent changes to the environment*** *(particularly DO levels and mixing dynamics)* ***mean that high impact environmental events have increased*** *in duration, magnitude, and frequency (e.g., duration and severity of low DO periods)."*

In an interview regarding the research, Moreno stated that since 2009 DO levels have declined significantly in the harbour and "show no sign of recovery". As to the causes of the low DO, in addition to river flows, Moreno stated:

> *"There are a few different things that affect oxygen dynamics in the harbour. One of them is the expansion of aquaculture —* ***aquaculture has a direct role in the oxygen budgets in the harbour****."*[19]

Ross et al. (2016)[20] identified that salmon farms lead to elevated oxygen consumption, resulting in lower DO levels nearer to net pens:

> *"It is not surprising, and in fact expected that the enrichment under finfish cage [sic] will lead to elevated oxygen consumption, and as a consequence, in areas where there is reduced water exchange or high levels of enrichment this could result in localised drawdown of bottom water oxygen concentrations".*
>
> *"At the lease scale there was also a pattern in bottom water dissolved oxygen saturation with distance from cages at two of the leases. Dissolved oxygen at leases 266 and 219 showed a gradient of lower dissolved oxygen saturation at cage sites that increased to background levels by approximately 100m, Figure 5-9. These two leases also had more sites with low (<25%) or extremely low (<5%) bottom water dissolved oxygen"*

Ross & MacLeod (2017)[21] highlighted the alarmingly low levels of DO in the harbour. The report also noted the indirect interactions salmon farming operations may be having on the Maugean skate via increasing the organic wastes from aquaculture production that in turn increase the biological oxygen demand and lower DO. The authors noted:

> *"DO levels were and still remain well below the levels recorded between 1993 and 2009. DO levels are now extremely low throughout the Harbour, but most notably in the southern part of the Harbour. All of the independent data sets*

[19] ABC (2023) Plibersek's pledge for no new extinctions under threat as researchers issue dire warning on Tasmanian maugean skate: https://www.abc.net.au/news/science/2023-05-16/ancient-tasmanian-maugean-skate-on-path-for-extinction-within-10/102318426
[20] Ross et al. (2016) Understanding the Ecology of Dorvilleid Polychaetes in Macquarie Harbour: https://www.imas.utas.edu.au/__data/assets/pdf_file/0010/905752/2014-038-DLD-Dorvs.pdf
[21] Ross and MacLeod (2017) Environmental Research in Macquarie Harbour: https://www.imas.utas.edu.au/__data/assets/pdf_file/0019/940303/IMAS-Technical-Report-on-Macquarie-Harbour-Condition.pdf

(industry, EPA, Sense-T, Parks, IMAS and CSIRO) are providing the same picture; DO levels in bottom waters are now worryingly low".

In response, the EPA Tasmania acknowledged the following:

> *"Long term monitoring of dissolved oxygen across Macquarie Harbour has revealed a steady decline in middle and bottom water oxygen concentrations since 2009 to the current extremely low levels which present a significant risk to the ecology of the harbour. A consequence of this is a significant decline in the abundance and diversity of benthic in-fauna in existing hypoxic zones. This threatens the sustainability of aquaculture through reduced benthic processing of organic waste from salmon pens.* ***In terms of broader ecological processes within the Harbour, reductions in dissolved oxygen and in benthic in-fauna have negative implications for the endangered Maugean skate and other fauna"***[22]

Moreno et al. (2020)[23] found the Maugean skate is vulnerable to degraded and variable environmental conditions. They also found the skate has little tolerance for low DO and while they are capable of surviving chronic exposure to hypoxic conditions, using a survival strategy known as metabolic depression, this cannot be sustained longterm. The study found metabolic depression "greatly reduces its growth/maturation rate and capacity to reproduce, limiting any increases in the population under these conditions".

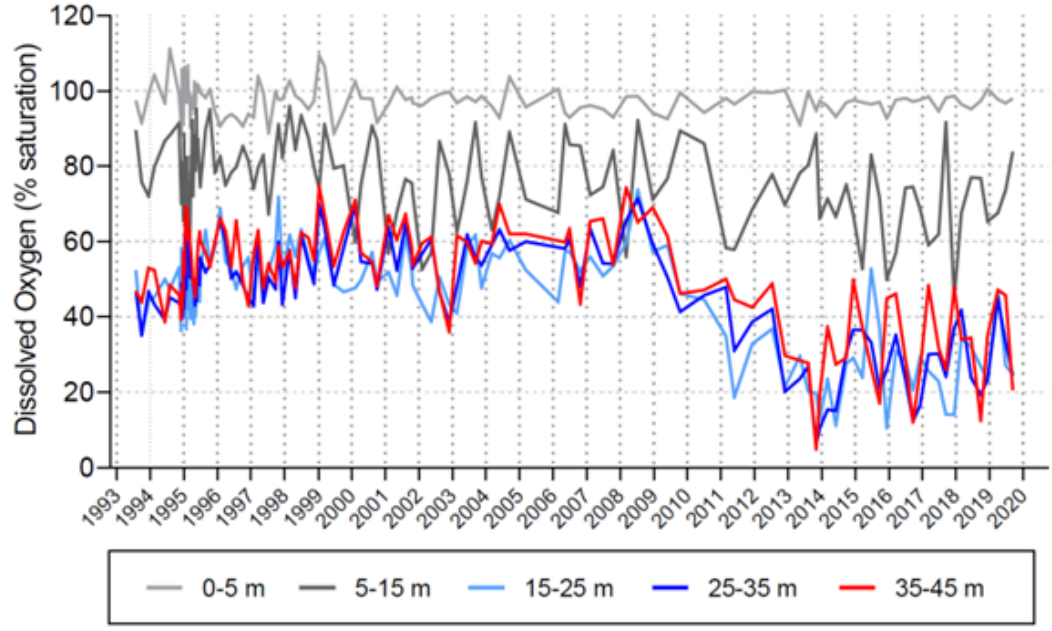

Figure 1 Long term trend in DO within a number of depth ranges at EPA site 12 (updated from MHDOWG 2014).

Figure 1 shows the low DO trend corresponds with significant expansion of aquaculture in the harbour. Production steadily increased from <1,000 tonnes in the early 2000's to >20,000 in

[22] Environment Protection Authority (2017) Directors Notice of Determination: https://epa.tas.gov.au/Documents/EPA%20Directors%20Notice%20of%20Determinations%20for%20Aquaculture%20Companies%2C%20Macquarie%20Harbour%2C%20Jan%202017.pdf

[23] Moreno et al. (2020) Vulnerability of the endangered Maugean Skate population to degraded environmental conditions in Macquarie Harbour: https://www.imas.utas.edu.au/__data/assets/pdf_file/0007/1394224/2016-068-DLD.pdf

2015/2016. Following notable declines in DO, production was lowered to 9,500 tonnes in 2020. However, DO levels remain low - particularly in mid to bottom water where the skate resides and benthic eggs are found. Prior to the 2009 expansion, the EPA time series shows DO rarely went below 40%.

Ross et al (2022)[24] notes "the longer-term EPA data shows a relatively consistent trend at all three sites from 1993 through until 2009. From 2008/2009 - 2013/2014 there was a notable decline in DO at depths >20m". The authors also noted the following:

> **"*[T]here has been a steady decline in dissolved oxygen in Macquarie Harbour since 2009,* *and in recent years, low dissolved oxygen conditions have been associated with a deterioration in sediment condition, including increased Beggiatoa bacteria and a decline in benthic infauna (Ross and Macleod 2017).*"**
>
> *"Ammonia oxidising bacteria and archaea fix carbon dioxide and obtain energy from ammonia. As such, they increase the organic matter in Macquarie Harbour and consume oxygen in doing so.*
> *This has two important implications: 1) the consumption of oxygen contributes to the deoxygenation of the harbour, particularly in deeper waters where archaea are highly abundant, and 2) it increases the organic matter loading of Macquarie Harbour, which can further contribute to deoxygenation as this matter is decomposed."*

An independent review (SAMS Enterprise 2022)[25] of Macquarie Harbour's broad-scale environmental programs summarized the impact:

> ***"[It] is likely that fish-farming in MH has increased the Pelagic Oxygen Demand through inputs of labile organic matter and ammonia/ammonium, and thus contributed to the decrease in basin water DO from about 50% saturation prior to 2009, to about 25% saturation after 2013**."*
>
> *"Oxygen demand from the additional fish production (a combination of fish respiration and metabolism of wasted organic material by other organisms) was an additional stress to the environment already highly stressed by natural processes as well as anthropogenic pressures such as a sediment inventory of toxic metals and a regulated riverine flow regime."*

The authors support their statement by citing modelling by Wild-Allen et al., (2020)[26] that found:

> *"[S]cenario simulations were achieved to explore reduced anthropogenic load on harbour water quality (by omission of fish farm respiration and nutrient loads). This reduction in anthropogenic load resulted in a 50% reduction in hypoxic water*

[24] Ross et al. (2022) Assessment of the Macquarie Harbour Broadscale Environmental Monitoring Program (BEMP) data from 2011-2020: https://epa.tas.gov.au/Documents/IMAS%20Assessment%20of%20Macquarie%20Harbour%20BEMP%20data%20from%202011%20to%202020%2C%20March%202022.pdf
[25] SAMS Enterprise (2022) Review of broad-scale environmental monitoring programs: Macquarie Harbour: https://epa.tas.gov.au/Documents/SAMS%20International%20Macquarie%20Harbour%20BEMP%20Review.pdf
[26] Wild-Allen et al. (2020) Macquarie Harbour Oxygen Process model: https://www.frdc.com.au/sites/default/files/products/FRDC_MH_Final_Rep_June_2020.pdf

and a 40% reduction in hypoxic sediment compared to the 2017-18 model run and was persistent in the extended model run."

These improvements are illustrated in figure 4.40 showing an obvious improvement in DO levels under the "no farms" scenarios. The authors state the differences were "primarily due to the omission of fish farm oxygen drawdown".

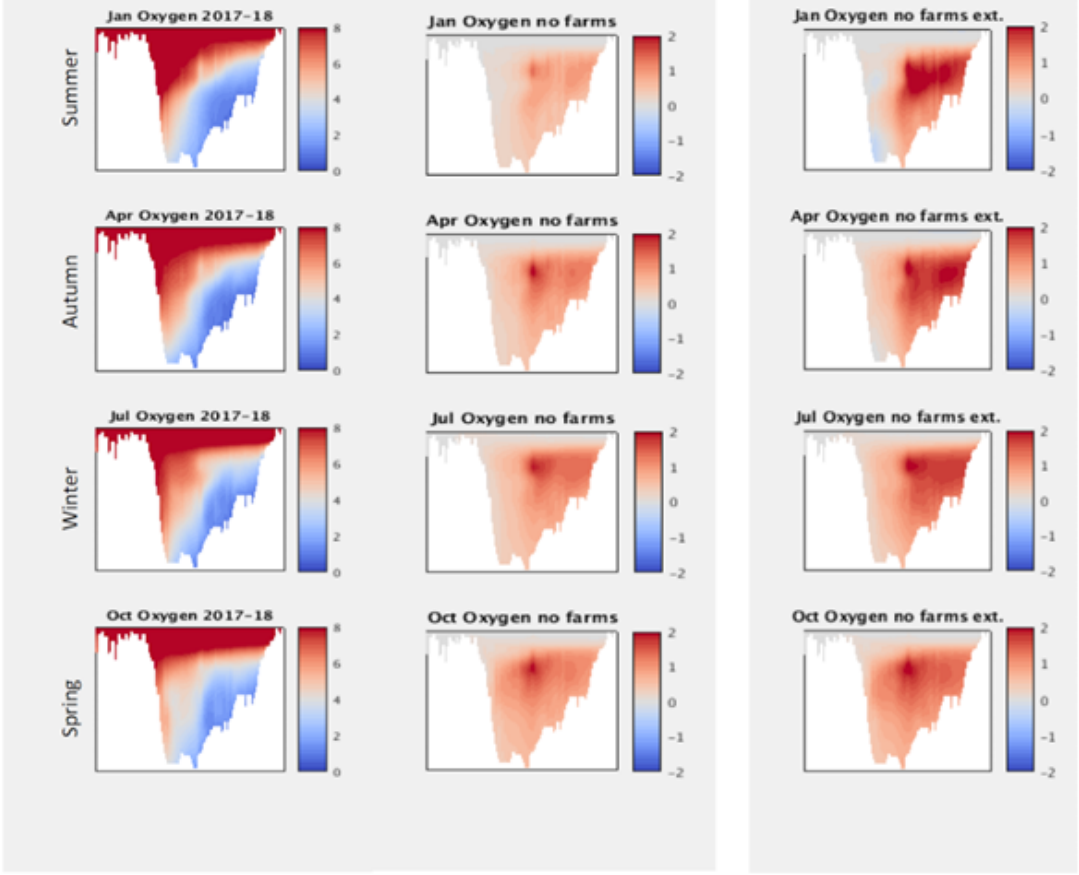

Figure 4.40 Monthly mean dissolved oxygen concentration in 2017-18 (left), oxygen anomaly simulated in the no fish farm scenario (centre) and in the no fish farm scenario extended for a further 2 years (right). Note that the left hand plots show the actual mean condition, whilst the right hand plots are anomalies from this condition. All units are mg/l.

Macquarie Harbour is an inherently stressed environment additionally impacted by legacy and modern human activities. The Australian Government Conservation Advice identified Macquarie Harbour salmon farming operations as a "very high risk" threat that is "almost certain to impact the Maugean skate throughout the entire harbour" with "catastrophic" consequences.

Importantly, the Maugean skate are vulnerable to lower levels of DO in Macquarie Harbour. Low DO is contributing to poor survival of juveniles, and mortality events. The additional oxygen demand created by expansion of salmon farming production in the harbour has caused drastically low DO since 2009. Modelling shows the removal of salmon farms would greatly improve oxygen conditions of the harbour.

This substantial scientific evidence resulted in the Conservation Advice calling for the urgent destocking of salmon farming operations in the harbour by Summer 2023/24.

The failure of the IFA and local Licence Conditions to identify impacts means they are going undetected and unpenalized.

The finding of "no deviations" with the IFA requirements indicates that the IFA Aquaculture Module criteria are unable to capture key measures of environmental performance, such as a serious extinction risk to an endangered species posed by legally compliant activities. This finding is not surprising given the IFA (v5.4-1 and v6) does not require farms to comply with any performance-based metrics that would help to detect farming related impacts. Importantly, the IFA does not impose a metric limit for dissolved oxygen.

The IFA states the monitoring shall be informed by the Environmental Impact Assessment without specifying what type of analysis or criteria are necessary for regular monitoring. We contend that GLOBALG.A.P. is failing to meet the GSSI framework requirement: "Monitoring of the systems effluents against appropriate criteria is required" With appropriate measures expected including: i) Nutrients - Nitrate/Nitrogen (impacts on seawater) ii) Nutrients - Phosphate/Phosphorous (impacts on freshwater) iii) Dissolved oxygen iv) Salinity v) Suspended Solids vi) pH.

The IFA v5.4-1 requires farms to comply with legislation (AQ10.2.1). Salmon farming operations must comply with environmental standards under Schedule 3 Broadscale Environmental Monitoring Program Macquarie Harbour - Marine Farming licence conditions.

The BEMP Licence conditions indicators and limits were informed by EIA modelling as part of the proposed expansion in the harbour. This modelling has since been found to be unreliable as increased biomass proved to be unsustainable within the harbour. GLOBALG.A.P. Macquarie Harbour certified producer, Huon Aquaculture, acknowledged:

> *"The modelling at the time indicated this to be 35 tonnes/Ha, which equated to an increase in production from approx. 8,000 tonnes/annum to 29,500 tonnes/annum. Unfortunately, this* ***initial modelling proved to be inaccurate****, which is always possible with modelling. However, a* ***failure to recognise this early*** *based on the scientific evidence becoming available* ***led to an unfortunate series of events over several years."***[27]

Unfortunately, Licence Conditions remain the same. The indicators and limits for water quality compliance in Macquarie Harbour are currently as follows:

Indicator	Limit
Ammonia (at 2 metres)	0.033 mg/L
Ammonia (at 20 metres)	0.024 mg/L
Nitrate (at 2 metres)	0.053 mg/L
Oxygen (at 2 metres)	6.82 mg/L

[27] Huon Aquaculture (2022) Farming in Macquarie Harbour: https://www.huonaqua.com.au/wp-content/uploads/2022/09/Macquarie-Harbour-Fact-Sheet-FINAL.pdf

Two independent reviews of the Macquarie Harbour Broadscale Environmental Monitoring Program have been recently completed. Both found the BEMP Licence Conditions to be inadequate.

Ross et al. (2022)[28] found:

> ***"The current parameters and depths limits do not appear to be adequate as environmental standards to monitor and protect the environmental health of Macquarie Harbour… Of note, there is only a single limit for oxygen at 2 m depth. An oxygen limit for bottom and mid waters is strongly recommended to ensure the adequate protection of the flora and fauna of Macquarie Harbour.***
>
> *This review also highlighted the importance of total N as a proxy for both organic and inorganic N within the system; we suggest this be including in sampling and future reporting on environmental condition in the harbour. Additionally, given that ammonia appears short lived within the system, consideration should be given to the inclusion of nitrate as an indicator and limit for bottom waters".*

The second review[29] of the Macquarie Harbour BEMP also found "several substantial criticisms" indicators and compliance limits:

> *"First, the remaining relevant compliance variable, nitrate, while allowing tracking of a change in the more persistent form of dissolve inorganic nitrogen, only targets a single fish-farm related Pressure. The other major inputs from fish-farming are the inputs of dissolved, potentially oxidisable, organic material and reduced nitrogen, which likely stimulate microbial respiration in MH mid-water**. Decreased concentrations of dissolved oxygen in mid-water are the consequences**. Although only DO at 2m is subject to a compliance limit, oxygen profiles are taken by the BEMP (and other studies, as discussed in the Benthos section), and it was the finding of substantial decreases in DO following the expansion of fish-farming that provided one line of evidence used to justify the decrease of consented farmed fish biomass in MH. **Thus there should be a 20 m EQS (= compliance value) for dissolved oxygen.***
>
> *"In MH, the risks are mainly those associated with water-column deoxygenation, intensified by fish-farming wastes including dissolved organic matter (DOM), particulate organic material (POM), and ammonia plus ammonium (TAN). Basin water in the Harbour (defined as that below the sill depth) was at about 60% saturation oxygen content in 2009 and fell to about 30% from 2013 as farmed biomass increased to 20,000 tonnes in 2015/2016. Although consented maximum biomass was reduced to 9.500 tonnes in 2020, basin oxygen content remained low. Thus it can be concluded that the Harbour's capacity to assimilate*

[28] Ross et al. (2022) Assessment of the Macquarie Harbour Broadscale Environmental Monitoring Program (BEMP) data from 2011-2020: https://epa.tas.gov.au/Documents/IMAS%20Assessment%20of%20Macquarie%20Harbour%20BEMP%20data%20from%202011%20to%202020%2C%20March%202022.pdf

[29] SAMS Enterprise (2022) Review of broad-scale environmental monitoring programs: Macquarie Harbour: https://epa.tas.gov.au/Documents/SAMS%20International%20Macquarie%20Harbour%20BEMP%20Review.pdf

> *farm waste remains close to fully used, and so it is crucially important that the MH BEMP closely monitors the broad-scale State of the pelagic and benthic habitats in the Harbour. We understand the MH BEMP as being the program defined in the* ***Environmental Licence issued to farmers****, which specifies only those variables listed in table 3 with the limits listed in table 5, and we conclude that, as such, it* ***is ineffective for its intended purpose****. "*

GLOBALG.A.P. is relying on local regulations (i.e., BEMP Licence Conditions) that have been found to be "narrowly defined" and "not adequate" by scientists. GLOBALG.A.P. certified farms are not finding low DO impacts because they are measuring at 2 meters depth (i.e., pelagic water); **and not measuring at the mid and bottom levels (15-20m~) where the critical environmental impacts are occuring.**

The Australian government has reached a clear conclusion, based on the best available science: fish farms, certified by GLOBALG.A.P., in Macquarie Harbour, are linked to a significant drop in dissolved oxygen levels in the mid to bottom waters of the harbour. In turn, these low DO levels are "catastrophic" to the survival of the endangered Maugean skate.

Scientific monitoring of the harbour and scientific evidence demonstrates that low dissolved oxygen levels in the mid to bottom waters – where the Maugean skate, and its eggs, are found – are "of extreme concern for the persistence of the species".

The GLOBALG.A.P. IFA Aquaculture Model isn't fit for purpose in Macquarie Harbour.

A certification standard fit for purpose should have captured the negative impacts to the harbour and endangered Maugean skate caused by Macquarie Harbour certified farms. They were not captured as the negative impacts in the way of low dissolved oxygen levels (and nitrate) are not looked for at mid-bottom under the current MH BEMP Licence Conditions or IFA and, thus, go undetected and unpenalized.

Our complaint details why Macquarie Harbour salmon farming is clearly incompatible with GLOBALG.A.P.'s stated vision, mission, and purpose of "environmentally responsible farming".

The Australian Government's Conservation Advice and official determination of the Threatened Species Scientific Committee that a "catastrophic" impact to an endangered species from GLOBALG.A.P. certified farms is occurring should be more than enough for revocation.

For the sake of the trust placed in you by Australian consumers and businesses, the continued credibility of GLOBALG.A.P.'s stated purpose, and to avoid potential further scrutiny under Australian Consumer Law, we again call on GLOBAL.G.A.P. to revoke certification from Macquarie Harbour farms.

Sincerely,

Complaint signatories below

Kelly Roebuck
SeaChoice representative
Living Oceans Society

Adrian Meder
Sustainable Seafood Program Manager
Australian Marine Conservation Society

Alistair Allan
Antarctic and Marine Campaigner
Bob Brown Foundation

Nick Haines
Senior Campaign Manager
Ekō,

Jessica Coughlan
Campaigner
Neighbours of Fish Farming

To: Global Seafood Alliance

Wally Stevens, CEO
Chris Weeks, VP of Program Integrity
CC: Global Sustainable Seafood Initiative (GSSI)

22nd September, 2023

Dear Mr. Stevens and Mr. Weeks,

FORMAL COMPLAINT - TYPE 1

Re: New urgent conservation advice identifies Macquarie Harbour salmon farming operations as a "catastrophic" threat to endangered Maugean skate; and the continued endorsement of these same salmon farms by BAP.

We draw your attention to the significant and urgent Conservation Advice by the Threatened Species Scientific Committee (TSSC) to the Australian Government's Department of Environment, released 7th September 2023.[1]

The advice identified Macquarie Harbour salmon farming operations as a "very high risk" threat that is "almost certain to impact the Maugean skate throughout the entire harbour" with "catastrophic" consequences.

The advice found that the primary threat to the species is reduced water quality, namely low dissolved oxygen levels. Low dissolved oxygen significantly correlates to the increased salmon farm production in the harbour:

> *"Substantial recent evidence indicates a **high risk of extinction** for the species in the near future. The **primary threat** to the species is degraded water quality, in particular substantially reduced levels of dissolved oxygen throughout Macquarie Harbour. There is a significant correlation between the reduction in dissolved oxygen levels and **increases in salmonid aquaculture** due to the bacterial degradation of organic material introduced into the water column from fish-feed and fish-waste"*

The advice notes that biomass caps and management actions taken to date by the industry regulator, the Tasmanian Government, has not improved water quality:

> *"Despite these management measures, dissolved oxygen levels in the harbour have not improved substantially. Elasmobranchs are known to be susceptible to eutrophication and decreased oxygen, and changes in the Maugean skate subpopulation in the harbour are evident."*

---

[1] Australian Government, Department of Climate Change, Energy, the Environment and Water (2023) Conservation Advice for Zearaja maugeana (Maugean skate): http://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf

The TSSC advised the destocking of salmon farms before Summer 2023/24 should be an urgent priority in order to substantially improve and sustain dissolved oxygen concentration (at least to 2009 levels) in Macquarie Harbour. As of 13th September, neither the Australian or Tasmanian governments have committed to taking this urgent conservation action. Meanwhile, these farms continue to be endorsed by Best Aquaculture Practices (BAP).

We emphasize: BAP-certified Macquarie Harbour salmon and trout farms are considered a "very high risk" threat with "almost certain" "catastrophic" consequences to the endangered Maugean skate according to the Australian Government's Conservation Advice.

On the 25th July, 2023, 81 signatories sent an open letter[2] calling on GSA. to revoke certification from Macquarie Harbour fish farms. On the 9th August, 2023, GSA provided a response statement.

Global Seafood Alliance's observations that "in addition to BAP standards criteria, certifications mandate that facilities comply with all regulatory requirements" indicates that **the BAP scheme and its Salmon Farm standard are not fit for purpose in Macquarie Harbour**.

Despite farms complying with the BAP standard and regulatory requirements, the scientific evidence remains: Macquarie Harbour farms — including those certified by BAP — have been determined by Australia's leading authority to be the major driver of the decline of the endangered Maugean Skate.

While GSA stands behind the technical compliance of these operators with the BAP standard; seafood consumers, retailers, consumer protection regulators, civil society groups, and other aquaculture operators will find it indefensible that BAP can credibly (and potentially within the legal bounds of Australian Consumer Law) endorse the certification of Macquarie Harbour salmon and trout farms as "environmentally responsible" when in reality, according to the Australian Government's Conservation Advice, these certified farms are driving what would be the first modern day extinction of a shark or ray species due to human activity.

We again call on GSA to revoke BAP certification from Macquarie Harbour farms due to the following evidence:

- Macquarie Harbour is naturally low in dissolved oxygen, however since 2009 water quality has crashed particularly in the mid to bottom waters (>15m), including where the Maugean skate's habitat and eggs are found.

- The habour's degraded water quality, particularly the substantially reduced low dissolved oxygen, is considered the "primary threat" to the Maugean skate.

- Scientific evidence concludes a "significant correlation" between the expansion of salmon farming since 2009 and the harbour's low dissolved oxygen levels, particularly in the mid to bottom waters causing hypoxia.

- The bottom hypoxic (low oxygen) waters can be displaced through the water column into the Maugean skate's habitat during oceanic storms. In 2019, such a weather event resulted in half the skate population suffocating.

[2] Emailed to BAP 24/07/23

- As such, salmon farming operations are considered a “very high risk” threat that is “almost certain to impact the Maugean skate throughout the entire harbour” with “catastrophic” consequences.

- The BAP Salmon Farm standard fails to capture the impact salmon farms are having on the harbour’s dissolved oxygen levels. The standard imposes no dissolved oxygen performance metrics that farms must adhere to in order to be certified.

- The BAP standard requires compliance with “local standards”. In the case of Macquarie Harbour this would be the Macquarie Harbour Broadscale Environmental Monitoring Program (BEMP) Licence Conditions.

- The BEMP Licence Conditions have been found:

> *“Not to be adequate as environmental standards to monitor and protect the environmental health of Macquarie Harbour…*
> *Of note, there is only a single limit for oxygen at 2m depth. An oxygen limit for bottom and mid waters is strongly recommended to ensure the adequate protection of the flora and fauna of Macquarie Harbour”.*

- BAP certified farms are considered in compliance with these “inadequate” licence conditions.

- Despite no oxygen limit for bottom and mid waters in the Licence Conditions, oxygen profiles taken by the BEMP (and other studies such as CSIRO Sense-T and EPA water quality monitoring) have found low dissolved oxygen levels in mid to bottom waters due to nutrient loads from salmon and ocean trout farms.

- Consequently “adequate protection” for the skate is not happening under the regulator’s licence conditions or BAP standard.

- Negative impacts to the endangered skate’s habitat are occurring (as described by the scientific studies and the new Conservation Advice) but these impacts are not looked for under the current MH BEMP Licence Conditions and, thus, go undetected and unpenalized.

By ignoring the conservation advice, scientific evidence, and independent reviews that find the Licence Conditions inadequate, BAP risks becoming implicated in facilitating certified Macquarie Harbour farms to continue to negatively impact the endangered Maugean skate. BAP can also expect to be held accountable in the event of continued negative conservation outcomes.

Consequently, we are submitting this **formal complaint** regarding the BAP’s continued endorsement of certified farms in Macquarie Harbour.

Macquarie Harbour salmon farms are clearly incompatible with BAP’s stated vision of “responsible seafood”; as well as claims to consumers that BAP “certifies seafood that is

produced safely, responsibly, and ethically", "ensures your seafood meets strict standards relative to the environment" and is a "good choice".[3]

The issue of greenwashing has received unprecedented consumer concern and significant attention in Australia in recent times. So much so that a Senate Inquiry into Greenwashing is currently underway by the Parliament of Australia.[4] Several submissions to the inquiry flag serious concerns that seafood certifications are not living up to their promises and, in actuality, are misleading consumers.

According to the Australian Consumer Law (Schedule 2 of the Competition and Consumer Act 2010), businesses have the obligation not to make false or misleading representation or engage in misleading or deceptive conduct.

A business is considered to be engaging in greenwashing by the Australian Competition and Consumer Commission (ACCC) where:

> *"they use any claim that makes a product, service or business seem better or less harmful for the environment than it really is".*[5]

For the second year running, the ACCC announced that greenwashing will be a top enforcement priority.[6] Meanwhile greenwashing cases are occurring in the Australian Federal Court.[7]

BAP's claims of "environmental responsibility" and "ensuring marine habitats are protected" are completely misleading to consumers and are, in our view, greenwashing. A credible certification could not be endorsing farming practices that are clearly linked to an extinction threat to a species.

Other certifications, the Aquaculture Stewardship Council and RSPCA, no longer certify Macquarie Harbour salmon farms due to the environmental damage caused by the industry within the harbour and presumably the credibility risk to their stated mission and objectives. We would welcome and urge GSA to demonstrate leadership that respects the trust of seafood consumers and the retailers that rely on your BAP certification to uphold their sustainable seafood policies.

In the event that GSA continues to endorse BAP certified Macquarie Harbour farmed salmon and trout as "environmentally responsible", we will escalate our concerns to the ACCC on this serious matter.

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[3] BAP (2023) Choose Seafood with Standards: https://bap.globalseafood.org/?__hstc=74129677.5911c22860784e099ee17a09eeddb000.1687999137156.1693281576939.1695095974337.16&__hssc=74129677.3.1695095974337&__hsfp=3408374386

[4] Parliament of Australia (2023) Senate Greenwashing Inquiry: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Greenwashing

[5] Australian Competition and Consumer Commission (2023) Environmental and sustainability claims: https://www.accc.gov.au/system/files/Environmental%20and%20sustainability%20claims%20-%20draft%20guidance%20for%20business_web.pdf

[6] ACCC (2023) 2023-2024 Compliance and Enforcement Priorities: https://www.accc.gov.au/system/files/2023-24%20Compliance%20and%20Enforcement%20Priorities_0.pdf

[7] ACCR (2023) Australisian Centre for Corporate Responsibility updates case against Santos in Federal Court: https://www.accr.org.au/news/australasian-centre-for-corporate-responsibility-updates-case-against-santos-in-federal-court/

Below we elaborate and respond, with evidence, to GSA's response letter dated 23rd August 2023.

The science shows salmon farm expansion in Macquarie Harbour is directly linked to the plight of the endangered Maugean Skate.

Urgent Conservation Advice from the Threatened Species Scientific Committee was recently published by the Australian Government.[8] Significantly, a risk matrix of threats to the endangered Maugean Skate lists the reduced water quality due to salmon farming operations in Macquarie Harbour as a "very high risk" threat that is "almost certain to impact the Maugean skate throughout the entire harbour" with "catastrophic" consequences. See Risk Matrix below.

Each threat has been described in Table 1 in terms of the extent that it is operating on the species. The risk matrix (Table 3) provides a visual depiction of the level of risk being imposed by a threat and supports the prioritisation of subsequent management and conservation actions. In preparing a risk matrix, several factors have been taken into consideration, they are: the life stage they affect; the duration of the impact; the spatial extent, and the efficacy of current management regimes, assuming that management will continue to be applied appropriately. The risk matrix and ranking of threats has been developed in consultation with experts and using available literature.

Table 3 Risk Matrix

Likelihood	Consequences				
	Not significant	Minor	Moderate	Major	Catastrophic
Almost certain			Recreational line fishing	Temperature and rainfall increases due to climate change Recreational and commercial gillnet fishing Metal pollution and sediment contamination from upstream historical mining operations	Reduced water quality from salmonid aquaculture operations in Macquarie Harbour Hydroelectric damming that alters the flow of the King and Gordon Rivers
Likely					
Possible					
Unlikely					
Unknown					

Risk Matrix legend/Risk rating:

Low Risk	Moderate Risk	High Risk	Very High Risk

[8] Australian Government, Department of Climate Change, Energy, the Environment and Water (2023) Conservation Advice for Zearaja maugeana (Maugean skate): http://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf

The advice states:

> *"Substantial recent evidence indicates a high risk of extinction for the species in the near future. The primary threat to the species is degraded water quality, in particular substantially reduced levels of dissolved oxygen throughout Macquarie Harbour. There is a significant correlation between the reduction in dissolved oxygen levels and increases in salmonid aquaculture due to the bacterial degradation of organic material introduced into the water column from fish-feed and fish-waste"*
>
> *"The primary threat to the Maugean skate is habitat degradation resulting from sustained reduction of dissolved oxygen… the most important anthropogenic contributor to the oxygen debt in Macquarie Harbour is ongoing salmonid aquaculture."*

The advice notes that the management actions taken to date by the industry regulator, the Tasmanian Government, has not improved water quality:

> *"**Despite these management measures, dissolved oxygen levels in the harbour have not improved substantially**. Elasmobranchs are known to be susceptible to eutrophication and decreased oxygen, and changes in the Maugean skate subpopulation in the harbour are evident."*

These Tasmanian government management measures included reducing capped biomass in the harbour based on so-called "adaptive management".[9] In 2017, the Tasmanian Government reduced the biomass cap citing "reductions in dissolved oxygen and in benthic in-fauna have negative implications for the Maugean skate" as a reason.[10] The state's Minister for Primary Industries and Water proclaimed the decision was "necessary to ensure the environment can cater for the salmon industry"[11] and that "adaptive management continues to work at Macquarie Harbour".[12]

Another reduction limit was made in 2018 to 9,500 tonnes; again citing the health of the harbour and impacts to the skate as the reason.[13] The Director of the Tasmanian Environmental Protection Agency, Wes Ford, acknowledged the science used to support expansion in the harbour was "wrong", stating: "The harbour has just not performed in the way anyone thought it

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[9] Tasmanian Government (2017) Adaptive management continues to work at Macquarie Harbour: https://www.premier.tas.gov.au/releases/adaptive_management_continues_to_work_at_macquarie_harbour

[10] Environment Protection Authority (2017) Directors Notice of Determination: https://epa.tas.gov.au/Documents/EPA%20Directors%20Notice%20of%20Determinations%20for%20Aquaculture%20Companies%2c%20Macquarie%20Harbour%2c%20Jan%202017.pdf

[11] ABC (2016) Proposed cut in Macquarie Harbour salmon stocks dismissed as 'window dressing': https://www.abc.net.au/news/2016-11-30/environmental-watchdog-tells-salmon-producers-to-reduce-biomass/8078382

[12] Tasmanian Government (2017) Adaptive management continues to work at Macquarie Harbour: https://www.premier.tas.gov.au/releases/adaptive_management_continues_to_work_at_macquarie_harbour

[13] EPA (2018) Statement of reasons for determinations: https://epa.tas.gov.au/Documents/MACQUARIE%20HARBOUR%20DETERMINATIONS%201%20JUNE%202018%20TO%2031%20MAY%202020.pdf

would and hence has been more degraded and hence the biomass has had to be put down".[14] Mr Ford also claimed that the harbour would recover: “It is just a matter what the time frame for that is”.

In 2022, the Tasmanian Environmental Protection Agency noted farms had actually increased production from 2019-2021 by around 10% due to “production creep” (companies extending the growing season) and shifted from a biomass cap to a total permissible dissolved nitrogen output.[15] In their rationale the regulator states the EPA director has lowered the biomass since 2017 to “allow for the recovery of the harbour”[16]; and goes on to acknowledge, within the statement of reasons, that government measures to date have not improved water quality:

> “***Recent reports on the environmental health of Macquarie Harbour indicate that a sustained recovery of middle and bottom dissolved oxygen levels has not yet eventuated.*** *This remains a concern in terms of potential linkages to increased lease non-compliance; the spread of Beggiatoa into the World Heritage Area.”*[17]

Despite the Tasmanian Government’s claims that management measures would “work” and that the harbour “would recover”, the regulator has simultaneously and consistently acknowledged that the science indicates dissolved oxygen levels in the middle and bottom levels of the harbour have not improved.

Consequently, the **Threatened Species Scientific Committee’s Conservation Advice to the Australian Government advises to urgently prioritize destocking salmon and trout farms before Summer 2023/24:**

> *“**Eliminate or significantly reduce the impacts of salmonid aquaculture on dissolved oxygen concentrations.** The fastest and simplest way to achieve this is by significantly reducing fish biomass and feeding rates.”*

The Conservation Advice is based on numerous scientific studies including Moreno et al., 2023[18] which cites mounting evidence that the degraded environmental condition of Macquarie Harbour – particularly low dissolved oxygen (DO) levels – are the cause for the Maugean skate population declines:

> ***“There is mounting evidence that these low DO conditions are impacting the Maugean skate population, including inducing mortality events*** *(Moreno et al., 2020)...*

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[14] ABC (2018) Macquarie Harbour salmon expansion science ‘wrong’: https://www.abc.net.au/news/2018-03-23/macquarie-harbour-salmon-expansion-science-wrong-admits-epa/9579140

[15] EPA (2022) Rationale for changing management determination from Biomass to Total Permissible Dissolved Nitrogen Output: https://epa.tas.gov.au/business-industry/regulation/salmon-aquaculture/marine-finfish-farms/macquarie-harbour/rationale-for-changing-management-determination

[16] Ibid.

[17] EPA (2022) Statement of Reasons for TPDNO Determination: https://epa.tas.gov.au/Documents/Statement%20of%20Reasons%20-%20TPDNO%20Determination%20-%201%20September%202022%20to%2031%20August%202027.pdf

[18] Moreno and Semmens (2023) Interim report - Macquarie Harbour Maugean skate population status and monitoring: https://imas.utas.edu.au/__data/assets/pdf_file/0007/1655611/Maugean-skate-2021-interim-report-FINAL.pdf

> ***Therefore, in the case of the Maugean skate, the ongoing impacts to DO levels and mixing dynamics are of extreme concern for the persistence of the species."***

The authors noted "the environmental conditions in the harbour, particularly dissolved oxygen levels, have been impacted by anthropogenic inputs". While historical activities (i.e., forestry and mining) have long contributed to changes within Macquarie Harbour, the authors state it is recent anthropogenic activities (i.e., hydro and salmon aquaculture) within the *past 15 years* that *considerable changes* have occurred, particularly to DO levels:

> *"While anthropogenic activities since European colonisation have long impacted the harbour,* ***in the past 15 years altered river flows*** *(growing reliance on hydroelectric generation and production demand)* ***and large-scale development of salmonid aquaculture have resulted in considerable changes to the environment.*** *The Maugean skate has been shown to have behavioural and physiological mechanisms that allow it to survive in the challenging conditions of Macquarie Harbour. However,* ***recent changes to the environment*** *(particularly DO levels and mixing dynamics)* ***mean that high impact environmental events have increased*** *in duration, magnitude, and frequency (e.g., duration and severity of low DO periods)."*

In an interview regarding the research, Moreno stated that since 2009 DO levels have declined significantly in the harbour and "show no sign of recovery". As to the causes of the low DO, in addition to river flows, Moreno stated:

> *"There are a few different things that affect oxygen dynamics in the harbour. One of them is the expansion of aquaculture —* ***aquaculture has a direct role in the oxygen budgets in the harbour****."*[19]

Ross et al. (2016)[20] identified that salmon farms lead to elevated oxygen consumption, resulting in lower DO levels nearer to net pens:

> *"It is not surprising, and in fact expected that the* ***enrichment under finfish cage*** *[sic]* ***will lead to elevated oxygen consumption****, and as a consequence, in areas where there is reduced water exchange or high levels of enrichment this could* ***result in localised drawdown of bottom water oxygen concentrations****".*

> *"At the lease scale there was also a pattern in bottom water dissolved oxygen saturation with distance from cages at two of the leases. Dissolved oxygen at leases 266 and 219 showed a gradient of lower dissolved oxygen saturation at cage sites that increased to background levels by approximately 100m, Figure 5-9. These two leases also had more sites with low (<25%) or extremely low (<5%) bottom water dissolved oxygen"*

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[19] ABC (2023) Plibersek's pledge for no new extinctions under threat as researchers issue dire warning on Tasmanian maugean skate: https://www.abc.net.au/news/science/2023-05-16/ancient-tasmanian-maugean-skate-on-path-for-extinction-within-10/102318426

[20] Ross et al. (2016) Understanding the Ecology of Dorvilleid Polychaetes in Macquarie Harbour: https://www.imas.utas.edu.au/__data/assets/pdf_file/0010/905752/2014-038-DLD-Dorvs.pdf

Ross & MacLeod (2017)[21] highlighted the alarmingly low levels of DO in the harbour. The report also noted the indirect interactions salmon farming operations may be having on the Maugean skate via increasing the organic wastes from aquaculture production that in turn increase the biological oxygen demand and lower DO. The authors noted:

> *"DO levels were and still remain well below the levels recorded between 1993 and 2009. DO levels are now extremely low throughout the Harbour, but most notably in the southern part of the Harbour. All of the independent data sets (industry, EPA, Sense-T, Parks, IMAS and CSIRO) are providing the same picture;* ***DO levels in bottom waters are now worryingly low"****.*

In response, the EPA Tasmania acknowledged the following:

> *"Long term monitoring of dissolved oxygen across Macquarie Harbour has revealed a steady decline in middle and bottom water oxygen concentrations since 2009 to the current extremely low levels which present a significant risk to the ecology of the harbour. A consequence of this is a significant decline in the abundance and diversity of benthic in-fauna in existing hypoxic zones. This threatens the sustainability of aquaculture through reduced benthic processing of organic waste from salmon pens.* ***In terms of broader ecological processes within the Harbour, reductions in dissolved oxygen and in benthic in-fauna have negative implications for the endangered Maugean skate and other fauna"***[22]

Moreno et al. (2020)[23] found the Maugean skate is vulnerable to degraded and variable environmental conditions. They also found the skate has little tolerance for low DO and while they are capable of surviving chronic exposure to hypoxic conditions, using a survival strategy known as metabolic depression, this cannot be sustained longterm. The study found metabolic depression "greatly reduces its growth/maturation rate and capacity to reproduce, limiting any increases in the population under these conditions".

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[21] Ross and MacLeod (2017) Environmental Research in Macquarie Harbour: https://www.imas.utas.edu.au/__data/assets/pdf_file/0019/940303/IMAS-Technical-Report-on-Macquarie-Harbour-Condition.pdf?_gl=1*1ttulix*_gcl_au*MTQzOTQ2Njc4Ny4xNjg3OTMzNzA5

[22] Environment Protection Authority (2017) Directors Notice of Determination: https://epa.tas.gov.au/Documents/EPA%20Directors%20Notice%20of%20Determinations%20for%20Aquaculture%20Companies%2C%20Macquarie%20Harbour%2C%20Jan%202017.pdf

[23] Moreno et al. (2020) Vulnerability of the endangered Maugean Skate population to degraded environmental conditions in Macquarie Harbour: https://www.imas.utas.edu.au/__data/assets/pdf_file/0007/1394224/2016-068-DLD.pdf

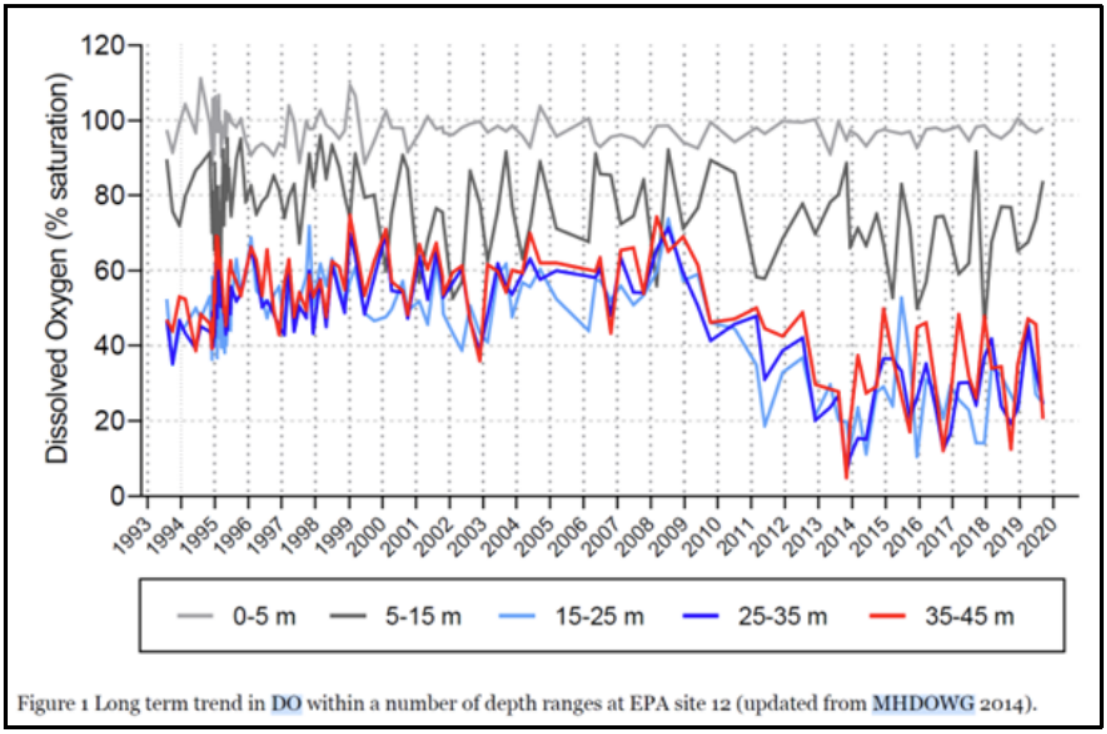

Figure 1 Long term trend in DO within a number of depth ranges at EPA site 12 (updated from MHDOWG 2014).

Figure 1 shows the low DO trend corresponds with significant expansion of aquaculture in the harbour. Production steadily increased from <1,000 tonnes in the early 2000's to >20,000 in 2015/2016. Following notable declines in DO, production was lowered to 9,500 tonnes in 2020. However, DO levels remain low - particularly in mid to bottom water where the skate resides and benthic eggs are found. Prior to the 2009 expansion, the EPA time series shows DO rarely went below 40%.

Ross et al (2022)[24] notes "the longer-term EPA data shows a relatively consistent trend at all three sites from 1993 through until 2009. From 2008/2009 - 2013/2014 there was a notable decline in DO at depths >20m". The authors also noted the following:

> "***[T]here has been a steady decline in dissolved oxygen in Macquarie Harbour since 2009,*** *and in recent years, low dissolved oxygen conditions have been associated with a deterioration in sediment condition, including increased Beggiatoa bacteria and a decline in benthic infauna (Ross and Macleod 2017)."*
>
> *"Ammonia oxidising bacteria and archaea fix carbon dioxide and obtain energy from ammonia. As such, they increase the organic matter in Macquarie Harbour and consume oxygen in doing so.*
> *This has two important implications: 1) the consumption of oxygen contributes to the deoxygenation of the harbour, particularly in deeper waters where archaea are highly abundant, and 2) it increases the organic matter loading of Macquarie Harbour, which can further contribute to deoxygenation as this matter is decomposed."*

[24] Ross et al. (2022) Assessment of the Macquarie Harbour Broadscale Environmental Monitoring Program (BEMP) data from 2011-2020: https://epa.tas.gov.au/Documents/IMAS%20Assessment%20of%20Macquarie%20Harbour%20BEMP%20data%20from%202011%20to%202020%2C%20March%202022.pdf

An independent review (SAMS Enterprise 2022)[25] of Macquarie Harbour's broad-scale environmental programs summarized the impact:

> ***"[It] is likely that fish-farming in MH has increased the Pelagic Oxygen Demand through inputs of labile organic matter and ammonia/ammonium, and thus contributed to the decrease in basin water DO from about 50% saturation prior to 2009, to about 25% saturation after 2013**."*
>
> *"Oxygen demand from the additional fish production (a combination of fish respiration and metabolism of wasted organic material by other organisms) was an additional stress to the environment already highly stressed by natural processes as well as anthropogenic pressures such as a sediment inventory of toxic metals and a regulated riverine flow regime."*

The authors support their statement by citing modelling by Wild-Allen et al., (2020)[26] that found:

> *"[S]cenario simulations were achieved to explore reduced anthropogenic load on harbour water quality (by omission of fish farm respiration and nutrient loads). This reduction in anthropogenic load resulted in a 50% reduction in hypoxic water and a 40% reduction in hypoxic sediment compared to the 2017-18 model run and was persistent in the extended model run."*

These improvements are illustrated in figure 4.40 showing an obvious improvement in DO levels under the "no farms" scenarios. The authors state the differences were "primarily due to the omission of fish farm oxygen drawdown".

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[25] SAMS Enterprise (2022) Review of broad-scale environmental monitoring programs: Macquarie Harbour: https://epa.tas.gov.au/Documents/SAMS%20International%20Macquarie%20Harbour%20BEMP%20Review.pdf

[26] Wild-Allen et al. (2020) Macquarie Harbour Oxygen Process model: https://www.frdc.com.au/sites/default/files/products/FRDC_MH_Final_Rep_June_2020.pdf

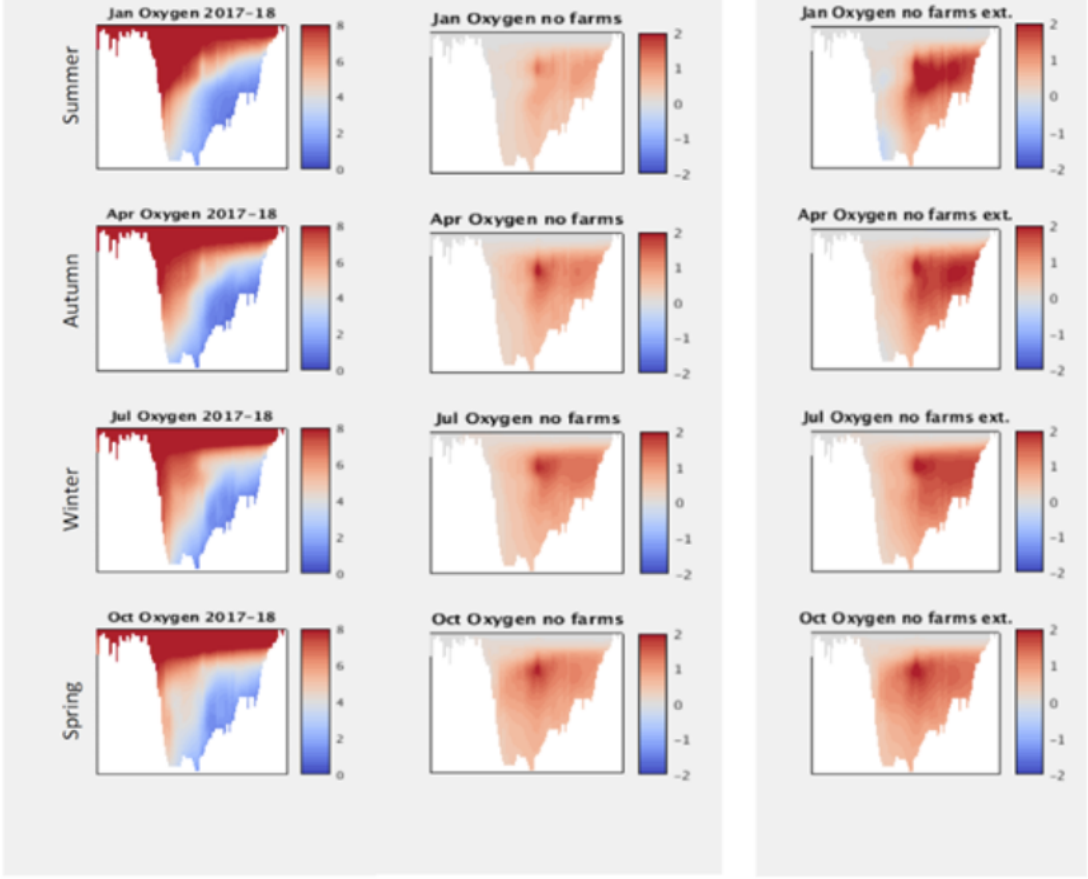

Figure 4.40 Monthly mean dissolved oxygen concentration in 2017-18 (left), oxygen anomaly simulated in the no fish farm scenario (centre) and in the no fish farm scenario extended for a further 2 years (right). Note that the left hand plots show the actual mean condition, whilst the right hand plots are anomalies from this condition. All units are mg/l.

Macquarie Harbour is an inherently stressed environment additionally impacted by legacy and modern human activities. T**he Australian Government Conservation Advice identified Macquarie Harbour salmon farming operations as a "very high risk" threat that is "almost certain to impact the Maugean skate throughout the entire harbour" with "catastrophic" consequences.**

Importantly, the Maugean skate are vulnerable to lower levels of DO in Macquarie Harbour. Low DO is contributing to poor survival of juveniles, and mortality events. The additional oxygen demand created by expansion of salmon farming production in the harbour has caused drastically low DO since 2009. Modelling shows the removal of salmon farms would greatly improve oxygen conditions of the harbour.

This substantial scientific evidence resulted in the Conservation Advice calling for the urgent destocking of salmon farming operations in the harbour by Summer 2023/24.

The failure of the BAP standard and local Licence Conditions to identify impacts means they are going undetected and unpenalized.

BAP is failing to meet its own GSA Standards Development Process. Standard revisions are stated to be conducted at least every four years (1.6 New Standards and Standards Revisions). The Global Sustainable Seafood Initiative (GSSI) benchmark requires scheme owners to review standards at least every five years.[27] It has been seven years since Issue 2 Salmon Farms was published in 2016.

GSA's Standards Development Process also requires a 60-day public comment period for standards and revisions (1.5.1 Development Process, 1.7 GSA Standards Development Process) The last public comment period held for BAP's Salmon Farms standard was Issue 1 in 2011 - 12 years ago. No public comment period was held for Issue 2. This breaches GSSI's requirement of at least 60 days for public comments. Likewise, the FAO Technical Guidelines on Aquaculture Certification states *"before adopting a standard(s), the standards setting body or entity should allow a period of an appropriate duration for the submission of comments on the draft standards by interested parties".*[28]

The GSA is failing to comply with its own BAP Standards Development Process. Therefore, GSA's actions, in practice, are not "robust" or meeting "internationally accepted" FAO and GSSI requirements.

Further, by not following written processes, the GSA has denied the opportunity for stakeholders to provide input and scientific evidence that could have helped to ensure the BAP Salmon Farms standard was scientifically relevant and fit for purpose – including for Macquarie Harbour.

The GSA's investigation observations that farms are compliant with the BAP standard and local regulations indicates that the BAP Salmon Farm criteria[29] are unable to capture key measures of environmental performance, such as a serious extinction risk to an endangered species posed by legally compliant activities. This finding is not surprising given the BAP standard does not require farms to comply with any performance-based metrics that would help to detect farming related impacts. **Importantly, the BAP standard does not impose a metric limit for dissolved oxygen.**

Instead, the BAP standard simply states dissolved oxygen limits are *assumed t*o be taken by "most farms". In addition to dissolved oxygen, no measurements or limits are defined in the standard for phosphates, nitrogen and ammonia. Under Animal Welfare a Water Quality Management Plan is required - again with no measurements or limits.

We contend that BAP is failing to meet the GSSI framework requirement: "Monitoring of the systems effluents against appropriate criteria is required" With appropriate measures expected including: i) Nutrients - Nitrate/Nitrogen (impacts on seawater) ii) Nutrients - Phosphate/ Phosphorous (impacts on freshwater) iii) Dissolved oxygen iv) Salinity v) Suspended Solids vi) pH.

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[27] GSSI (2021) Benchmark Framework v2.0: https://www.ourgssi.org/wp-content/uploads/2021/11/Benchmark-Framework-version-2.0.xlsx

[28] FAO (2011) Technical guidelines on aquaculture certification: https://www.fao.org/apfic/publications/detail/en/c/419735/

[29] BAP (2023) BAP Salmon Farm Standards: https://www.bapcertification.org/Downloadables/pdf/GSA%20-%20Salmon%20Farm%20Standard%20-%20Issue%202.4%20-%2007-February-2023.pdf

Further, the BAP Salmon Farms Standard defers to local regulations and assume appropriate studies and impact assessments have been completed to prevent "significant negative impacts on animal populations that comprise the benthos under or near the farm" and that "farms shall be located and operated in such a way that they minimize negative impacts on sediment quality out - side a defined sediment impact zone, or on water quality within the general vicinity of the farm"

The Australian Government's Conservation Advice makes it clear that Macquarie Harbour farms are not located or operated in a way that minimizes significant negative impacts to the Maugean skate population or water quality. The BAP standard, and the government regulations it defers to, have been found to be inadequate.

The BEMP Licence conditions indicators and limits were informed by EIA modelling as part of the proposed expansion in the harbour. This modelling has since been found to be unreliable as increased biomass proved to be unsustainable within the harbour. Macquarie Harbour producer, Huon Aquaculture, acknowledged:

> *"The modelling at the time indicated this to be 35 tonnes/Ha, which equated to an increase in production from approx. 8,000 tonnes/annum to 29,500 tonnes/annum. Unfortunately, this* ***initial modelling proved to be inaccurate****, which is always possible with modelling. However, a* ***failure to recognise this early*** *based on the scientific evidence becoming available* ***led to an unfortunate series of events over several years."***[30]

The EPA Director, Wes Ford, acknowledged the scientific modelling used to support expansion in the harbour was "flat wrong". Mr Ford also stated "quite clearly the harbour has not been able to live up to the modelled expected outcomes of the way this harbour would perform".[31]

Unfortunately, Licence Conditions remain the same. The indicators and limits for water quality compliance in Macquarie Harbour are currently as follows:

Indicator	**Limit**
Ammonia (at 2 metres)	0.033 mg/L
Ammonia (at 20 metres)	0.024 mg/L
Nitrate (at 2 metres)	0.053 mg/L
Oxygen (at 2 metres)	6.82 mg/L

Two independent reviews of the Macquarie Harbour Broadscale Environmental Monitoring Program have been recently completed. Both found the BEMP Licence Conditions to be inadequate.

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30 Huon Aquaculture (2022) Farming in Macquarie Harbour: https://www.huonaqua.com.au/wp-content/uploads/2022/09/Macquarie-Harbour-Fact-Sheet-FINAL.pdf

[31] ABC (2018) Macquarie Harbour salmon expansion science 'wrong': https://www.abc.net.au/news/2018-03-23/macquarie-harbour-salmon-expansion-science-wrong-admits-epa/9579140

Ross et al. (2022)[32] found:

> ***"The current parameters and depths limits do not appear to be adequate as environmental standards to monitor and protect the environmental health of Macquarie Harbour… Of note, there is only a single limit for oxygen at 2 m depth. An oxygen limit for bottom and mid waters is strongly recommended to ensure the adequate protection of the flora and fauna of Macquarie Harbour.***
>
> *This review also highlighted the importance of total N as a proxy for both organic and inorganic N within the system; we suggest this be including in sampling and future reporting on environmental condition in the harbour. Additionally, given that ammonia appears short lived within the system, consideration should be given to the inclusion of nitrate as an indicator and limit for bottom waters".*

The second review[33] of the Macquarie Harbour BEMP also found "several substantial criticisms" indicators and compliance limits:

> *"First, the remaining relevant compliance variable, nitrate, while allowing tracking of a change in the more persistent form of dissolve inorganic nitrogen, only targets a single fish-farm related Pressure. The other major inputs from fish-farming are the inputs of dissolved, potentially oxidisable, organic material and reduced nitrogen, which likely stimulate microbial respiration in MH mid-water.* ***Decreased concentrations of dissolved oxygen in mid-water are the consequences****. Although only DO at 2m is subject to a compliance limit, oxygen profiles are taken by the BEMP (and other studies, as discussed in the Benthos section), and it was the finding of substantial decreases in DO following the expansion of fish-farming that provided one line of evidence used to justify the decrease of consented farmed fish biomass in MH.* ***Thus there should be a 20 m EQS (= compliance value) for dissolved oxygen.***
>
> *"In MH, the risks are mainly those associated with water-column deoxygenation, intensified by fish-farming wastes including dissolved organic matter (DOM), particulate organic material (POM), and ammonia plus ammonium (TAN). Basin water in the Harbour (defined as that below the sill depth) was at about 60% saturation oxygen content in 2009 and fell to about 30% from 2013 as farmed biomass increased to 20,000 tonnes in 2015/2016. Although consented maximum biomass was reduced to 9.500 tonnes in 2020, basin oxygen content remained low. Thus it can be concluded that the Harbour's capacity to assimilate farm waste remains close to fully used, and so it is crucially important that the MH BEMP closely monitors the broad-scale State of the pelagic and benthic habitats in the Harbour. We understand the MH BEMP as being the program*

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[32] Ross et al. (2022) Assessment of the Macquarie Harbour Broadscale Environmental Monitoring Program (BEMP) data from 2011-2020: https://epa.tas.gov.au/Documents/IMAS%20Assessment%20of%20Macquarie%20Harbour%20BEMP%20data%20from%202011%20to%202020%2C%20March%202022.pdf

[33] SAMS Enterprise (2022) Review of broad-scale environmental monitoring programs: Macquarie Harbour: https://epa.tas.gov.au/Documents/SAMS%20International%20Macquarie%20Harbour%20BEMP%20Review.pdf

*defined in the **Environmental Licence issued to farmers**, which specifies only those variables listed in table 3 with the limits listed in table 5, and we conclude that, as such, it **is ineffective for its intended purpose**. "*

BAP is relying on local regulations (i.e., BEMP Licence Conditions) that have been found to be "narrowly defined" and "not adequate" by scientists. BAP certified farms are not finding low DO impacts because they are measuring at 2 meters depth (i.e., pelagic water); **and not measuring at the mid and bottom levels (15-20m~) where the critical environmental impacts are occuring.**

The Australian government has reached a clear conclusion, based on the best available science: fish farms, certified by BAP, in Macquarie Harbour, are linked to a significant drop in dissolved oxygen levels in the mid to bottom waters of the harbour. In turn, these low DO levels are "catastrophic" to the survival of the endangered Maugean skate.

Scientific monitoring of the harbour and scientific evidence demonstrates that low dissolved oxygen levels in the mid to bottom waters – where the Maugean skate, and its eggs, are found – are "of extreme concern for the persistence of the species".

The BAP Salmon Farm Standard isn't fit for purpose in Macquarie Harbour.

A certification standard fit for purpose should have captured the negative impacts to the harbour and endangered Maugean skate caused by Macquarie Harbour certified farms. They were not captured as the negative impacts in the way of low dissolved oxygen levels (and nitrate) are not looked for at mid-bottom under the current MH BEMP Licence Conditions or BAP standard and, thus, go undetected and unpenalized.

Our complaint details why Macquarie Harbour salmon farming is clearly incompatible with BAP's stated vision, and consumer claims of "environmentally responsible seafood".

The Australian Government's Conservation Advice and official determination of the Threatened Species Scientific Committee that a "catastrophic" impact to an endangered species from BAP certified farms is occurring should be more than enough for revocation.

For the sake of the trust placed in you by Australian consumers and businesses, the continued credibility of BAP's stated purpose, and to avoid potential further scrutiny under Australian Consumer Law, we again call on GSA to revoke BAP certification from Macquarie Harbour farms.

Sincerely,

Complaint signatories below

Kelly Roebuck

SeaChoice representative
Living Oceans Society

Adrian Meder
Sustainable Seafood Program Manager
Australian Marine Conservation Society

Alistair Allan
Antarctic and Marine Campaigner
Bob Brown Foundation

Nick Haines
Senior Campaign Manager
Ekō,

Jessica Coughlan
Campaigner
Neighbours of Fish Farming

Open letter to the Global Seafood Alliance:

Mike Kocsis
CEO, Global Seafood Alliance

5th May 2024

Dear Mr. Kocsis,

We the undersigned represent **76 environmental, community, and animal welfare groups** from around the globe working to protect wild fish and our marine ecosystems from the negative impacts associated with open-net pen salmon aquaculture.

We write in response to the Global Seafood Alliance's public consultation for the Best Aquaculture Practices certification Salmon Farm Standard Issue 3.0.

Firstly, we find it outrageous that GSA claims consistency with the FAO Technical Guidelines on Aquaculture Certification despite failing to meet one of the guideline's most fundamental requirements: that schemes should conduct a public comment period for every standard revision.[1][2] **The first and last public comment period held for BAP's Salmon Farm Standard was Issue 1 in 2011.**[3] At that time, the BAP standard was criticized by environmental groups for being too weak to safeguard wild salmon and our oceans from critical environmental impacts caused by salmon farms.[4] Thirteen years later, these criticisms remain.

Despite having 13 years to move towards a more scientifically robust standard, the BAP standard still has no meaningful metric limits or performance expectations for certified farms on critical environmental impacts such as sea lice, disease, parasiticides, antibiotics, dissolved oxygen, and endangered, threatened and protected species. Additionally, the standard's lack of strict stocking density and water quality monitoring requirements contribute to poor health and welfare outcome for the farmed salmon.

Compliance with the BAP standard simply relies on farms following local regulations and/or farm practices that are considered common practice in the industry. In other words, **the BAP standard is nothing more than a checkbox exercise of confirming a company's legal obligations, status quo farming practices and management plans.** Further, evidence from BAP farms (see below) shows that legal obligations may not be met, best practices may not be observed, and management plans may be nothing more than good intentions after the farm is certified.

As a result of relying on mere legal compliance and normal farm practices, BAP certified farms are rarely – if ever – held to account for any adverse outcomes and negative impacts that occur due to the farming operations. This has resulted in farms being certified and fish sold as "environmentally responsible" when, in reality, scientific evidence demonstrates such farms are contributing to environmental degradation of sensitive habitats (e.g., Macquarie Harbour, Tasmania) and/or the extinction of at-risk species (e.g., sea lice and disease transfer to endangered wild salmon and sea trout; low oxygen levels harming the endangered Maugean skate).

GSA's claim that the BAP certification has "strict standards relative to the environment"[5] is simply not true. The following evidence – based on BAP certified facilities – speaks louder than GSA's claims:

- In 2014, a year after **pleading guilty to illegal pesticide** use at 15 sites in New Brunswick leading to the death of commercially caught lobster,[6] Cooke Aquaculture achieved BAP certification for all North American sites.[7] In 2017, Cooke's Cypress Island salmon farm in Washington State collapsed releasing around 250,000 non-native Atlantic salmon into waters containing endangered Pacific salmon. These escaped salmon were found to be infected with the highly contagious and harmful Piscine Orthoreovirus (PRV).[8] Washington State agencies concluded that the **farm collapse was caused by negligence**, as pens had not been properly maintained and were fouled with impenetrable layers of mussels, kelp, and other marine growth.[9] Another review found the company "failed to identify and implement technology that will minimize fish escapements at its eight Puget Sound net pen sites and failed to utilize redundancy and over-capacity in the moorage systems".[10]

- In 2014, Northern Harvest Sea Farms Group achieved BAP certification in Atlantic Canada.[11] In 2018, Northern Harvest was fined for **illegal pesticide use** on Head Harbour salmon farm in 2017.[12]

- In 2016, Cermaq achieved BAP certification for all of their British Columbia farms.[13] In 2018, Cermaq Canada's Clayoquot Sound farms recorded **dangerously high sea lice levels up to 51 lice per fish**.[14] [15] Exceedances of treatment thresholds prescribed as conditions of licence are common on Cermaq's Clayoquot farms and occurred during the juvenile salmon outmigration in 2018, 2019, 2020, 2021 and 2022.[16] Lice loads this high are lethal to immature fish. In 2020, samples from Clayoquot farms **tested positive for the PRV virus.**[17] Wild salmon returns in Clayoquot Sound, where riparian habitat is pristine, have reached historic lows, with sea lice and pathogens continuing to act as primary threats.

- In 2017 and 2019, videos showed 'bloodwater' effluent being released from BAP certified salmon processing facility Browns Bay packing in British Columbia. The effluent **tested positive for PRV virus**.[18] The virus was later assessed in the lab for its ability to infect fish and was found to be live and infective.[19]

- In 2021, Nova Austral achieved BAP certification for five farms[20] including Aracena 1 site **located in the Alberto de Agostini National Park**, Chile. In 2023, Chile's environmental agency initiated sanctioning procedures related to the **overproduction** at Arcena 1 farm during the 2019-2021 cycle.[21] Aracena 1 remains certified according to the BAP website.[22]

- In 2021, Multi X achieved BAP certification for its May farm situated in the **"Las Guaitecas" National Reserve**, Chile.[23] In 2023, Chile's environmental agency initiated sanctioning procedures related to the **overproduction** at the May farm during the 2018-2020 cycle.[24] May farm remains certified according to the BAP website.[25]

- In 2023, Skretting Norway attained BAP certification.[26] It sources fish oil from Mauritania and participates in the Mauritanian Small Pelagics fishery improvement project (FIP), which has been criticized by NGOs and small-scale fishermen in West Africa for **driving overfishing**.[27] The production of fish oil for the Norwegian aquaculture industry is fueling food insecurity and loss of livelihoods throughout the region.

- In 2023, Australian Government Conservation Advice identified low oxygen levels caused by Macquarie Harbour salmon farms as the **"primary threat" to the endangered Maugean skate**.[28] BAP has certified farms in the harbour since 2014. By 2015, scientific reports showed widespread ecosystem degradation throughout the harbour and underneath salmon farms. A review commissioned by WWF highlighted the limitations of the BAP certification in preventing adverse impacts.[29] Macquarie Harbour farms have remained certified despite calls from more than 80 groups to revoke BAP certification due to clear scientific evidence of impact to the Maugean skate.[30] A formal complaint submitted by environmental groups to GSA identified that the BAP standard's absence of a metric limit for dissolved oxygen and the reliance on the local regulator's licence conditions, that have been found by two independent reviews to be inadequate, meant **impacts to the skate are not considered under the BAP Standard and thus go undetected and unpenalized.**[31] Shockingly, GSA unashamedly dismissed this evidence and complaint.[32]

Due to a lack of transparency by the BAP certification, it is impossible to know whether the BAP label was removed from products from the above farms. There is, however, evidence that BAP-certified Macquarie Harbour salmon enters the supermarkets with the BAP label or under the guise of 'responsibly sourced' supermarket labels, according to a formal complaint of greenwashing submitted to the Australian Competition and Consumer Commission by the Environmental Defenders Office on behalf of several environmental groups.[33]

BAP audits are conducted behind closed doors with no civil society stakeholder consultation and no published audit reports to demonstrate a farm's compliance with BAP standards.[34] Therefore, it is safe to assume there are many more situations where BAP farms linked with adverse environmental impacts have gone on to sell product to unsuspecting consumers with misleading claims of "best practice" and "environmentally responsible".

In fact, **recent investigations by the Outlaw Ocean Project and Corporate Accountability Lab uncovered serious allegations** of forced labor, child labor, worker exploitation and dangerous working conditions in the Indian shrimp supply chain – **including BAP-certified** hatcheries, shrimp farms and processing plants.[35][36] CAL's report, *Hidden Harvest: Human Rights and Environmental Abuses in India's Shrimp Industry*, details how hatcheries and farms release contaminated waste into local waterways.[37] Groundwater and drinking water of nearby communities, agricultural lands and fishing waters are polluted by the effluent. Sensitive coastal habitats, including mangroves, are destroyed to build shrimp hatcheries and farms.

BAP was also found to exclude crucial stages of the supply chain from compliance, masking stages of production at **high risk of labor abuses and forced labor**. Evidence showed audits were often compromised, resulting in missed or ignored violations. CAL concluded that despite seafood certifications – including BAP – reassuring customers with claims of responsibly produced seafood, in reality, they "function as little more than marketing ploys that fail to protect workers or the environment".[38]

We have also come to the conclusion that BAP is little more than an industry-established and dominated marketing scheme that functions to protect the salmon farming industry – not wild fish or marine life. Nor does it appropriately consider the welfare of the farmed fish.

Salmon Farm Standard 3.0 confirms that BAP is content with setting a very low bar for farms to qualify for certification and continuing the greenwashing of unsustainable practices, including contributing to the extinction of wild fish.

We will continue to call out and challenge BAP for misleading consumers by greenwashing unsustainable, illegal, and inhumane practices.

Sincerely,

ADAC Chiloe (Asociación Defensa Ambiente y Cultura), Chile
Animal Justice Party Tasmania, Australia
Animal Welfare Institute, USA
Animals Australia, Australia
Atlantic Salmon Federation, Canada
Bob Brown Foundation, Australia
Captain Paul Watson Foundation, Australia
Centinela Patagonia, Chile
Clayoquot Action, Canada
Conservation Council of New Brunswick, Canada
Corporate Accountability Lab, USA
David Suzuki Foundation, Canada
Deutsche Stiftung Meeresschutz, Germany
Doug Frantz and Catherine Collins, Salmon Wars, Canada
Dr Julien Arnijo, France
Ecology Action Centre, Canada
Ekō, Global
Endangered Species Protection Agency, UK
Environment Tasmania, Australia
Ethical Farming Ireland, Ireland
Feedback, UK
Friends of North Bruny Inc, Australia
Friends of the Bay, Australia
Gallifrey Foundation, Switzerland
Galway Bay Against Salmon Cages, Ireland
Georgia Strait Alliance, Canada
Global Salmon Farming Resistance, Argentina
Greenpeace, Canada
Greenpeace, Switzerland
Guardians of the Sounds, New Zealand
Healthy Bays Network, Canada
Humane Society International, Australia
Ingen Burfisk i Havet, Denmark
Inside Scottish Salmon Feedlots, Scotland
International Marine Mammal Project of Earth
Island Institute, USA
Katheti AMKE, Greece
Keep Our Coast Clean, Australia
Killora Community Association, Australia
Living Oceans Society, Canada
LOWCO Au, Australia
Marine Protection Tasmania, Australia
Native Fish Society, USA
Nature Canada, Canada
Neighbours of Fish Farming, Australia
North Atlantic Salmon Fund, Iceland
NWTas for Clean Oceans Inc., Australia
Oceanic Preservation Society, USA
Planet Oceans, USA
Por el Mar, Argentina
Pro Wildlife, Germany
Protect Maine's Fishing Heritage Foundation, USA
Rauch Foundation, USA
Rob Stewart Foundation, Canada
Roberto Jaquier, Sweden
SalmonCamera International, Norway
SalmonCamera, Norway
Salmon Watch Ireland, Ireland
Salmonid Association Eastern Newfoundland, Canada
Sea Shepherd, Australia
Sea Shepherd, Portugal
SeaChoice, Canada
Sharks Education Institute, Portugal
Surfrider Tasmania, Australia
Tánana Pictures, Chile
Tasman Peninsula for Marine Protection, Australia
Tasmanian Alliance for Marine Protection, Australia
VÁ! félag um vernd fjarðar, Iceland
Watershed Watch Salmon Society, Canada
Wild Fish Conservancy, USA
Wilderness Society Tasmania, Australia
WildFish, Scotland
World Animal Protection, Australia
World Salmon Forum, USA

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Dear Best Aquaculture Practices and GlobalG.A.P.,

WE CALL ON YOU TO IMMEDIATELY REVOKE YOUR CERTIFICATIONS FROM FARMED SALMON AND OCEAN TROUT RAISED IN MACQUARIE HARBOUR, TASMANIA.

New scientific evidence identifies salmon farming in Macquarie Harbour as a key human activity significantly impacting the harbour's environmental health and contributing to the decline of the endangered Maugean skate – a relic from Gondwana that is considered possibly the rarest skate species in the world.

The endangered Maugean skate also shares its habitat with salmon and ocean trout farms certified by the BAP and GlobalG.A.P. schemes. According to an Institute for Marine and Antarctic Studies report, the Maugean skate population has rapidly declined by nearly half (47%) from 2014 to 2021. The authors state any further reduction in numbers means "increasing their risk of extinction".

The report attributes the skate's decline to degraded environmental conditions in the harbour, particularly dissolved oxygen (DO) levels, caused by anthropogenic inputs, namely the expansion of the salmon aquaculture industry.

Macquarie Harbour fish farms are BAP and GlobalG.A.P. certified as being "environmentally responsible" and being sold to unsuspecting shoppers as 'sustainable'. **GREENWASHING THE EXTINCTION OF THE MAUGEAN SKATE IS NOT "ENVIRONMENTALLY RESPONSIBLE".** We strongly urge BAP and GlobalG.A.P. to immediately revoke your certifications from all Macquarie Harbour fish farms. Sincerely,

Maugean Skate image credit: Dr Neville Barrett

OPEN LETTER: BEST AQUACULTURE PRACTICES MUST IMMEDIATELY STOP CERTIFYING EXTINCTION

To the members of the Global Seafood Alliance Board

25th July, 2023

Re: The urgent need for BAP to revoke certification from Macquarie Harbour fish farms

Dear Members of the Board,

We call on you to immediately revoke the Best Aquaculture Practices (BAP) certification from farmed salmon and ocean trout raised in Macquarie Harbour, Tasmania.

We make this request in light of new scientific evidence that identifies salmon farming in Macquarie Harbour as a key human activity significantly impacting the harbour's environmental health and contributing to the decline of the endangered Maugean skate – a relic from Gondwana that is considered possibly the rarest skate species in the world.

Macquarie Harbour on the west coast of Tasmania has been confirmed to be the last remaining habitat for the endangered Maugean skate. One third of the harbour is located within the boundaries of the Tasmanian Wilderness World Heritage Area; with the Maugean skate listed as one of the World Heritage Area's values.

The endangered Maugean skate also shares its habitat with salmon and ocean trout farms certified by the Global Seafood Alliance's BAP scheme.

A recent Institute of Marine and Antarctic Studies report[1] found the Maugean skate population has rapidly declined by nearly half (47%) from 2014 to 2021. The authors state that decline is likely to have "significant implications" for the population status of the skate, with any further reduction in numbers "increasing their risk of extinction". The Threatened Species Scientific Committee, which advises the federal government on endangered species, has proposed the Maugean skate be prioritized for assessment as "Critically Endangered".[2]

[1] Moreno and Semmens (2023) *Interim report - Macquarie Harbour Maugean skate population status and monitoring.* IMAS. Available at: https://imas.utas.edu.au/__data/assets/pdf_file/0007/1655611/Maugean-skate-2021-interim-report-FINAL.pdf

[2] Parliament of Australia. Order of 19 June 2023 (255) relating to Maugean skate. Available at: https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/2606

The report attributes the skate's decline to degraded environmental conditions in the harbour, particularly dissolved oxygen (DO) levels, caused by anthropogenic inputs, namely the expansion of salmon aquaculture industry:

> *"The unique hydrology of Macquarie Harbour results in a naturally challenging habitat. While anthropogenic activities since European colonisation have long impacted the harbour, in the past 15 years altered river flows (growing reliance on hydroelectric generation and production demand) and* ***large-scale development of salmonid aquaculture have resulted in considerable changes to the environment.***
>
> *The Maugean skate has been shown to have behavioural and physiological mechanisms that allow it to survive in the challenging conditions of Macquarie Harbour. However, recent changes to the environment (particularly DO levels and mixing dynamics) mean that high impact environmental events have increased in duration, magnitude, and frequency (e.g., duration and severity of low DO periods). Likewise, there is an increased potential for overlap of multiple stressors that may have compounding effects (DO, salinity, temperature)...*
>
> *Accordingly, it is apparent that the species is already being pushed beyond their adaptive threshold. This highlights one of the unique challenges of managing micro-endemic, hyper-specialised species, which is that* ***the viability of the species is intrinsically linked to the health of their restricted habitat.*** *Therefore, in the case of the Maugean skate, the ongoing impacts to DO levels and mixing dynamics are of extreme concern to the persistence of the species." [emphasis added]*

Alarmingly, the evidence suggests the Maugean Skate is only one environmental event away from extinction, with IMAS researcher Professor Jayson Semmens stating, "The environmental changes in the harbour have increased the skate's vulnerability to sudden high-impact events, such as water column turn-over driven by westerly winds, which can happen at any moment and potentially decimate the population". [3]

The findings have prompted scientists to take the unprecedented step of calling for urgent conservation action to save this species from extinction – including taking immediate action on salmon farming activities in the harbour.

[3] Under Pressure: Scientists call for urgent conservation action to save Maugean skate. IMAS. Available at: https://www.imas.utas.edu.au/news/news-items/under-pressure-scientists-call-for-urgent-conservation-action-to-save-maugean-skate

Meanwhile, Petuna and Tassal's Macquarie Harbour farms are Best Aquaculture Practices (BAP) certified as being "environmentally responsible" and being sold to unsuspecting shoppers as 'sustainable'.

From a consumer perspective, the BAP "best practice" label on products from Macquarie Harbour can be viewed as entirely misleading. According to the BAP website, environmental responsibility is defined as being "water quality, proper disposal of waste, and ensuring marine habitats are protected".[4] BAP-certified Macquarie Harbour farms are failing to meet this definition. Instead, they are associated with waste inputs that have caused low dissolved oxygen, habitat degradation, and contributed to the decline in population of the endangered Maugean skate.

In 2021, WWF released a commissioned review[5] on the circumstances that led to ecosystem degradation in Macquarie Harbour, as well as the efficacy and limitations of certifications, including BAP, to prevent adverse impacts. The review found certification criteria that rely on farm compliance with local laws and regulations is not enough to ensure environmental responsibility - particularly when local regulations are weak and/or enforcement is inadequate. It also found certifications were ineffective at addressing the cumulative impacts of the industry within the harbour. Today, these same farms remain BAP-certified.

Given the new evidence that the rapid decline of the endangered Maugean skate is associated with salmon and trout aquaculture operations in Macquarie Harbour, we contend that allowing the continued use of the BAP label on Macquarie Harbour products places the BAP scheme's credibility at risk.

Simply put, greenwashing the extinction of the Maugean skate is not "best practice"or "environmentally responsible".

We strongly urge the Global Seafood Alliance to immediately revoke its BAP certification from all Macquarie Harbour fish farms.

Sincerely,

Kelly Roebuck
SeaChoice representative, Living Oceans

Jessica Coughlan
Neighbours of Fish Farming

On behalf of the following signatories:

[4] The Pillars of Responsibility. Available at: https://bap.globalseafood.org/bap-label
[5] Seafood Advisory Ltd (2021). Review of Eco-labelling Standards in Relation to Salmon Farming in Macquarie Harbour. WWF. Available at: https://assets.wwf.org.au/image/upload/v1/website-media/resources/Review-of-Ecostandards-for-salmon-farming-in-MH_1Sept2021

Glenys Oogjes, Chief Executive Officer, Animals Australia, Australia

Marcela Ramos, Member, Asamblea de Mujeres Insulares por las Aguas, Chile

Eloise Carr, Director, The Australian Institute Tasmania, Australia

Katrina Love, State Convenor, Animal Justice Party Tasmania, Australia

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Georgia Hancock, Director and Senior Attorney, Marine Life Program, Animal Welfare Institute, USA

Alistair Allan, Antarctic and Marine Campaigner, Bob Brown Foundation, Australia

Haans Siver, Australian Director, Captain Paul Watson Foundation, Australia

Catherine Collins, Author, Salmon Wars, Canada

Dani Casado, Director, Centinela Patagonia, Chile

Dan Lewis, Executive Director, Clayoquot Action, Canada

Aquaculture sub-group, Coastal Communities Network, Scotland

Matthew Abbott, Marine Program Director, Conservation Council of New Brunswick, Canada

Kilian Stehfest, Marine Conservation Specialist, David Suzuki Foundation, Canada

Juan Carlos Viveros, Coordinador general de Defendamos Chiloé, Chile

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Caroline Rowley, Director, Ethical Farming Ireland, Ireland

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Henry Sharpe, President, Frenchman Bay United, USA

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Lucero Gonzalez Ruiz, Biodiversity Campaigner, Georgia Strait Alliance, Canada

Verena Platt-Till, Project Manager, Gesellschaft zur Rettung der Delphine e.V., Germany

Catalina Cendoya, Coordinator, Global Salmon Farming Resistance, Argentina

Sue Waters, Campaign and Content Consultant, Global Salmon Farming Resistance, Canada

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GrassRoots Action Network Tasmania, Australia

Ruben Oddekalv, Leader, Green Warriors of Norway, Norway

Sarah King, Head of Oceans and Plastics Campaign, Greenpeace, Canada

Erica Martin, CEO, Humane Society International, Australia

Jón Kaldal, Icelandic Wildlife Fund, Iceland

Johan Flyvbjerg, Founder, Ingen burfisk i havet, Denmark

Mark J. Palmer, Associate Director, International Marine Mammal Project of Earth Island Institute, USA

Eva Douzinas, Co-founder, Katheti AMKE, Greece

Fay Orfanidou, Co-founder, Director, Katheti AMKE, Greece

Gerard Castles, Killora Community Association, Australia

Karen Wristen, Executive Director, Living Oceans Society, Canada

Dr. Cornelia E. Nauen, President, Mundus maris asbl, Belgium

Mark Sherwood, Executive Director, Native Fish Society, USA

Carly Madge, Policy and Campaign Manager, Ocean Conservation and MPAs, Nature Canada, Canada

Peter George, President, Neighbours of Fish Farms, Australia

Elvar Örn Fridriksson, Program Director, North Atlantic Salmon Fund, Iceland

Cassandra Wright, Treasurer, NWTAS for Clean Oceans INC, Australia

Natalie Parra, Campaign Director, Oceanic Preservation Society, USA

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Richard Flanagan, Author, Australia

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John Murphy, Chairperson, Salmon Watch Ireland, Ireland

Jeff Hansen, Managing Director, Sea Shepherd, Australia

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Tom Allen, Campaign Manager, Wilderness Society Tasmania, Australia

Rachel Muirenan, Scotland Director, WildFish, Scotland

Ben Pearson, Country Director, World Animal Protection, Australia

OPEN LETTER: GLOBALG.A.P. MUST IMMEDIATELY STOP CERTIFYING EXTINCTION

To the members of the GLOBALG.A.P. Advisory Board

25th July, 2023

Re: The urgent need for FoodPLUS GmbH to revoke GLOBALG.A.P. certification from Macquarie Harbour fish farms

Dear Members of the Board,

We call on you to immediately revoke the GLOBALG.A.P. certification from farmed salmon and ocean trout raised in Macquarie Harbour, Tasmania.

We make this request in light of new scientific evidence that identifies salmon farming in Macquarie Harbour as a key human activity significantly impacting the harbour's environmental health and contributing to the decline of the endangered Maugean skate – a relic from Gondwana that is considered possibly the rarest skate species in the world.

Macquarie Harbour on the west coast of Tasmania has been confirmed to be the last remaining habitat for the endangered Maugean skate. One third of the harbour is located within the boundaries of the Tasmanian Wilderness World Heritage Area; with the Maugean skate listed as one of the World Heritage Area's values.

The endangered Maugean skate also shares its habitat with salmon and ocean trout farms certified by the GLOBALG.A.P. scheme.

A recent Institute of Marine and Antarctic Studies report[1] found the Maugean skate population has rapidly declined by nearly half (47%) from 2014 to 2021. The authors state that decline is likely to have "significant implications" for the population status of the skate, with any further reduction in numbers "increasing their risk of extinction". The Threatened Species Scientific Committee, which advises the federal government on endangered species, has proposed the Maugean skate be prioritized for assessment as "Critically Endangered".[2]

[1] Moreno and Semmens (2023) *Interim report - Macquarie Harbour Maugean skate population status and monitoring.* IMAS. Available at: https://imas.utas.edu.au/__data/assets/pdf_file/0007/1655611/Maugean-skate-2021-interim-report-FINAL.pdf

[2] Parliament of Australia. Order of 19 June 2023 (255) relating to Maugean skate. Available at: https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/2606

The report attributes the skate's decline to degraded environmental conditions in the harbour, particularly dissolved oxygen (DO) levels, caused by anthropogenic inputs, namely the expansion of salmon aquaculture industry:

> *"The unique hydrology of Macquarie Harbour results in a naturally challenging habitat. While anthropogenic activities since European colonisation have long impacted the harbour, in the past 15 years altered river flows (growing reliance on hydroelectric generation and production demand) and* ***large-scale development of salmonid aquaculture have resulted in considerable changes to the environment.***
>
> *The Maugean skate has been shown to have behavioural and physiological mechanisms that allow it to survive in the challenging conditions of Macquarie Harbour. However, recent changes to the environment (particularly DO levels and mixing dynamics) mean that high impact environmental events have increased in duration, magnitude, and frequency (e.g., duration and severity of low DO periods). Likewise, there is an increased potential for overlap of multiple stressors that may have compounding effects (DO, salinity, temperature)...*
>
> *Accordingly, it is apparent that the species is already being pushed beyond their adaptive threshold. This highlights one of the unique challenges of managing micro-endemic, hyper-specialised species, which is that* ***the viability of the species is intrinsically linked to the health of their restricted habitat.*** *Therefore, in the case of the Maugean skate, the ongoing impacts to DO levels and mixing dynamics are of extreme concern to the persistence of the species." [emphasis added]*

Alarmingly, the evidence suggests the Maugean Skate is only one environmental event away from extinction, with IMAS researcher Professor Jayson Semmens stating, "The environmental changes in the harbour have increased the skate's vulnerability to sudden high-impact events, such as water column turn-over driven by westerly winds, which can happen at any moment and potentially decimate the population". [3]

The findings have prompted scientists to take the unprecedented step of calling for urgent conservation action to save this species from extinction – including taking immediate action on salmon farming activities in the harbour.

[3] Under Pressure: Scientists call for urgent conservation action to save Maugean skate. IMAS. Available at: https://www.imas.utas.edu.au/news/news-items/under-pressure-scientists-call-for-urgent-conservation-action-to-save-maugean-skate

Meanwhile, Huon Aquaculture's Macquarie Harbour farms are GLOBALG.A.P. certified as being "environmentally responsible" and being sold to unsuspecting shoppers as "sustainably sourced".

Huon appears to be using their in-house "ethically and sustainably sourced" label on Macquarie Harbour products that are GLOBALG.A.P. certified.[4] From a consumer perspective, the "sustainably sourced" claim on GLOBALG.A.P. certified Macquarie Harbour salmon and trout can be viewed as entirely misleading.

According to the GLOBALG.A.P. website, the scheme's vision includes "safe, socially and environmentally responsible farming practices" and "safeguarding our environment". GLOBALG.A.P. certified Macquarie Harbour farms are failing to meet this vision. Instead, they are associated with waste inputs that have caused low dissolved oxygen, habitat degradation, and contributed to the decline in population of the endangered Maugean skate.

It's worth noting that the RSPCA farming scheme also certifies Huon Aquaculture products – except those from Macquarie Harbour. Unlike GLOBALG.A.P., the RSPCA Farmed Atlantic Salmon standard[5] disallows Macquarie Harbour farms due to the "environmental conditions within the harbour".[6]

Given the new evidence that the rapid decline of the endangered Maugean skate is associated with salmon and trout aquaculture operations in Macquarie Harbour, we contend the certification of Macquarie Harbour farms places the GLOBALG.A.P. scheme's credibility at risk.

Simply put, greenwashing the extinction of the Maugean skate is not "environmentally responsible".

We strongly urge the FoodPLUS GmbH to immediately revoke its GLOBALG.A.P. certification from all Macquarie Harbour fish farms.

Sincerely,

Kelly Roebuck
SeaChoice representative, Living Oceans

Jessica Coughlan
Neighbours of Fish Farming

On behalf of the following signatories:

[4] Huon Premium Ocean Trout Portions. Coles. Available at: https://www.coles.com.au/product/huon-premium-ocean-trout-portions-skin-on-2pk-3624170

[5] RSPCA Approved Farming Scheme Standard, Farmed Atlantic Salmon. May 2020. Available at: https://rspcaapproved.org.au/wp-content/uploads/2022/03/2020-05_FARMEDATLANTICSALMON_Standard.pdf

[6] Australia's Only RSPCA Approved Salmon. Huon. Available at: https://www.huonaqua.com.au/australias-only-rspca-approved-salmon/

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Jón Kaldal, Icelandic Wildlife Fund, Iceland

Johan Flyvbjerg, Founder, Ingen burfisk i havet, Denmark

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Crystal Canney, Executive Director, Protect Maine's Fishing Heritage Foundation, USA

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Stan Proboszcz, Senior Scientist, Watershed Watch Salmon Society, Canada

Emma Helverson, Executive Director, Wild Fish Conservancy, USA

Tom Allen, Campaign Manager, Wilderness Society Tasmania, Australia

Rachel Muirenan, Scotland Director, WildFish, Scotland

Ben Pearson, Country Director, World Animal Protection, Australia

Environmental Defenders Office

1 December 2023

Rami Greiss
Executive General Manager
Consumer and Fair Trading Division
Australian Competition and Consumer Commission
23 Marcus Clarke St
CANBERRA ACT 2601

Via email:

Dear Rami

Potentially false, misleading or deceptive representations relating to salmon products

1. We act for Living Oceans Society, Neighbours of Fish Farming, Eko and Bob Brown Foundation.

2. Our clients request that the Australian Competition and Consumer Commission (**ACCC**) investigate whether certain labelling on seafood products and promotional and signage materials found in supermarkets may breach the *Australian Consumer Law* (**ACL**), being Schedule 2 to the *Competition and Consumer Act 2010* (Cth), and in particular ss 18, 29 and 33.

3. Our clients' concerns relate to the use of certain terms, such as 'responsibly sourced', 'responsibly farmed' and 'best aquaculture practice', on salmon packaging and on promotional materials and signage in supermarkets as well as online shopping, which connote that the products on which they appear were farmed in an environmentally and ecologically sustainable manner (the **Statements**).

4. Our clients consider that such terms may be false, misleading or deceptive or likely to mislead of deceive, because:

    a. they include broad and unqualified claims about responsible sourcing of salmon without sufficient disclaimer of the limitations of the claim so as to enable consumers to understand the true meaning; and

    b. the products in relation to which the Statements are made include salmon farmed in Macquarie Harbour, which, contrary to the representations conveyed by the Statements, has been shown to have devastating impacts on the endangered Maugean skate and the surrounding environment.

5. Several examples of the claims of concern to our client are set out at Annexure A (seafood packaging) and Annexure B (promotional materials and signage in supermarkets). These examples are provided to illustrate the issues of concern, however they are not intended to be

exhaustive, as the claims of concern span a very significant number of salmon retailers. This includes salmon products sold by ALDI, Coles and Woolworths supermarkets which have a 'Responsibly Sourced' logo, including the supermarkets' own brand products and Tassal brand products, or a 'Best Aquaculture Practices' logo, including Petuna brand products.

6. Our clients note the ACCC's Compliance and Enforcement Priorities for 2023-2024 which include 'consumer, product safety, fair trading and competition concerns in relation to environmental claims and sustainability'.[1] Our clients also note that the issues raised here meet several other matters to which the ACCC will give consideration including that they:

    a. relate to a matter of significant public interest, relating to the Maugean Skate, an endangered species; and

    b. concern national conduct by large traders, the largest supermarkets in Australia.

Reasons why the Statements may be false, misleading or deceptive

Relevant principles

7. Section 18 of the ACL prohibits a person from engaging in conduct in trade or commerce that is misleading or deceptive or is likely to mislead or deceive.

8. Section 29 of the ACL prohibits the making of a range of specific false or misleading representations about goods and services in connection with the supply or possible supply of those goods or services (including in relation to the standard, quality, value, grade, composition, style, model, history or previous use of goods).

9. Section 33 of the ACL also prohibits conduct that is liable to mislead the public as to the nature, manufacturing process, characteristics, suitability or quantity of any goods.

10. The ACCC's draft guidance on environmental and sustainability claims (**draft guidance**) relevantly includes:[2]

    a. Principle 1: Make accurate and truthful claims, which states that if a claim is not true or only partially true, it should be changed or not made at all;

    b. Principle 3: Do not hide important information, which states that the most important question to ask is whether the overall impression created would be misleading to the ordinary and reasonable consumer;

    c. Principle 5: Avoid broad and unqualified claims, which states that terms which convey sweeping benefits that can mean different things to consumers, such as 'sustainable' and 'environmentally friendly', may easily mislead consumers in the absence of qualification or clarification; and

[1] ACCC, 'Compliance and enforcement policy and priorities 2023-24', https://www.accc.gov.au/about-us/accc-priorities/compliance-and-enforcement-policy-andpriorities.
[2] ACCC, *Environmental and sustainability claims: Draft guidance for business* (July 2023) https://www.accc.gov.au/system/files/Environmental%20and%20sustainability%20claims%20-%20draft%20guidance%20for%20business_web.pdf.

d. Principle 7: Visual elements should not give the wrong impression, which states that where a logo from a local or international environmental certification scheme is used, the overall impression creates should be considered and whether any further information or explanation is required to ensure consumers are not misled. The draft guidance states that a certification logo should not be used in a way that implies 'that the certification scheme means certain environmental benefits have been certified as having been achieved when it does not'.[3]

11. For the following reasons, our clients consider that the Statements may breach ss 18, 29 and/or 33 of the ACL, including because of the inconsistency of the Statements with the ACCC's draft guidance, and in particular Principles 1, 3 and 7.

Broad and unqualified claims

12. The Statements are made in broad and unqualified terms on the packaging and advertising material, without clarification of the specific meaning or qualification of the claims and any relevant limitations accompanying the Statements where they are made.

13. For example, many of the Statements include the words 'responsibly sourced'. Consumers may have different understandings of what 'responsibly' means and are likely to assume that all aspects of the farming and production of the salmon are undertaken in accordance with best practice and without causing any harm. Similarly, the term 'best aquaculture practice' is likely to be understood to be verifying that no detriment is caused by the farming of salmon.

14. Various Statements also use visual imagery such as 'responsibly sourced' logos in conjunction with the salmon products featuring marine pictures, without further details of what the logo means.

15. In the context of consumer purchasing decisions, it is particularly important that claims are clear on their face as they are frequently relied on by consumers to make quick decisions in limited time while shopping, without looking into other sources of information such as websites or certification information.

16. None of the examples of product packaging containing the Statements, included at Annexure A, provide sufficiently clear information to consumers about the specific meaning of, and qualifications on, the Statements.

17. Some of the Statements in promotional and signage materials in supermarkets included at Annexure B refer to the supermarkets' websites, however these limited references to further information are insufficient to negate the potentially misleading or deceptive impression created by the headline statements. The actual qualifications and disclaimers applicable to the claims contained in that additional material are not drawn to the attention of consumers.[4]

[3] Ibid, page 30.

[4] *Australian Competition and Consumer Commission v Jetstar Airways Pty Ltd* [2015] FCA 1263; [2016] ATPR 42-523 at [40] (Foster J) and endorsed in *Viagogo AG v ACCC* [2022] FCAFC 87 at [45].

18. For example, instore advertising and signage for Woolworths brand salmon states '100% of Woolworths Own Brand Seafood is responsibly sourced' beside a 'Responsibly Sourced' logo (see Annexure B). In small text beneath this are the words 'Find out more at woolworths.com.au/greener'. This website contains various information about Woolworths' sustainability measures, including the responsibly sourced logo used by Woolworths under the heading 'Our approach to sustainable sourcing' which, when clicked, redirects to an online shopping page with various seafood products with a large heading '100% of Woolworths Own Brand Seafood is responsible sourced.' Under this heading are the following words in a smaller font:

> At Woolworths, we are committed to sourcing seafood that is third-party certified or independently verified as ecologically responsible. Look for products that feature our "Responsibly Sourced" symbol, which means the seafood you are buying comes from ecologically responsible sources and meets the requirements laid out in our Woolworths Seafood Sourcing Policy.

19. Woolworths Seafood Sourcing Policy is a five page policy document which states, among other things, that Woolworths Group will preferentially source farmed seafood that is Aquaculture Stewardship Council (ASC) certified and assessed against the ASC Chain of Custody Standard or Best Aquaculture Practices (BAP) Farm Standard certified or GLOBAL G.A.P. (GGN) certified (noting different certification schemes apply to non-farmed seafood).[5] To properly understand what Woolworths' 'responsibly sourced' statement conveys, therefore, a consumer would need to look into the details of each of these certification schemes. Further, even when the detailed policy is read in full, it would still not be clear to a consumer which of the certification schemes applies to each individual product.

20. A reasonable consumer would likely understand that the Statements represent that the salmon were farmed in an environmentally and ecologically sustainable manner, which is likely to be contrary to what is actually being certified by the third party schemes in many instances. In a 'secret shopper' survey conducted by Eko, respondents' answers to the question 'Looking at Tasmanian salmon and ocean trout sold, what do you think the sustainability claims and logos mean?' included the following:

    a. 'That I'm buying something that's good for me and good for the environment'

    b. 'they give the impression of being harvested by responsible methods'

    c. 'environmentally benign product'

    d. 'That they care about the environment and fish'

    e. 'That the salmon is being farmed in such a way that does not constitute a significant threat to the natural environment and eco-systems.'

    f. 'That the farming practices are environmentally, socially and economically sustainable.'

[5] Woolworths Group Seafood Sourcing Policy (April 2023) https://www.woolworthsgroup.com.au/content/dam/wwg/sustainability/documents/Apr22Seafood%20Sourcing%20Policy%20Document_A4%20RGB.pdf.

g. ‘It means that the production of this fish does not harm the environment.’

h. ‘That the fish is responsibly sourced and the company cares about sustainability, the environment, the community and fish’

i. ‘Responsibly sourced - should be sustainable and have low environmental impact especially on native species’

j. ‘Responsibly farmed (ethical, healthy, minimal environmental impact)’

k. ‘Good for the environment and oceans.’

21. Several respondents also noted that there was no detail on the product packaging about what the sustainability claims and logos mean, rendering it difficult or impossible to answer.

22. The details of Coles’ responsibly sourced seafood framework for farmed seafood such as salmon similarly include that meeting Coles Own Brand seafood products must be certified against ASC, BAP or GGN.[6] Likewise, Aldi’s policy states that it considers seafood products ‘responsibly sourced’ if they are certified by certification bodies including ASC, BAP and GGN.[7]

23. The ACCC has emphasised in Principle 7 its draft guidance in relation to the use of logos and visual imagery that, where a logo from a local or international environmental certification scheme is used, the overall impression created should be considered and whether any further information or explanation is required to ensure consumers are not misled. The logos themselves in the case of responsible seafood are not certified schemes but refer to certifications to base their claims. We consider these comments are also relevant to the use of general terms which rely on international certification schemes. The use of general phrases without providing sufficient details to consumers of what they mean may be false, misleading or deceptive in representing that certain environmental benefits have been certified as having been achieved when that is not what the certification schemes mean.

24. Moreover, there is significant confusion and uncertainty created for consumers by referring to various third party certification schemes. The confusion that can be created by the proliferation of different and overlapping certification schemes has been recognised by the ACCC. In the findings of its internet sweep, the ACCC observed that there has been a proliferation of certification schemes and noted that it can be difficult for consumers to understand what every certification scheme means and how robust the scheme is. The ACCC specifically noted in this context that during the sweep it identified references to at least 4 different seafood or aquaculture certification trade marks.[8] A search of IP Australia’s database shows that there are

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[6] See Coles Group, ‘Responsibly sourced products and ingredients’ https://www.colesgroup.com.au/sustainability/?page=responsible-sourcing.

[7] Aldi, ‘Responsibly Sourced Fish and Seafood at ALDI’, https://www.aldi.com.au/en/sustainability/good-planet/sustainable-fish-and-seafood/#:~:text=Our%20seafood%20is%20responsibly%20sourced&text=Well%2C%20products%20can%20be%20considered,Practices%20(BAP)%20or%20Global%20G.A.P.

[8] ACCC, *Greenwashing by businesses in Australia – findings of ACCC's internet sweep* (Final Report, March 2023) https://www.accc.gov.au/about-us/publications/greenwashing-by-businesses-in-australia-findings-of-acccs-internet-sweep page 7.

at least nine 'responsibly sourced' trademarks related to seafood products registered by various owners.[9]

25. In our clients' view, there is far from sufficient attention drawn to the considerable qualifications and limitations on the claims, which are in broad and unqualified language contrary to Principle 5 of the ACCC's draft guidance. Further, even when reference is had to the underlying certification framework, there is considerable uncertainty about what actual requirements have been met in respect of a specific product.

Omission of material information: impacts on Maugean skate

26. As well as using broad language, the claims omit important information about the impacts of salmon farming in Macquarie Harbour on the Maugean skate.

27. Many of the Statements referred to in Annexures A and B are made in relation to Tasmanian salmon, which likely includes salmon farmed in the Macquarie Harbour, which has been shown to have severely detrimental effects on the endangered Maugean skate.

28. The Maugean skate is currently listed as endangered under both Tasmania's *Threatened Species Protection Act 1995* (Tas) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The species is also a priority threatened species under the Australian Government's Threatened Species Action Plan (2022-2032). The species is endemic to Tasmania and is only known to have occurred in two estuaries in the south-west: Macquarie Harbour and Bathurst Harbour (where the species is understood to occur in very small numbers, if at all).

29. A recent Australian Government conservation advice related to the Maugean skate clearly identifies fish farming in Macquarie harbour as causing the main impact on the threatened Maugean skate.[10] It states the salmon and trout farming operations as a 'very high risk' threat that is 'almost certain to impact the Maugean skate throughout the entire harbour' with 'catastrophic' consequences. The conservation advice is based on numerous scientific studies that include evidence that the degraded environmental condition of Macquarie Harbour and the low dissolved oxygen which endangers the Maugean skate is primarily a result of the salmon and trout farming.[11]

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[9] See https://search.ipaustralia.gov.au/trademarks/search/quick/result?q=responsibly+sourced#_2067983.
[10] Australian Government, *Conservation Advice for Zearaja maugeana (Maugean skate)* (6 September 2023) https://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf.
[11] IMAS, D Moreno and J Semmens, *Interim report - Macquarie Harbour Maugean skate population status and monitoring* (2023) https://imas.utas.edu.au/__data/assets/pdf_file/0007/1655611/Maugean-skate-2021-interim-report-FINAL.pdf; IMAS, D Moreno et al, *Vulnerability of the endangered Maugean skate population to degraded environmental conditions in Macquarie Harbour* (2020) https://www.imas.utas.edu.au/__data/assets/pdf_file/0007/1394224/2016-068-DLD.pdf; IMAS, J Ross and C MacLeod, *Environmental Research in Macquarie Harbour* (2017) https://www.imas.utas.edu.au/__data/assets/pdf_file/0019/940303/IMAS-Technical-Report-on-Macquarie-Harbour-Condition.pdf?_gl=1*1ttulix*_gcl_au*MTQzOTQ2Njc4Ny4xNjg3OTMzNzA5; IMAS, J Ross et al, *Assessment of the Macquarie Harbour Broadscale Environmental Monitoring Program (BEMP) data from 2011-2020* (2022)

30. The advice states that the primary threat to the species is degraded water quality, in particular substantially reduced levels of dissolved oxygen throughout Macquarie Harbour. There is a significant correlation between the reduction in dissolved oxygen levels and increases in salmon aquaculture due to the bacterial degradation of organic material introduced into the water column from fish-feed and fish-waste. Two significant mortality events were observed in 2019, coinciding with rapid changes in water quality (particularly dissolved oxygen) exacerbated by extreme weather events.

31. The advice says the highest priority action to protect the Maugean skate is to 'eliminate or significantly reduce' the impacts of fish farming on dissolved oxygen.[12] It says the fastest and simplest way to achieve this is to significantly reduce fish biomass. This is identified as an urgent priority to be actioned before the summer of 2023/2024.

32. In August 2023, our clients wrote to Aldi, Coles, Woolworths to draw to their attention to the scientific evidence reported by the Institute of Marine and Antarctic Studies (**IMAS**) that attributes the rapid decline of the Maugean Skate to the degraded environmental conditions in Macquarie Harbour and asserts that urgent action is required to save this endangered species. In that correspondence, our clients requested that the supermarkets stop procuring farmed salmon from Macquarie Harbour farms, remove the 'Responsibly Sourced' logo and claim from Macquarie Harbour products, and tell BAP and GGN to revoke their certifications from Macquarie Harbour farms. Copies of this correspondence is attached at Annexure C. These supermarkets have therefore already been made aware that there may be material omissions and/or no reasonable basis for their claims.

33. Salmon farms in the Macquarie Harbour which contribute to reduced levels of dissolved oxygen may be certified under the BAP or GGN schemes. These certifications have persisted despite significant attention drawn to the poor environmental effects of the Macquarie Harbour salmon industry,[13] including in complaints made directly to the BAP and GGN certification schemes.[14] By contrast, the RSPCA scheme refuses to endorse salmon farmed in Macquarie Harbour due to environmental conditions and welfare concerns.[15] Aquaculture Stewardship Council (ASC) also

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https://epa.tas.gov.au/Documents/IMAS%20Assessment%20of%20Macquarie%20Harbour%20BEMP%20data%20from%202011%20to%202020%2C%20March%202022.pdf.

[12] Australian Government, *Conservation Advice for Zearaja maugeana (Maugean skate)* (6 September 2023) https://www.environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf, page 29.

[13] See, for example, Seafood Advisory Ltd, 'Review of Eco-labelling Standards in Relation to Salmon Farming in Macquarie Harbour (commissioned by World Wide Fund for Nature)' (Report, 1 September 2021) https://assets.wwf.org.au/image/upload/v1/website-media/resources/Review-of-Ecostandards-for-salmon-farming-in-MH_1Sept2021.

[14] The Guardian, 'Global calls to revoke 'misleading' sustainable farming certification for salmon in Tasmania's Macquarie Harbour' (26 July 2023) https://www.theguardian.com/australia-news/2023/jul/25/global-calls-to-revoke-misleading-sustainable-farming-certification-for-salmon-in-tasmanias-macquarie-harbour.

[15] See, for example, RSPCA, 'Huon Aquaculture' https://rspcaapproved.org.au/brand/huon-aquaculture/ (accessed 20 November 2023): 'During a few weeks of the year, Huon Salmon could be sourced from farms located in Macquarie Harbour, Tasmania. The RSPCA's Standard currently doesn't permit farming in Macquarie Harbour and therefore these salmon products won't be labelled as RSPCA Approved.'

no longer certifies salmon farmed in Macquarie Harbour following the significant attention directed towards its negative impacts.[16] The Australian Marine Conservation Society's GoodFish initiative, which assesses the environmental impact of Australian fisheries and aquaculture operations, rates Atlantic salmon farmed by Petuna, Tassal and Huon 'say no', the lowest rating, citing several reasons including that salmon farms in Macquarie Harbour pose a serious extinction risk to the Maugean skate.[17]

34. On the face of salmon products bearing the Statements, it is not possible for a consumer to ascertain whether those products are sourced from Macquarie Harbour. Further, as noted above, for salmon, even with extensive research, it is impossible for a consumer to determine which certification scheme a particular product has been assessed against. Consumers are hindered from making a properly informed choice about where the salmon they are purchasing comes from and whether it includes salmon farmed in Macquarie Harbour. In a 'secret shopper' survey conducted by Eko, all 29 respondents responded 'no' to the question 'Is any salmon/trout labelled as coming from Macquarie Harbour?'.

35. A reasonable consumer would likely understand that the Statements represent that the salmon were farmed in an environmentally and ecologically sustainable manner. Contrary to this impression, many of the salmon products in relation to which the Statements are made may be farmed from Macquarie Harbour, contributing to significant harm to the Maugean skate and surrounding environment.

36. In certain instances, the potentially misleading impression created by the Statements may be exacerbated by other comments made in conjunction with the Statements. For example, on Coles' website, the webpage for certain salmon products included at Annexure A also states:[18]

> At Coles, we care about where our seafood comes from and are committed to working towards a sustainable future. Thats why all Coles Brand seafood has been responsibly sourced since 2015. **We understand that well managed and responsible fishing and aquaculture is essential to maintaining healthy fish populations and habitats, helping to ensure the future sustainability of marine ecosystems. That's good for the oceans, aquaculture and our customers.** Raised responsibly in the cool waters of Tasmania our Atlantic salmon is carefully selected for its quality. It's part of our commitment to sustainability, quality and freshness.
>
> (emphasis added)

37. Consumers rely on environmental and sustainability claims on their face to make purchasing decisions. A survey of Australian consumers undertaken by the Consumer Policy Research

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[16] See, for example, Aquaculture Stewardship Council, 'The Aquaculture Stewardship Council responds to recent WWF Australia report on Macquarie Harbour' (6 September 2021) https://au.asc-aqua.org/news/the-aquaculture-stewardship-council-responds-to-recent-wwf-australia-report-on-macquarie-harbour/.

[17] Goodfish, 'Atlantic Salmon Petuna' https://goodfish.org.au/species/atlantic-salmon-petuna/ (accessed 28 November 2023); GoodFish, 'Atlantic Salmon Tassal' https://goodfish.org.au/species/atlantic-salmon-tassal/ (accessed 28 November 2023); Goodfish, 'Atlantic Salmon Huon' https://goodfish.org.au/species/atlantic-salmon/ (accessed 29 November 2023).

[18] See, for example, Coles 'Coles Tasmanian Salmon Portions Skin On' https://www.coles.com.au/product/coles-tasmanian-salmon-portions-skin-on-460g-1546564 (accessed 28 November 2023).

Centre found that 45% of respondents always or often consider sustainability as part of their purchasing decision-making, and 69% were likely to trust a green claim that had a trustmark with it.[19]

38. In these circumstances, our clients consider that the Statements are misleading or deceptive or likely to mislead or deceive, and thereby contravene ss 18, 29 and 33 of the ACL. Our clients consider that there is a significant potential for harm given the proliferation of the Statements on various salmon products and other materials and by multiple producers and retailers. For this reason, our clients request that you investigate this issue.

Yours faithfully

Environmental Defenders Office

Kirsty Ruddock
Managing Lawyer
Safe Climate (Corporate and Commercial)

Asha Keaney
Solicitor
Safe Climate (Corporate and Commercial)

Reference number s5964

[19] Consumer Policy Research Centre, 'The consumer experience of green claims in Australia' (Report, December 2022) https://cprc.org.au/green-claims/#:~:text=56%25%20of%20people%20said%20they,made%20by%20an%20international%20business.&text=69%25%20of%20people%20said%20they,had%20a%20trustmark%20with%20it page 24.

Annexure A Statements on seafood packaging

We set out below illustrative examples of the Statements on salmon product packaging.

Woolworths

Image taken at Woolworths (Marrickville, NSW) on 21 September 2023

Image taken at Woolworths (New Norfolk, Tasmania) on 28 September 2023

Image taken from Woolworths website[20] on 4 October 2023

Image taken at Woolworths (Kingston, Tasmania) on 7 October 2023

[20] https://www.woolworths.com.au/shop/productdetails/214923/woolworths-diced-tasmanian-salmon-skin-off.

Image taken at Woolworths (New Town, Tasmania) on 18 November 2023

Coles

Image taken at Coles (Marrickville, NSW) on 21 September 2023

Image taken at Coles (Marrickville, NSW) on 21 September 2023

Image taken from Coles website[21] on 4 October 2023

[21] https://www.coles.com.au/product/coles-tasmanian-salmon-portions-skin-on-460g-1546564.

Aldi

Image taken at Aldi (Brunswick, Vic) on 11 September 2023

Image taken at Aldi (Brunswick, Vic) on 11 September 2023

Annexure B Statements in promotional materials and signage in supermarkets

We set out below illustrative examples of the Statements on promotional materials and signage in supermarkets.

Woolworths

Image taken at Woolworths (New Norfolk, Tasmania) on 28 September 2023

Image taken at Woolworths (Kingston, Tasmania) on 7 October 2023

Image taken at Woolworths (Kingston, Tasmania) on 9 October 2023

Coles

Image taken at Coles (Broadway, NSW) on 7 October 2023

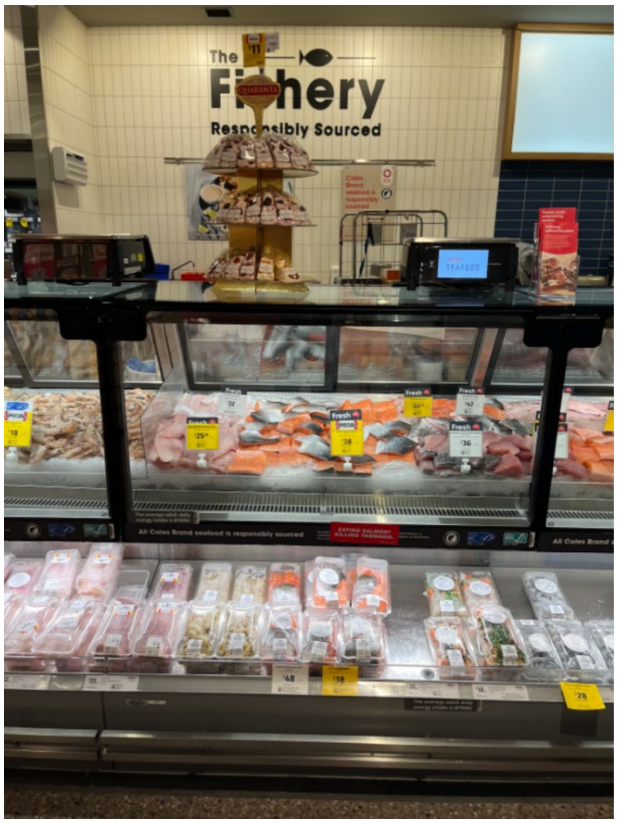

Image taken at Coles (New Town, Tasmania) on 18 November 2023

Annexure C

To: Brad Banducci, Chief Executive Officer and Managing Director, Woolworths Group
CC: Alex Holt, Chief Sustainability Officer
Alexandra Schepis, Sustainable Sourcing Speciality - Animal Welfare & Seafood
Anna Playfair-Hannay, Head of Environment

4th August 2023

Re: Woolworths Group Seafood Sourcing Policy compromised by Macquarie Harbour BAP and GLOBALG.A.P. certified salmon and trout

Dear Mr. Banducci,

Last week, 82 signatories from 17 countries sent open letters to the Best Aquaculture Practices (BAP) and GLOBALG.A.P. accreditations calling for the immediate revocation of certification from farmed salmon and ocean trout raised in Macquarie Harbour, Tasmania.[1]

The demand is in response to recent scientific evidence[2] reported by the Institute of Marine and Antarctic Studies that asserts urgent action is required to save the endangered Maugean Skate from extinction, with skate population numbers having almost halved in less than seven years. The scientists attribute the Maugean skate's rapid decline to the degraded environmental conditions in Macquarie Harbour, in particular, dissolved oxygen levels, and the report explicitly named fish farms as a primary cause of low dissolved oxygen levels in the harbour.

The issue should be of serious concern to Woolworths, given that BAP and GLOBALG.A.P. are cited under Woolworths Group's Seafood Sourcing Policy[3] for farmed seafood. All three salmon farming companies – Huon Aquaculture, Petuna and Tassal – operating in Macquarie Harbour are either BAP or GLOBALG.A.P certified.

Concerningly, farmed salmon and trout assessed against BAP or GLOBALG.A.P. carries the Woolworths' Responsibly Sourced logo.[4] This means certified Macquarie Harbour salmon and trout are being sold to unsuspecting shoppers as "responsibly sourced" and 'sustainable'.

[1] The Guardian 26 July 2023. Global calls to revoke 'misleading' sustainable farming certification for salmon in Tasmania's Macquarie Harbour. Available at: https://www.theguardian.com/australia-news/2023/jul/25/global-calls-to-revoke-misleading-sustainable-farming-certification-for-salmon-in-tasmanias-macquarie-harbour

[2] Moreno and Semmens (2023) *Interim report - Macquarie Harbour Maugean skate population status and monitoring.* IMAS. Available at: https://imas.utas.edu.au/__data/assets/pdf_file/0007/1655611/Maugean-skate-2021-interim-report-FINAL.pdf

[3] Seafood Sourcing Policy. Available at: https://www.woolworthsgroup.com.au/content/dam/wwg/sustainability/documents/Apr22Seafood%20Sourcing%20Policy%20Document_A4%20RGB.pdf

[4] Ecologically responsible seafood. Available at: https://www.woolworthsgroup.com.au/au/en/sustainability/Product/future-of-protein/ecologically-responsible-seafood.html

From a consumer perspective, the Woolworths' Responsibly Sourced logo on Macquarie Harbour salmon and trout can be viewed as entirely misleading.

The Woolworths Group website states, "Woolworths Group supports seafood producers who are doing the right thing, by protecting our marine and freshwater ecosystems".[5] BAP and GLOBALG.A.P. certified Macquarie Harbour farms are failing to protect the Macquarie Harbour's unique marine and freshwater estuary ecosystem. These farms are associated with waste inputs that have caused low dissolved oxygen, habitat degradation, and contributed to the decline in population of the endangered Maugean skate.

We emphasize that extinction, where avoidable, is not responsible, or by definition, sustainable.

The issue of greenwashing, the practice of making a misleading or unsubstantiated claim, has received significant attention in Australia and globally in recent times. In response to an internet sweep that found greenwashing to be prevalent in the Australian marketplace, last month the Australian Competition & Consumer Commission (ACCC) published draft guidance[6] for businesses on environmental and sustainability claims. When using third-party certifications as evidence, the ACCC states:

> *"[T]here are some cases where third-party certifications will not adequately substantiate your claims or where the schemes themselves lack integrity… When using a third-party certification to back up your claims, you should ensure that: your product or service does what you claim it does, even where you have complied with the third-party certification".*[7]

We contend that the BAP and GLOBALG.A.P. certifications do not adequately substantiate Woolworths' claims of "responsibly sourced" on Macquarie Harbour salmon and ocean trout. I.e.,the product fails to do what Woolworths claims it does.

The continued procurement of Macquarie Harbour salmon and ocean trout – exacerbated by the use of the unsubstantiated "responsibly sourced" logo and claim – places the credibility of the Woolworths brand at risk.

Traceability mechanisms enable Woolworths to avoid misleading shoppers with unsubstantiated claims; and to avoid a product that is contributing to the extinction of the Maugean skate. The chain-of-custody processes deployed by BAP and GLOBALG.A.P. allows Woolworths to refuse products within the supply chain that trace back to Macquarie Harbour fish farms.

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[5] Ibid

[6] ACCC publishes draft guidance to improve businesses' environmental claims. Available at: https://www.accc.gov.au/media-release/accc-publishes-draft-guidance-to-improve-businesses-environmental-claims

[7] Page 17. ACCC July 2023. Environmental and sustainability claims. Draft guidance for business. Available at: https://www.accc.gov.au/system/files/Environmental%20and%20sustainability%20claims%20-%20draft%20guidance%20for%20business_web.pdf

Consequently, we call on Woolworths to take the following immediate actions:

1. **Stop procuring farmed salmon and ocean trout from Macquarie Harbour farms.**
2. **Remove the Woolworths "Responsibly Sourced" logo and claim from Macquarie Harbour products currently in stores.**
3. **Tell BAP and GLOBALG.A.P. to revoke their certifications from Macquarie Harbour fish farms.**

Please find attached copies of the open letters to BAP and GLOBALG.A.P., as well as the corresponding press release: *More than 80 groups worldwide demand farmed salmon accreditations stop greenwashing the extinction of the Maugean skate.*

We look forward to hearing how Woolworths will be upholding their commitment to sustainable seafood by taking the necessary and prompt actions required to help prevent the endangered Maugean skate from becoming extinct.

We kindly request a meeting to discuss these serious concerns further.

Sincerely,

Kelly Roebuck
SeaChoice representative
Living Oceans

Jessica Coughlan
Campaigner
Neighbours of Fish Farming

Nick Haines
Senior Campaigns Manager
Ekō

Alistair Allan
Antarctic and Marine Campaigner
Bob Brown Foundation

Dear Kelly Roebuck, Jessica Coughlan, Nick Haines, Alistair Allan

Thank you for taking the time to write to our CEO, Mr Brad Banducci, on Friday 4 August 2023 in relation to Macquarie Harbour and our seafood sourcing policy. As Commercial Director - Meat, Poultry and Seafood, he has asked me to respond on his behalf.

Sustainability and responsible sourcing are integral to our business and we take these issues seriously in our seafood category. We have strict sourcing policies in place with our suppliers, which help drive responsible farming practices, consistent with the expectations of our customers. Additionally, we have a team dedicated to overseeing suppliers' compliance with our seafood responsible sourcing commitments.

Maugean skate
We note the concerns you and others have raised regarding the Maugean skate population in Macquarie Harbour. In light of this, we strongly support the Tasmanian and Commonwealth Governments' move to establish the National Recovery Team for the Maugean skate. We understand the National Recovery Team met in July and agreed to develop a strategy to address population decline. As per the communique and Tasmanian EPA the factors impacting the skate population are vast, and it's therefore appropriate for government and industry to work together on recovery plans while further scientific research is undertaken. We will closely monitor the progress of this issue and the work of the National Recovery Team.

Responsible sourcing
We have stringent protocols to verify any on-pack claims. This includes ensuring all products meet our Seafood Sourcing Policy, reviewing our suppliers' third-party certification and their fishing and farming methods. Our Seafood Sourcing Policy requires all Woolworths branded seafood to be third-party certified or independently verified as ecologically responsible. In addition to our Policy, all our suppliers must also meet all relevant legislative and regulatory requirements. Accordingly, we are comfortable with our claims on the product at this time. Of course, we will continue to monitor developments in Macquarie Harbour as part of our regular due diligence on our Seafood Sourcing Policy.

Tasmanian salmon sourcing
Salmon remains an important and popular source of protein for many Australian families. We will continue offering Tasmanian salmon to our customers as part of our range. At the same time, we will continue to engage with industry, government and community to enhance the sustainability of the sector. Our submissions to the Tasmanian Government on the New Salmon Plan show we have publicly supported enhanced regulatory oversight of salmon farming through a newly independent EPA and the development of science-based aquaculture standards to better manage biodiversity, environmental and animal welfare impacts. We have also advocated for improved transparency on salmon farming operations through the Salmon Portal.

We appreciate this is a complex issue and we will continue to work with our suppliers, industry and government to understand more about the situation as it evolves. We encourage all the stakeholders to collaborate in resolving the situation.

Yours sincerely,

Tim Dudding
Commercial Director - Meat, Poultry and Seafood
Woolworths Group

Woolworths Group Limited
ABN 88 000 014 675

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To: Anna MacGarth, Group Managing Director, ALDI Australia
Marietta Schorn, Managing Director of Central Purchasing, ALDI Australia
CC: Daniel Baker, Sustainability Director
Daniel Tuffield, National Buying Director
Chloe Leong, Corporate Responsibility- Responsible Sourcing

4th August 2023

Re: ALDI Australia's Corporate Responsibility: Fish and Seafood Buying Policy compromised by Macquarie Harbour BAP and GLOBALG.A.P. certified salmon and trout

Dear Ms. MacGarth and Ms. Schorn,

Last week, 82 signatories from 17 countries sent open letters to the Best Aquaculture Practices (BAP) and GLOBALG.A.P. accreditations calling for the immediate revocation of certification from farmed salmon and ocean trout raised in Macquarie Harbour, Tasmania.[1]

The demand is in response to recent scientific evidence[2] reported by the Institute of Marine and Antarctic Studies that asserts urgent action is required to save the endangered Maugean Skate from extinction, with skate population numbers having almost halved in less than seven years. The scientists attribute the Maugean skate's rapid decline to the degraded environmental conditions in Macquarie Harbour, in particular, dissolved oxygen levels, and the report explicitly named fish farms as a primary cause of low dissolved oxygen levels in the harbour.

The issue should be of serious concern to ALDI, given that BAP and GLOBALG.A.P. are cited under ALDI Australia's Corporate Responsibility Fish and Seafood Buying Policy[3] for farmed seafood. All three salmon farming companies – Huon Aquaculture, Petuna and Tassal – operating in Macquarie Harbour are either BAP or GLOBALG.A.P certified.

Concerningly, farmed salmon and trout assessed against BAP or GLOBALG.A.P. carries the ALDI's Responsibly Sourced logo.[4] This means certified Macquarie Harbour salmon and trout are being sold to unsuspecting shoppers as "responsibly sourced" and 'sustainable'.

[1] The Guardian 26 July 2023. Global calls to revoke 'misleading' sustainable farming certification for salmon in Tasmania's Macquarie Harbour. Available at: https://www.theguardian.com/australia-news/2023/jul/25/global-calls-to-revoke-misleading-sustainable-farming-certification-for-salmon-in-tasmanias-macquarie-harbour

[2] Moreno and Semmens (2023) *Interim report - Macquarie Harbour Maugean skate population status and monitoring.* IMAS. Available at: https://imas.utas.edu.au/__data/assets/pdf_file/0007/1655611/Maugean-skate-2021-interim-report-FINAL.pdf

[3] ALDI Australia Corporate Responsibility Fish and Seafood Buying Policy. Available at: https://corporate.aldi.com.au/fileadmin/fm-dam/pdf/Suppliers/2019/Documents/Fish_and_Seafood_Policy_01.11.2019.pdf

[4] Responsibly Sourced Fish and Seafood. Available at: https://www.aldi.com.au/en/sustainability/good-planet/sustainable-fish-and-seafood/

From a consumer perspective, the ALDI's Responsibly Sourced logo on Macquarie Harbour salmon and trout can be viewed as entirely misleading.

The ALDI Australia website states, "100% of our fish and seafood range is responsibly or sustainably sourced. ALDI requires all private label fish to be independently verified as ecologically responsible".[5] BAP and GLOBALG.A.P. certified Macquarie Harbour farms are not sustainably sourced or ecologically responsible. These farms are associated with waste inputs that have caused low dissolved oxygen, habitat degradation, and contributed to the decline in population of the endangered Maugean skate.

We emphasize that extinction, where avoidable, is not responsible, or by definition, sustainable.

The issue of greenwashing, the practice of making a misleading or unsubstantiated claim, has received significant attention in Australia and globally in recent times. In response to an internet sweep that found greenwashing to be prevalent in the Australian marketplace, last month the Australian Competition & Consumer Commission (ACCC) published draft guidance[6] for businesses on environmental and sustainability claims. When using third-party certifications as evidence, the ACCC states:

> *"[T]here are some cases where third-party certifications will not adequately substantiate your claims or where the schemes themselves lack integrity… When using a third-party certification to back up your claims, you should ensure that: your product or service does what you claim it does, even where you have complied with the third-party certification".*[7]

We contend that the BAP and GLOBALG.A.P. certifications do not adequately substantiate ALDI's claims of "responsibly sourced" on Macquarie Harbour salmon and ocean trout. I.e.,the product fails to do what ALDI claims it does.

The continued procurement of Macquarie Harbour salmon and ocean trout – exacerbated by the use of the unsubstantiated "responsibly sourced" logo and claim – places the credibility of the ALDI brand at risk.

Traceability mechanisms enable ALDI to avoid misleading shoppers with unsubstantiated claims; and to avoid a product that is contributing to the extinction of the Maugean skate. The chain-of-custody processes deployed by BAP and GLOBALG.A.P. allows ALDI to refuse products within the supply chain that trace back to Macquarie Harbour fish farms.

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[5] Responsible Farming. Sustainable Fish & Seafood. Available at: https://www.aldi.com.au/en/sustainability/good-planet/responsible-farming/

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Consequently, we call on ALDI to take the following immediate actions:

1. **Stop procuring farmed salmon and ocean trout from Macquarie Harbour farms.**
2. **Remove the ALDI "Responsibly Sourced" logo and claim from Macquarie Harbour products currently in stores.**
3. **Tell BAP and GLOBALG.A.P. to revoke their certifications from Macquarie Harbour fish farms.**

Please find attached copies of the open letters to BAP and GLOBALG.A.P., as well as the corresponding press release: *More than 80 groups worldwide demand farmed salmon accreditations stop greenwashing the extinction of the Maugean skate.*

We look forward to hearing how ALDI will be upholding their commitment to sustainable seafood by taking the necessary and prompt actions required to help prevent the endangered Maugean skate from becoming extinct.

We kindly request a meeting to discuss these serious concerns further.

Sincerely,

Kelly Roebuck
SeaChoice representative
Living Oceans

Jessica Coughlan
Campaigner
Neighbours of Fish Farming

Nick Haines
Senior Campaigns Manager
Ekō

Alistair Allan
Antarctic and Marine Campaigner
Bob Brown Foundation

ALDI Stores
(A Limited Partnership)
ABN 90 196 565 019

National

21 August 2023

Kelly Roebuck
SeaChoice Representative from Living Oceans
1057 Barrenjoey Rd
Palm Beach NSW 2108

Re: ALDI Australia's Fish and Seafood Sourcing Policy - Macquarie Harbour

Dear Kelly,

Thank you for your email and letter dated 4 August 2023.

Responsible sourcing of fish and seafood is an important component of being a responsible business and we are committed to the highest sourcing standards across our supply chain.

ALDI works closely with internationally recognised and Global Sustainable Seafood Initiative (GSSI) benchmarked certification schemes such as the Global Seafood Alliance (GSA)'s Best Aquaculture Practices (BAP) and GLOBAL G.A.P. The goal of these programs is to preserve oceans for future generations and drive forward more sustainable seafood practices. These certification schemes provide retailers with a robust science-based assurance system through which we can implement our responsible sourcing policies.

Finfish farming is one of the most heavily regulated and monitored industries; assessments include stocking density limits, biomass limits and environmental monitoring requirements. The producers that ALDI works with take their environmental and sustainability responsibilities seriously and are fully compliant with the relevant regulations and certifications related to Macquarie Harbour. We are also encouraged to see that the aquaculture sector has actively engaged in Maugean Skate research and is working with multiple stakeholders such as IMAS, UTAS, the CSIRO and the EPA to further protect the species.

ALDI's approach to responsible sourcing is based on continuous improvement and we collaborate with trusted independent third-party organisations and NGOs to review and assess our requirements. Chain of Custody certification programs, such as BAP and GLOBAL G.A.P., are widely recognised as a tool to ensure the responsible sourcing of seafood. Where improvements to those certification programs are identified, we strongly encourage stakeholders to utilise the public consultation process for Chain of Custody standard updates to provide that feedback to certification bodies.

Kind regards,
ALDI Stores

Daniel Baker
Director - National Sustainability

To: Leah Weckert, Chief Executive Officer and Managing Director, Coles Group
CC: Matt Swindells, Chief Operations and Sustainability Officer
Brooke Donnelly, General Manager, Sustainability
Sean O'Malley, Product Stewardship Manager
William Wall, Lead Sustainable Sourcing Manager - Seafood
Caitlyn Richards, Responsible Sourcing Manager

4th August 2023

Re: Coles' Responsibly Sourced Seafood Program compromised by Macquarie Harbour BAP and GLOBALG.A.P. certified salmon and trout

Dear Ms. Weckert,

Last week, 82 signatories from 17 countries sent open letters to the Best Aquaculture Practices (BAP) and GLOBALG.A.P. accreditations calling for the immediate revocation of certification from farmed salmon and ocean trout raised in Macquarie Harbour, Tasmania.[1]

The demand is in response to recent scientific evidence[2] reported by the Institute of Marine and Antarctic Studies that asserts urgent action is required to save the endangered Maugean Skate from extinction, with skate population numbers having almost halved in less than seven years. The scientists attribute the Maugean skate's rapid decline to the degraded environmental conditions in Macquarie Harbour, in particular, dissolved oxygen levels, and the report explicitly named fish farms as a primary cause of low dissolved oxygen levels in the harbour.

This issue should be of serious concern to Coles Group, given that BAP and GLOBALG.A.P. are cited under Coles' Responsibly Sourced Seafood Program for farmed seafood.[3] All three salmon farming companies – Huon Aquaculture, Petuna and Tassal – operating in Macquarie Harbour are either BAP or GLOBALG.A.P certified.

Concerningly, farmed salmon and trout assessed against BAP or GLOBALG.A.P. carries the Coles' Responsibly Sourced Seafood (RSS) logo.[4] This means certified Macquarie Harbour salmon and trout are being sold to unsuspecting shoppers as "responsibly sourced" and 'sustainable'.

[1] The Guardian 26 July 2023. Global calls to revoke 'misleading' sustainable farming certification for salmon in Tasmania's Macquarie Harbour. Available at: https://www.theguardian.com/australia-news/2023/jul/25/global-calls-to-revoke-misleading-sustainable-farming-certification-for-salmon-in-tasmanias-macquarie-harbour

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[3] Responsibly sourced product and ingredients. Responsibly sourced seafood. Available at: https://www.colesgroup.com.au/sustainability/?page=responsible-sourcing

[4] Ibid

From a consumer perspective, the Coles' Responsibly Sourced Seafood logo on Macquarie Harbour salmon and trout can be viewed as entirely misleading.

The Coles consumer facing website states, "to protect the oceans, all Coles Brand wild caught and farmed seafood is responsibly sourced".[5] BAP and GLOBALG.A.P. certified Macquarie Harbour farms are failing "to protect the oceans". These farms are associated with waste inputs that have caused low dissolved oxygen, habitat degradation, and contributed to the decline in population of the endangered Maugean skate.

We emphasize that extinction, where avoidable, is not responsible, or by definition, sustainable.

The issue of greenwashing, the practice of making a misleading or unsubstantiated claim, has received significant attention in Australia and globally in recent times. In response to an internet sweep that found greenwashing to be prevalent in the Australian marketplace, last month the Australian Competition & Consumer Commission (ACCC) published draft guidance[6] for businesses on environmental and sustainability claims. When using third-party certifications as evidence, the ACCC states:

> *"[T]here are some cases where third-party certifications will not adequately substantiate your claims or where the schemes themselves lack integrity… When using a third-party certification to back up your claims, you should ensure that: your product or service does what you claim it does, even where you have complied with the third-party certification".*[7]

We contend that the BAP and GLOBALG.A.P. certifications do not adequately substantiate Coles' claims of "responsibly sourced" on Macquarie Harbour salmon and ocean trout. I.e., the product fails to do what Coles claims it does.

The continued procurement of Macquarie Harbour salmon and ocean trout – exacerbated by the use of the unsubstantiated "responsibly sourced" logo and claim – places the credibility of the Coles brand at risk.

Traceability mechanisms enable Coles to avoid misleading shoppers with unsubstantiated claims; and to avoid a product that is contributing to the extinction of the Maugean skate. The chain-of-custody processes deployed by BAP and GLOBALG.A.P. allows Coles to refuse products within the supply chain that trace back to Macquarie Harbour fish farms.

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Consequently, we call on Coles to take the following immediate actions:

1. **Stop procuring farmed salmon and ocean trout from Macquarie Harbour farms.**
2. **Remove the Coles "Responsibly Sourced Seafood" logo and claim from Macquarie Harbour products currently in stores.**
3. **Tell BAP and GLOBALG.A.P. to revoke their certifications from Macquarie Harbour fish farms.**

Please find attached copies of the open letters to BAP and GLOBALG.A.P., as well as the corresponding press release: *More than 80 groups worldwide demand farmed salmon accreditations stop greenwashing the extinction of the Maugean skate.*

We look forward to hearing how Coles will be upholding their commitment to sustainable seafood by taking the necessary and prompt actions required to help prevent the endangered Maugean skate from becoming extinct.

We kindly request a meeting to discuss these serious concerns further.

Sincerely,

Kelly Roebuck
SeaChoice representative
Living Oceans

Jessica Coughlan
Campaigner
Neighbours of Fish Farming

Nick Haines
Senior Campaigns Manager
Ekō

Alistair Allan
Antarctic and Marine Campaigner
Bob Brown Foundation

29/08/23

Kelly Roebuck
Sea Choice

Dear Kelly, Jessica, Nick and Alistair,

RE: Coles' Responsibly Sourced Seafood Program

Thank you for your letter dated 4 August 2023 to Leah Weckert, whom I reply on behalf.

We are aware of concerns regarding the population status of the Maugean Skate in Macquarie Harbour and are seeking to gather further information.

We are currently engaging suppliers, third-party certification standards holders, and other relevant stakeholder groups to better understand the status of skate populations, the impact of salmon farming in Macquarie Harbour and the overall effectiveness of third-party certification in the region. While we regularly engage throughout the year with these groups, more recently we have specifically raised the issues of population decline and impacts on the skate.

We appreciate that reducing the environmental impacts in Tasmania's marine environments is key to the long-term sustainability of the Tasmanian salmon farming industry. For this reason, over the past year we have:

- participated in the Tasmanian Government's 'Tasmanian Salmon Industry Plan 2023' development, reviewing the Government's 'discussion paper' and providing input on topics such as transparency/disclosure, ecosystem regeneration, responsible feed ingredients, animal welfare and water quality.
- engaged with international consultancy Stonehaven to provide data-led insights that are being used to inform our approach when engaging with the Tasmanian salmon industry and local communities.
- established an internal cross-functional working group to work with our suppliers to further develop our approach to key issues including animal welfare, feed ingredients and impacts on the marine environment.

We recognise there are potential environmental impacts associated with seafood production. We continue to review the Coles Responsibly Sourced Seafood Program to assist in mitigating these impacts. Where issues arise, we take informed action to reach the best outcome for our stakeholders and in accordance with our sustainability ambitions.

Representatives from our Sustainability team would welcome the opportunity to meet with you to discuss your concerns, please reach out if this is something that would be of interest.

Thank you for taking the time to contact us.

Yours sincerely

Brook Donnelly
General Manager Sustainability

Coles Group
To: Leah Weckert, Chief Executive Officer and Managing Director
CC: Brooke Donnelly, General Manager, Sustainability
Sean O'Malley, Product Stewardship Manager (bounce back)
William Wall, Lead Sustainable Sourcing Manager - Seafood
Caitlyn Richards, Responsible Sourcing Manager
Tanya Dickson, Executive Assistant to Leah Weckert, CEO

4th August, 2023

Re: Coles' Responsibly Sourced Seafood Program compromised by Macquarie Harbour BAP and GLOBALG.A.P. certified salmon and trout

Dear Ms. Weckert,

Last week, 82 signatories from 17 countries sent open letters to the Best Aquaculture Practices (BAP) and GLOBALG.A.P. accreditations calling for the immediate revocation of certification from farmed salmon and ocean trout raised in Macquarie Harbour, Tasmania.[1]

The demand is in response to recent scientific evidence[2] reported by the Institute of Marine and Antarctic Studies that asserts urgent action is required to save the endangered Maugean Skate from extinction, with skate population numbers having almost halved in less than seven years. The scientists attribute the Maugean skate's rapid decline to the degraded environmental conditions in Macquarie Harbour, in particular, dissolved oxygen levels, and the report explicitly named fish farms as a primary cause of low dissolved oxygen levels in the harbour.

This issue should be of serious concern to Coles Group, given that BAP and GLOBALG.A.P. are cited under Coles' Responsibly Sourced Seafood Program for farmed seafood.[3] All three salmon farming companies – Huon Aquaculture, Petuna and Tassal – operating in Macquarie Harbour are either BAP or GLOBALG.A.P certified.

Concerningly, farmed salmon and trout assessed against BAP or GLOBALG.A.P. carries the Coles' Responsibly Sourced Seafood (RSS) logo.[4] This means certified Macquarie Harbour salmon and trout are being sold to unsuspecting shoppers as "responsibly sourced" and 'sustainable'.

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[3] Responsibly sourced product and ingredients. Responsibly sourced seafood. Available at: https://www.colesgroup.com.au/sustainability/?page=responsible-sourcing

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From a consumer perspective, the Coles' Responsibly Sourced Seafood logo on Macquarie Harbour salmon and trout can be viewed as entirely misleading.

The Coles consumer facing website states, "to protect the oceans, all Coles Brand wild caught and farmed seafood is responsibly sourced".[5] BAP and GLOBALG.A.P. certified Macquarie Harbour farms are failing "to protect the oceans". These farms are associated with waste inputs that have caused low dissolved oxygen, habitat degradation, and contributed to the decline in population of the endangered Maugean skate.

We emphasize that extinction, where avoidable, is not responsible, or by definition, sustainable.

The issue of greenwashing, the practice of making a misleading or unsubstantiated claim, has received significant attention in Australia and globally in recent times. In response to an internet sweep that found greenwashing to be prevalent in the Australian marketplace, last month the Australian Competition & Consumer Commission (ACCC) published draft guidance[6] for businesses on environmental and sustainability claims. When using third-party certifications as evidence, the ACCC states:

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We contend that the BAP and GLOBALG.A.P. certifications do not adequately substantiate Coles' claims of "responsibly sourced" on Macquarie Harbour salmon and ocean trout. I.e.,the product fails to do what Coles claims it does.

The continued procurement of Macquarie Harbour salmon and ocean trout – exacerbated by the use of the unsubstantiated "responsibly sourced" logo and claim – places the credibility of the Coles brand at risk.

Traceability mechanisms enable Coles to avoid misleading shoppers with unsubstantiated claims; and to avoid a product that is contributing to the extinction of the Maugean skate. The chain-of-custody processes deployed by BAP and GLOBALG.A.P. allows Coles to refuse products within the supply chain that trace back to Macquarie Harbour fish farms.

Consequently, we call on Coles to take the following immediate actions:

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1. **Stop procuring farmed salmon and ocean trout from Macquarie Harbour farms.**
2. **Remove the Coles "Responsibly Sourced Seafood" logo and claim from Macquarie Harbour products currently in stores.**
3. **Tell BAP and GLOBALG.A.P. to revoke their certifications from Macquarie Harbour fish farms.**

Please find attached copies of the open letters to BAP and GLOBALG.A.P., as well as the corresponding press release: *More than 80 groups worldwide demand farmed salmon accreditations stop greenwashing the extinction of the Maugean skate.*

We look forward to hearing how Coles will be upholding their commitment to sustainable seafood by taking the necessary and prompt actions required to help prevent the endangered Maugean skate from becoming extinct.

We kindly request a meeting to discuss these serious concerns further.

Sincerely,

Kelly Roebuck
SeaChoice representative
Living Oceans

Jessica Coughlan
Campaigner
Neighbours of Fish Farming

Nick Haines
Senior Campaigns Manager
Ekō

Alistair Allan
Antarctic and Marine Campaigner
Bob Brown Foundation

To: Brad Banducci, Chief Executive Officer and Managing Director, Woolworths Group
CC: Alex Holt, Chief Sustainability Officer
Alexandra Schepis, Sustainable Sourcing Speciality - Animal Welfare & Seafood
Anna Playfair-Hannay, Head of Environment

4th August 2023

Re: Woolworths Group Seafood Sourcing Policy compromised by Macquarie Harbour BAP and GLOBALG.A.P. certified salmon and trout

Dear Mr. Banducci,

Last week, 82 signatories from 17 countries sent open letters to the Best Aquaculture Practices (BAP) and GLOBALG.A.P. accreditations calling for the immediate revocation of certification from farmed salmon and ocean trout raised in Macquarie Harbour, Tasmania.[1]

The demand is in response to recent scientific evidence[2] reported by the Institute of Marine and Antarctic Studies that asserts urgent action is required to save the endangered Maugean Skate from extinction, with skate population numbers having almost halved in less than seven years. The scientists attribute the Maugean skate's rapid decline to the degraded environmental conditions in Macquarie Harbour, in particular, dissolved oxygen levels, and the report explicitly named fish farms as a primary cause of low dissolved oxygen levels in the harbour.

The issue should be of serious concern to Woolworths, given that BAP and GLOBALG.A.P. are cited under Woolworths Group's Seafood Sourcing Policy[3] for farmed seafood. All three salmon farming companies – Huon Aquaculture, Petuna and Tassal – operating in Macquarie Harbour are either BAP or GLOBALG.A.P certified.

Concerningly, farmed salmon and trout assessed against BAP or GLOBALG.A.P. carries the Woolworths' Responsibly Sourced logo.[4] This means certified Macquarie Harbour salmon and trout are being sold to unsuspecting shoppers as "responsibly sourced" and 'sustainable'.

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From a consumer perspective, the Woolworths' Responsibly Sourced logo on Macquarie Harbour salmon and trout can be viewed as entirely misleading.

The Woolworths Group website states, "Woolworths Group supports seafood producers who are doing the right thing, by protecting our marine and freshwater ecosystems".[5] BAP and GLOBALG.A.P. certified Macquarie Harbour farms are failing to protect the Macquarie Harbour's unique marine and freshwater estuary ecosystem. These farms are associated with waste inputs that have caused low dissolved oxygen, habitat degradation, and contributed to the decline in population of the endangered Maugean skate.

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