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Fishing and Public Interest Groups Sue Feds On New Rules Allowing Industrial Offshore Aquaculture

Industrial aquaculture would bring economic and environmental harms to Gulf of Mexico and beyond

New Orleans, LA (February 16, 2016)—Center for Food Safety [filed a lawsuit](#) on Friday evening, February 12th, just before the holiday weekend, challenging the National Oceanic and Atmospheric Administration's (NOAA) new federal regulations permitting, industrial aquaculture offshore in U.S. federal waters in the Gulf of Mexico. The plaintiff coalition CFS is representing in the case make up a broad array of significant interests in the Gulf of Mexico, including commercial, economic, recreational, and conservation purposes: the Gulf Fishermen's Association; Gulf of Mexico Reef Fish Shareholders' Alliance; Charter Fishermen's Association; Destin Charter Boat Association; Clearwater Marine Association; Alabama Charter Fishing Association; Fish for America, USA, Inc.; Florida Wildlife Federation; Gulf Restoration Network; Recirculating Farms Coalition; and Food & Water Watch.

“Offshore industrial aquaculture will cause irreparable harm to the Gulf ecosystems and coastal communities,” said George Kimbrell, senior attorney for CFS and counsel for the plaintiffs. “We need to better manage and protect our native fisheries, not adopt destructive industrial food practices that put them at risk. This lawsuit, brought by a range of concerned stakeholders, aims to halt these shortsighted plans.”

“Our intention in being a part of this lawsuit is to not only help protect our members and commercial fishermen but to also help protect the fishing and non fishing public who depend on the wild fish stocks from damage that may occur from a numerous amount of various dangers from farm raising fish in open ocean pens in the Gulf of Mexico,” said Glen Brooks of the Gulf Fishermen's Association.

The questionable federal permitting scheme, more than ten years in the making, is NOAA's attempt to do an end-run around the United States Congress: multiple national bills that would have allowed and regulated industrial aquaculture never made it into law in the past decade. In an effort to push offshore aquaculture forward without a new law permitting it, NOAA exceeded its authority to regulate fishing under the Magnuson-Stevens Act and now plans to permit offshore aquaculture as a “fishing” activity.

Finalized in January 2016, the regulations will allow up to 20 industrial facilities and collectively 64 million pounds of fish to be produced each year in the Gulf of Mexico. This is the same amount of wild fish currently caught from the Gulf of Mexico annually (excluding menhaden, a fish used mainly in pharmaceuticals, and pet and fish feed, not for direct human consumption), so farmed fish would essentially double offerings and flood the market.

Marianne Cufone, an environmental attorney and executive director of the [Recirculating Farms Coalition](#) said, “It is unbelievable that the very agencies tasked with conservation and management of our ocean resources and fisheries would push offshore aquaculture; it is totally outdated and unnecessary. Recirculating farms that are

on-land recycle water and waste in a closed system, they are a more sustainable way to increase domestic seafood, and they don't conflict with fishing communities, or harm the environment.”

Industrial aquaculture in open waters is associated with many serious environmental and health concerns, including: the escape of farmed fish into the wild, outcompeting wild fish for habitat, food and mates or intermixing with wild fish and altering their genetics and behaviors; the spread of diseases and parasites from farmed fish to wild fish and other marine life; and pollution from excess feed, wastes and any antibiotics or other chemicals used flowing through the open pens into natural waters.

Cynthia Sarthou, attorney and executive director of the [Gulf Restoration Network](#) said, “The Gulf of Mexico is already struggling to deal with a large dead zone, run-off pollution, recovery from the 2010 oil spill and massive wetlands loss. Adding industrial aquaculture is foolish and irresponsible.”

In addition to ecological and public health risks, industrial aquaculture can also come with significant socioeconomic costs. Large aquaculture structures often attract wild fish away from their usual habitats; “buffer” zones prevent fishing near the farm facilities, so fishermen lose access to the displaced fish. Offshore aquaculture also creates market competition that drives down the price of wild fish, and results in the loss of fishing and fishing-related employment and income. Less money for fishermen means less money spent in coastal communities too, hurting other businesses.

“As a fisherman’s organization, we are committed to protecting and preserving the Gulf’s wild, sustainable fisheries and the hard working men and women who make their living on the water. This aquaculture proposal has the potential to impact seafood harvesters, fish houses, distributors, restaurants, and even the American seafood consumer. We can’t afford to put this plan on cruise control without knowing the full range of impacts,” said Eric Brazer, deputy director of the Gulf of Mexico Reef Fish Shareholders' Alliance.

Contrary to claims that farmed fish production will alleviate pressure on wild fish stocks, industrial aquaculture has actually exacerbated the population declines of wild fish. This will be especially true in offshore aquaculture facilities that farm carnivorous fish, which require a diet often derived from wild-caught fish such as mackerel, herring, menhaden, and anchovies. The industry’s ever-growing demand for fish in feed jeopardizes the survival of wild fish and disrupts the balance of the marine ecosystem.

"The National Marine Fisheries Service’s plan to allow a private industry to abuse our public resources puts the health and welfare of communities, the environment and wildlife at risk,” said Wenonah Hauter, executive director of [Food & Water Watch](#). “This irresponsible plan to allow industrial offshore fish farms in the Gulf is a terrible precedent that must be stopped.”

“The U.S. Congress has never given express authority to NOAA/NMFS to enact such extensive and far reaching regulation. If this regulation goes into effect, the existing \$15 billion recreational and commercial fishing industries will be forced to carry the burden of the damages that may come as a consequence,” said William Ward, Esq., of the William Ward Law Group, PLLC.

The case challenges NOAA’s new rule allowing industrial aquaculture in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), and the Administrative Procedure Act (APA).