

# Landmark progress towards stronger legal protections for fish

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## Introduction

2022 has so far seen groundbreaking progress in the journey towards better protection of fish under UK animal welfare law. We learned that the Government is considering new welfare requirements to apply to fish at the time of slaughter, in response to Animal Equality UK's investigation released in February 2021<sup>1</sup>, which uncovered extreme and prolonged suffering of Scottish salmon due to a lack of stunning before slaughter.

Since then, Animal Equality and other animal protection organisations, including Compassion in World Farming, OneKind and The Humane League UK, have been working to ensure that new welfare requirements will be as strong as possible, and in turn, have successfully achieved landmark progress for these often forgotten animals.

In February 2022, Animal Equality UK published a report with the Conservative Animal Welfare Foundation and animal protection law firm, Advocates for Animals, which makes a number of recommendations, including the case for regular inspections and mandatory CCTV in fish slaughterhouses.

Through further meetings with Government officials, Animal Equality UK secured legal progress for fish when the Scottish Government introduced mandatory inspections in fish slaughterhouses, with one visit for each major salmon company carrying out onshore processing for the first year, a move that was confirmed via a Freedom of Information request.

<sup>1</sup> Animal Equality UK, 'Investigation: Scottish Salmon' <<https://animalequality.org.uk/act/scottish-salmon>> accessed 4 July 2022

In July 2022, fish welfare was debated by Parliament for the first time at a unique roundtable event. The event was coordinated by the All-Party Parliamentary Group on Animal Welfare and chaired by leading veterinary expert Lord Trees, and saw Animal Equality UK, among other animal protection organisations, present the case for stronger legal protections to be made a priority to attendees including the Animal Welfare Committee; the Scottish Government; the Department for Environment, Food and Rural Affairs; and MPs.<sup>2</sup>

This progress for fish is a critical step for animal welfare, and could pave the way for the rest of the world to follow suit. Animal Equality UK argues that it is now critical for this progress to continue, at this vital opportunity to ensure stronger legal protection for aquatic animals.

## The issue

Trillions of aquatic animals are slaughtered globally each year for human consumption. In the UK, up to 77 million fish<sup>3</sup> are farmed and killed each year; that's approximately 210,959 per day, 8,790 per hour.

There is an abundance of scientific evidence demonstrating that farmed fish and other aquatic animals have an ability to feel pain.

However, the UK is currently falling behind its European counterparts, with Germany, Norway, the Netherlands and others having already adopted increased legal protections for fish that

<sup>2</sup> The Grocer, 'Fish welfare debated by UK parliament for the first time' <<https://www.thegrocer.co.uk/fish/fish-welfare-debated-by-uk-parliament-for-first-time/669594.article>> accessed 1 August 2022

<sup>3</sup> Fish Count, 'Estimated numbers of individuals in aquaculture production (FAO) of fish species (2017)' <<http://fishcount.org.uk/studydatascreens2/2017/numbers-of-farmed-fish-B0-2017.php?countrysort=United%252BKingdom%252Fsort2>> accessed 4 July 2022



far surpass the UK's very limited laws.

Combined with a lack of regulatory oversight of farmed fish abattoirs, the aquaculture industry is currently being left to monitor itself in the eyes of the law.

Farmed land animals have specific protections at the time of killing. Frequent inspections are a requirement in UK farms and CCTV is mandatory in slaughterhouses located in England and Scotland, and will also soon be in Wales as part of the Welsh Government's five year plan to improve animal welfare. While these laws are not without issues, legislation remains critical to ensure that animal abusers are held accountable for their crimes, and that the animals currently bred and killed by the animal agriculture industry are better protected during their short lives.

Given that aquatic animals are feeling beings - it follows that they deserve the same level of legal protections as any farmed animal on land. Without stronger animal welfare legislation protecting fish, they are likely to continue to endure

extreme suffering.

### Fish sentience

There is strong and growing recognition within the global scientific community that in addition to fish, cephalopods and decapods are able to experience pleasure and pain, in a manner which is directly comparable to cows, pigs, chickens and other farmed land animals who receive detailed welfare protections at the time of killing.

The Government's scientific advisory body on farmed animals, the Farm Animal Welfare Committee (now the Animal Welfare Committee) recognised in its 2014 'Opinion on the Welfare of Farmed Fish at the Time of Killing', that 'at least some species, including trout, have a sensory experience of pain' as well as 'a degree of sentience'.<sup>4</sup>

This is also evidenced in the European Food

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<sup>4</sup> Farm Animal Welfare Committee 'Opinion on the Welfare of Farmed Fish at the Time of Killing' (2004) 10 (33)

Safety Authority (EFSA)'s journal which acknowledges that fish have the capacity to suffer, citing a study carried out by Dr Lynne Sneddon which investigated the behavioural response in rainbow trout to nociception (the detection of painful stimuli). The study found that the behaviour of the rainbow trout 'appear to represent changes in behaviour over a prolonged period as a result of nociception.'<sup>5</sup>

Research in this area is continuing to grow. For example, studies have been carried out on cleaner wrasse (*Labroides dimidiatus*), commonly referred to as 'cleaner fish' as they pick and eat parasites off the scales and gills of other fish. While these studies are preliminary, cleaner wrasse, approximately 60 million of whom are used each year in the salmon farming industry alone<sup>6</sup>, have been found to outperform primates in a task designed to test optimal foraging determination<sup>7</sup>. Cleaner wrasse are also one of only a handful of animals proven able to identify themselves in a mirror<sup>8</sup>. This information suggests that fish are high cognitive functioning species.

Current fish slaughter methods across the UK would be legally unacceptable under existing slaughter standards for any other species of animal killed for human consumption in the UK. Given the scientific consensus that fish are sentient and can suffer - anxiety, pain, and distress should be eliminated at every possible opportunity. By extending these same legal considerations to farmed aquatic animals, the UK can spare millions of animals from extreme and pro-

longed suffering at slaughter.

### Current protections for fish under UK animal welfare legislation

The Animal Welfare Act (2006)<sup>9</sup> does apply to farmed fish, affording them some general protection against 'unnecessary suffering' (s.4) and requiring farmers to ensure their 'needs are met' (s.9).

Although this may at first appear as though UK legislation is working to protect aquatic animals, the Welfare of Farmed Animals (England) Regulations 2007<sup>10</sup> and equivalent legislation in Scotland<sup>11</sup>, Wales<sup>12</sup> and Northern Ireland<sup>13</sup> provide specific obligations for those farming animals on land, yet the legislation across the UK expressly excludes fish when defining 'farmed animal' (reg.3).

Fish are included within the general protections under The Welfare of Farmed Animals at the Time of Killing (WATOK) Regulations. This means that they should be spared any avoidable pain, distress or suffering during their killing and related operations. However, fish are not included in the definition of 'animal' for the purpose of the more detailed provisions in WATOK. This means there are no specific requirements as to how they should be transported, held, stunned or killed.

In its aforementioned 'Opinion on the Welfare of Farmed Fish at the Time of Killing', FAWC advised that stunning is necessary in order to minimise the extreme suffering of fish during slaughter, by stating that 'stunning of farmed fish is necessary to remove fear, pain and distress at the time of killing.'<sup>14</sup>

5 European Food Safety Authority, 'General approach to fish welfare and to the concept of sentience in fish' (2009) 14 (2) <<https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2009.954>> accessed 15 June 2022

6 Marine Conservation Society, 'Use of Cleaner Fish in UK aquaculture: Current use, concerns and recommendations' (2021) 3 (4) <[https://media.mcsuk.org/documents/Use\\_Of\\_Cleaner\\_Fish\\_in\\_UK\\_Aquaculture\\_-\\_2021.pdf](https://media.mcsuk.org/documents/Use_Of_Cleaner_Fish_in_UK_Aquaculture_-_2021.pdf)> accessed 1 May 2022

7 Salwiczek, L.H., Prétôt, L. & Demarta, L (2012). 'Adult cleaner wrasse outperform capuchin monkeys, chimpanzees and orang-utans in a complex foraging task derived from cleaner-client reef fish cooperation' PLoS One, 7:11: e49068

8 Kohda, M., Hotta, T., Takeyama, T., Awata, S., Tanaka, H., Asai, J. & Jordan A,L (2018) 'Cleaner wrasse pass the mark test. What are the implications for consciousness and self-awareness testing in animals?' BioRxiv: 397067

9 Animal Welfare Act 2006, s4

10 The Welfare of Animals at the Time of Killing (England) Regulations 2015, SI 2015 /1782

11 The Welfare of Farmed Animals (Scotland) Regulations 2010, s1

12 The Welfare of Farmed Animals (Wales) Regulations 2007, s1

13 Welfare of Farmed Animals (Northern Ireland) Regulations 2012, s1

14 Farm Animal Welfare Committee 'Opinion on the Welfare of Farmed Fish at the Time of Killing' (2004) 15 (67) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/)

This recommendation regarding fish welfare at slaughter is important, as there are currently no legal requirements for slaughtering fish. While stunning methods are currently widely available, Animal Equality's investigation clearly shows the stunning equipment not being correctly used, leading to even more animal suffering.

FAWC's 2014 overview did not, at the time, lead to legal change. However, 2022 brings a new opportunity to ensure that the latest evidence is addressed in the form of stronger legal protections for fish, who are all too often forgotten.

### How is a lack of legal guidance and enforcement currently causing fish to suffer?

Despite the lack of specific legal requirements about the method of slaughter for fish, Animal Equality's findings suggest that there is also a serious issue with enforcement as stunning is not taking place in all cases and even where it is taking place, it is not being done adequately in some instances, as identified in undercover investigative footage. Further, even though they are required, inspections are not taking place to ensure compliance with the law.

In February 2021, Animal Equality released footage captured during a covert investigation into a salmon slaughterhouse operated by The Scottish Salmon Company<sup>1</sup>. In the footage, a Baader stun-kill device is in place in the facility, which is claimed to perform 'accurate stunning and bleeding that results in immediately and irreversibly stunned fish'.<sup>15</sup> However despite this, the investigation revealed significant numbers of salmon showing signs of consciousness at the time of killing, as verified by world-leading aquatic animal scientists and veterinarians.

Some fish had their gills cut while still conscious, and many had to be manually clubbed to ensure adequate stunning – in one case as many as seven times. Other live fish were shown being violently thrown to the ground by workers and left to asphyxiate.

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file/319331/Opinion\_on\_the\_welfare\_of\_farmed\_fish\_at\_the\_time\_of\_killing.pdf> accessed 4 May 2022

15 Baader, 'Baader 101: Harvesting solution - stunning and bleeding of salmon' <<https://fish.baader.com/products/baader-101>> accessed 4 May 2022

Coinciding with the release of Animal Equality's investigation, 70 world-leading aquatic animal experts, animal welfare advocates and advocacy organisations presented an open letter<sup>16</sup> to representatives from the Department of the Environment, Food and Rural Affairs (Defra), as well as Ministers from each of the devolved governments in Scotland, Wales and Northern Ireland. The collective urged that specific and meaningful protections be put in place for farmed fish at the time of killing (in the form of WATOK regulation). Signatories included leading academics Dr Jonathan Balcombe, Professor Culum Brown, Dr Becca Franks, Dr Lynne Sneddon and Dr John Webster, among others.

The overall consensus voices firmly that the current legal regime requires substantial improvement in order to provide adequate protection to aquatic animals.

### The need for stronger enforcement

#### Inspections

Despite a requirement for official welfare controls, evidence shows that there are no routine welfare checks taking place within onshore fish slaughterhouses at present<sup>17</sup>.

Without such audits, there is a clear and undeniable lack of enforcement of existing welfare regulations. This is in direct contravention of the already minimal legal requirements that exist at present.

While we would expect that welfare-oriented inspections would be overseen by the Animal Plant and Health Agency (APHA), we understand that this happens only when legal breaches or concerns are raised to APHA by the Fish Health Inspectorate (FHI), animal advocacy organisations, or other such whistleblowers. This is merely a reactionary approach. Until Animal Equality's investigative materials and this proven lack of oversight recently came to light there

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16 Animal Equality UK, 'Animal-Equality-UK-Aquatic-Animals-Open-Letter' <<https://animalequality.org.uk/app/uploads/2021/02/Animal-Equality-UK-Aquatic-Animals-Open-Letter.pdf>> accessed on 4 May 2022

17 Helena Horton, 'No routine checkups on welfare of fish slaughter, officials admit' *The Guardian* (London, 23 November 2021) 1

were seemingly no plans in place to conduct routine welfare inspections.

However, legal change has recently begun in this area. Following the launch of its investigation, Animal Equality had a series of meetings with Government officials, who later confirmed that inspections are now a legal requirement under Scottish law, from 1st February 2022.<sup>18</sup>

This is indeed landmark progress for fish, and has potential to spearhead progress throughout the rest of the UK, and worldwide. Animal Equality now urges the rest of the UK to follow suit by introducing regular inspections and implementing CCTV in fish slaughterhouses as a matter of urgency. This is a critical step - one of many - to ensure that the welfare of fish is held at the same level of legal priority as that of other farmed animals in legislation.

### CCTV in fish slaughterhouses

In 2018, the Mandatory Use of Closed Circuit Television (CCTV) in Slaughterhouses (England) Regulations came into effect. The equivalent Scottish regulations came into play in 2021. These regulations require a duty to install and operate a CCTV system that provides a complete and clear image of killing and related operations in all areas of the slaughterhouse where live animals are present. This footage must be kept for 90 days, during which time it can be seized and inspected by the relevant authority.

In November 2021, the Welsh Government announced that it will also be implementing rules to introduce mandatory CCTV in farmed land animal slaughterhouses. Yet, there is currently no equivalent requirement for fish slaughterhouses to have this same monitoring process in place.

CCTV is not a fix-all solution, but it's an important step in the right direction that would recognise that this multi-billion-pound industry needs increased scrutiny. In the absence of investigations like Animal Equality's, it is highly unlikely that the non-compliance and severe animal suffering documented would have come to light. The UK is currently relying on animal protection groups to compensate for this oversight, when it

should be the responsibility of the Government to implement adequate and critical monitoring.

### Detailed requirements

The fact that there are no official detailed requirements, either in regulations or guidance, that outline the obligations of a slaughter operator at the time of killing, the industry is effectively free to carry out widespread unlawfulness as it sees fit.

If the majority of the UK aquaculture industry has already put in place the 'latest and best technology at slaughter', as industry representatives claim<sup>19</sup>, the implementation of stunning as a legal requirement in tandem with slaughter is a necessary and obvious next step.

Animal Equality's undercover investigation shows that even where stunning is taking place, there is still a lack of skill and precision throughout the process. Detailed requirements are the very least these animals deserve, given the current extremities of their suffering.

### Conclusion

The UK Government is currently considering if detailed requirements for the killing of farmed fish are required. Animal Equality argues that they very much are.

The Government has a duty to ensure that compliance is maintained and to penalise those companies which fail to meet legal standards. Animal Equality is urging the UK Government to give the health and wellbeing of fish the same scrutiny and concern in law as that of other farmed animals (albeit recognising that existing laws for land animals are also in great need of improved enforcement and heightening too).

Fish must receive species-specific, meaningful provisions in the WATOK regulations, and these regulations must include mandatory stunning.

Further, the evidence clearly shows that enforcement is a critical piece of the puzzle, and the current lack of enforcement is leading to

<sup>18</sup> Billy Briggs, 'Inspections at fish slaughterhouses now mandatory' *The Ferret* (Edinburgh, 8 April 2022) 1

<sup>19</sup> Gareth Moore, 'Survey shows public backing for new fish slaughter laws' *Fish Farming Expert* (Jedburgh, 22 November 2021) 15



extreme and prolonged suffering. Therefore, fish slaughterhouses across Scotland, England, Wales and Northern Ireland should be held to the same legal standard as farmed land animal abattoirs, and be subject to regular announced and unannounced inspections by the Animal, Plant and Health Agency. Landmark legal progress has already begun in this area, and Animal Equality argues that this must be continued.

Animal Equality's undercover investigation, along with those released by other animal protection organisations such as Viva! And Scamon Scotland (formerly Scottish Salmon Watch), have revealed - at the very least - a clear need for mandatory CCTV in fish slaughterhouses, with monitoring from impartial public bodies. This must be implemented as a priority, to evidence that progress is being made to afford aquatic animals the same level of protections as other farmed animals.

The report, 'The Case for regular inspections and mandatory CCTV in fish slaughterhouses' contains a comprehensive list of Animal Equality's

recommendations at [animalequality.org.uk](http://animalequality.org.uk).

2022 has already been a crucial year in the journey towards securing stronger legal protection for fish, and the next few months will be critical. The fact that these animals are so often forgotten makes this opportunity all the more important. Animal Equality seeks to amplify their voices and share their stories. By ensuring that fish are better protected under UK legislation, we can effectively change how these animals are viewed in this country, while setting the standard for the rest of the world to follow.