



Invasive species consultation for the Environmental Audit Committee

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The Ornamental Aquatic Trade Association (OATA) represents more than 850 UK businesses, including retailers, breeders, importers and manufacturers (many of which are SMEs) which provide fish-keepers with everything they need to set up and maintain a successful home aquarium or garden pond. We promote high welfare standards in the industry through a wide variety of initiatives, such as our Code of Conduct, customer care sheets, biosecurity document and our Primary Authority scheme for pet shops.

Our industry is dependent on the global movement of a wide range of species, including fish, aquatic plants and invertebrate species, many of which are non-native to the UK. Therefore, our industry has a responsibility to educate our customers about the need not to release fish or plants into the wild and to ensure high standards of biosecurity when moving animals and plants around the world. We provide the industry with information on this, such as via our [Biosecurity guidance](#) and [Pet Code of Practice](#) for keepers and traders (in partnership with the Reptile & Exotic Pet Trade Association). We are keen supporters of the Be Plant Wise initiative (although this is considerably out of date), Invasive Species Week and highlight the 'no release' message on all our customer care sheets and encourage our members to include it on their product packaging. During Invasive Species Week 2019 (13 – 17 May) we are launching a new training module for industry and pet-keepers to educate them about invasive species and biosecurity.

In the UK:

- 4 million households own fish, 14% of the population.
- There are 100+million fish kept in aquariums and ponds, making fish the most populous pet.
- Fish keepers spend £400 million a year on their hobby while pet owners as a whole spend around £6 billion a year on their pets including foods, accessories and veterinary care which generates taxes of more than £2 billion annually.
- 50,000 people are employed by the pet industry within the UK of which we estimate around 12,000 are employed by aquatic-related businesses.
- Pets are good for our health and are estimated to save the NHS at least £2.45 billion every year (which could be a conservative estimate). Therefore the benefits of pet ownership in general, in terms of tax generated and NHS spending spared, is about £4.45 billion a year.

How well is the UK and its overseas territories managing the impact of invasive species and controlling the risks of further invasion?

Of those that are already in the UK, which invasive species are posing the greatest harm to:

- a. human health;**
- b. animal health;**
- c. plant health and biodiversity.**

From the perspective of our industry, we are aware that invasive aquatic plants have caused harm by choking waterways and depleting oxygen levels. In the early 2000s, OATA consistently advised against the sale and keeping of five aquatic plant species i.e. *Azolla filiculoides* (Water Fern), *Myriophyllum aquaticum* (Parrot's Feather), *Hydrocotyle ranunculoides* (Floating Pennywort), *Ludwigia peploides* (Water Primrose) and *Crassula helmsii* (Australian Swamp Stonecrop) and our members enacted a voluntary ban. However, the UK government did not officially ban these species until almost a decade after OATA first raised concerns.

What are the risks of invasive non-native species migrating to the UK from future climate change?

This will be dependent on the pathways of introduction, although climate change may facilitate greater natural dispersal. In relation to the escape from confinement: Pet/Aquarium/Terrarium pathway, the rise of e-commerce as a facilitator of this pathway needs further evaluation (and also in relation to aquatic plants, invertebrates and hitchhikers). As consumer behaviour changes, the threat from the e-commerce pathway is likely to rise significantly.

The use of Species Distribution Models (SDMs) must be better evaluated and developed so that such models have the capacity to model a wide suite of parameters e.g. photoperiod, water temperature so that their results reflect more accurate predictions than at present.

What actions should the UK take to mitigate the risk, or adapt to, climate migrations of invasive species?

The use of species data extraction software, such as is being developed by researchers in the USA, which can extract data from scanned import packing invoices would be a highly effective tool in protecting UK biosecurity - identifying species, their trade flows, source countries and volumes, would enable more effective and targeted horizon scanning, with co-operation and input from industry.

Where should the four nations prioritise resources to tackle invasive species?

1. Obtaining accurate and verified trade data – the aforementioned species extraction data software would, in our opinion, have a significant impact on the efficient targeting of resources. It would reduce administration time, pinpoint where enforcement action is required and transform horizon scanning initiatives, thus protecting UK biodiversity.
2. Introduce an official process in relation to risk management.
3. Prioritise the introduction of an enforcement regime as per the Invasive Alien Species (Enforcement and Permitting) Order 2019 (SI 2019/527) and use it. There needs to be an effective way of dealing with e-commerce, given the threat it represents in relation to IAS. OATA has repeatedly sent examples of illegal aquatic plant sales found on eBay and Amazon to the Animal and Plant Health Agency (APHA) as the relevant regulator but as yet, the only avenue available to them is to advise sellers about the law. Our industry is incurring economic and

reputational losses as those who abide by the law are being harmed by illegal sellers who capitalise on the fact that at present effective deterrents and enforcement do not exist. Such illegal sellers will readily supply banned species and in doing so, wholly undermine our industry's efforts in educating those customers who are being lost to illegal sellers.

4. Review current listings and remove species that do not present a biosecurity risk in the UK as referenced in paragraph 178 of the House of Lords report, *Brexit: plant and animal biosecurity* (October 2018, HL Paper 191)¹. A more focussed and targeted approach to managing actual biosecurity risks would ensure resources can be properly deployed and regulators can better enforce the regulations. Banning species that present a clear and present danger would be supported by businesses which provide a key channel through which to educate people about the risks associated with invasive species.
5. Unilateral and clear advice needs to be given to members of the public about the Government's expectations of them if they are in possession of a species which is subsequently banned. There is a risk that potential bans cause scaremongering amongst people who keep those species, resulting in a greater probability of species being "dumped" in the wild. Advice provided by Government must be kept up-to-date and accurate to avoid creating confusion. For example, the GB Non-Native Species Secretariat must be given the resources to prioritise their revision of the 'Be Plant Wise' (BPW) campaign. The current BPW advice is badly out of date and causing considerable confusion to retailers and keepers alike as the list of banned species is not up-to-date. This creates challenges in organisations such as ours in promoting such campaigns.

How can the risk of trade and future trading relationships bringing non-native invasive species to the UK be mitigated?

As per paragraph 7 of the Recommendation adopted by the Convention on Biological Diversity Subsidiary Body on Scientific, Technical and Technological Advice at their 22nd meeting in 2018², government and relevant organisations should co-operate with industry to address the issue of invasive alien species and explore new opportunities for collaboration.

Such opportunities may be the independent evaluation of species extraction data software tools for their effectiveness in accurately extracting taxa specific information and how this can be best utilised by various government agencies such as Defra and the Animal and Plant Health Agency. More effective engagement with the industry will serve to ensure that scientists and decision makers have a better understanding of trade supply chains and are thus better able to identify critical check points where biosecurity measures would stand the greatest chance of success.

UK government agencies must interact and communicate with each other to afford a greater acknowledgement and understanding of the range of existing UK regulations that control the trade in invasive species. For example, the UK already have invasive controls in place for freshwater tropical ornamental fish under the Import of Live Fish Act 1980. However, this is rarely mentioned, let alone considered.

¹ House of Lords European Union Committee. 21st Report of Session 2017-19. *Brexit: plant and animal biosecurity*. HL Paper 191. Published 24 October 2018.

² Convention on Biological Diversity Subsidiary Body on Scientific, Technical and Technological Advice. *Recommendation Adopted by the Subsidiary Body on Scientific, Technical and Technological Advice. 22/8 Invasive Alien Species. 22nd Meeting held 2-7 July 2018, Montreal, Canada.* [Online]. Available at: <https://www.cbd.int/doc/recommendations/sbstta-22/sbstta-22-rec-08-en.pdf> (Accessed on 26 April 2019).

Industry should be engaged at the early stages of consideration in the development of new regulations and policy in recognition of the valuable and supportive role that trade associations such as OATA can have in promoting outreach to businesses and members of the public as well as the economic impact they can have on many legitimate businesses. For example, industry input should be sought as to how the threat posed by e-commerce as a pathway of introduction can be mitigated. The government should also consult industry over the potential for new licensing and/or permitting regimes and other possible solutions to address biosecurity threats as an alternative to outright trade bans which have the potential to lead to harmful unintended consequences, for example increase of banned animals and plants into the wild by keepers or them turning to potentially more harmful alternatives.

How effective have the European Union's Invasive Alien Species Regulations been at addressing and tackling invasive species?

Although based on worthy principles, which are supported by OATA, the EU Invasive Alien Species (IAS) Regulation has led to unintended consequences as a direct result of its *ad hoc* approach to prioritisation of species and being underpinned by an intrinsically flawed process. Such perverse outcomes include the increased sales value of banned species on the black market and disengagement from the legal and legitimate industry due to disproportionate bans. Concerningly, certain sectors, such as the ornamental aquatic plant sector, risk being forced out of business resulting in a loss of livelihoods (including seasonal workers) as the range of plant species which they can legally sell is being restricted to the extent that further bans are leaving them with nowhere to turn. As such, OATA has consistently warned that this continued approach of listing at the Union level, where in our opinion it cannot be considered to be either appropriate or proportionate, will lead to people experimenting with unsuitable and potentially higher risk species. For example, OATA has advised that people should not be using or selling aquarium plants, such as *Egeria densa*, for use in ponds.

The European Commission's attempt to create a harmonised, "one size fits all" approach simply cannot reflect the complex nature of the European Union in terms of its diversity of biogeographical regions and the wide variance in IAS national measures implemented by individual Member States. Due to the lack of any official process for risk management, listings are made at a Union wide level due to the criteria set out under the EU IAS Regulation being met rather than evaluating whether such listing, at the Union level, has a net benefit or not or whether it is proportionate or indeed appropriate to list a species at the Union level.

We believe the implementation of the List of EU wide concern has been poor as evidenced by its *ad hoc* approach to species prioritisation and its failure to address risk management, which would afford more effective horizon scanning by evaluating the feasibility of managing a species. As per paragraph 178 of the report to the House of Lords (HL Paper 191), listing and action is being taken under the EU IAS Regulation for species which are not threats to the UK. In relation to our industry, examples include *Eichhornia crassipes* (Water Hyacinth), *Lagarosiphon major* (Curly Waterweed) and the proposed listing of *Pistia stratiotes* (Water Lettuce).

There are a number of specific flaws with the EU IAS Regulation that are worthy of note, including but not limited to:

- i. There is considerable variance in the quality of individual risk assessments with a number being of insufficient quality and substance to justify their scoring of risk. In addition, peer review, which should be acting as 'quality assurance' is weak, allowing errors and factual inaccuracies to slip through the net. The scoring of risk is compounded by a lack of

independent experts with an expertise in species biology being asked to co-author or review Risk Assessments.

- ii. The lack of an official process for risk management is leading to ineffective horizon scanning and preventing an effective evaluation as to whether listing would have a net benefit or the feasibility of managing a species. For example, the proposed listing of Lessepsian migrants whose pathway of introduction is principally natural dispersal via corridors such as the Suez Canal is highly unlikely to be feasible in managing those species.
- iii. We acknowledge that 'prevention is better than cure' and as such that the precautionary principle is central to environmental policy adopted by governments given that it can lead to early detection, identification of pathways of introduction and rapid response. However, we have found that in some risk assessments this principle is being inappropriately invoked and without accordance to the European Commission's own guidelines e.g. be proportionate, apply temporary measures, and be subject to review. Where listings have occurred based on this principle, there is no intrinsic value to researchers to undertake further studies on them, greatly diminishing the possibility of new scientific justification being available which could support delisting.
- iv. The Commission impose an administrative requirement for Member States to vote on the adoption of a single 'long-list' of species proposed for listing, rather than considering each species independently. A consequence of this is that poor proposals are adopted alongside good ones.

We believe this regulation is an example of a worthy principle being poorly executed, particularly as in many parts of the EU, it is ineffectual due to the lack of enforcement measures. As such, it should be modified in order to provide a better representation and reflection of those species which represent a threat in the UK and those which need to be prioritised in relation to the UK. Perverse outcomes have seen the value of banned species on the black market increasing approximately ten-fold. For example, the Water Hyacinth – a species which presents no biosecurity threat in the UK - sold for £2 to £3 per plant prior to it being banned and contributed an estimated £1M p.a. to UK businesses. The current lack of an enforcement regime has allowed illegal sellers to sell it with impunity for values approaching £20 per plant as has been observed on online auction platforms and with no financial benefit to legitimate businesses. Sellers which abide by the law have seen their revenue in floating aquatic plants fall by approximately 25% and which they cannot recover. Their financial turnover will be significantly damaged if proposals to list the Defra-recommended alternative, the Water Lettuce, proceeds.

In the event of EU exit, how should the UK establish its replacement for the European Commission's scientific forum to update the species list of concern?

We would suggest that an appropriate mechanism could be to establish a UK scientific forum following the model used by the European Food Safety Authority (EFSA) but which would be led by the GB Non-Native Species Secretariat. For example, the main body of the forum would comprise of scientific experts in risk analysis and ecology. However, there would then be a register of independent, external 'hearing experts' such as species biology experts (for example from UK academic institutions, the Natural History Museum London, industry experts, trade association representatives) with Terms of Reference being set up for such experts. Given the role that the GB NNS currently has in representing the UK, it would be imperative that they are given the lead in establishing the UK's replacement scientific forum given their knowledge and expertise.

However the system is changed, there must be a requirement for engagement and consultation with all stakeholders as a two way exchange and with sufficient time given at all stages for the best available evidence to be obtained and considered by all parties. We are aware that horizon scanning workshops are undertaken and this would be an ideal platform for such engagement.

It is also imperative that risk assessments should be undertaken using the same methodology i.e. the GB Non-Native Risk Assessment methodology and consider all component parts of risk analysis. The guidelines for the presentation of evidence to support risk must be made more robust and more stringent peer review must be put in place. Both authors and peer reviewers should not just be drawn from those with expertise in risk analysis but from the wider spectrum such as scientific experts in species taxonomy and biology and industry experts.