

# STATES OF JERSEY

## Environment Panel

### SO 199: Public Hearing with Mr Chris Le Masurier, Jersey Oyster Company

**TUESDAY, 6th SEPTEMBER 2011**

**Panel:**

Deputy P.J. Rondel of St. John (Chairman)

Deputy S. Power of St. Brelade

Deputy D.J.A. Wimberley of St. Mary

Mr. B. Brown (Panel Adviser)

**Witness:**

Mr. C. Le Masurier

**Also present:**

Scrutiny Officer

[11:32]

**Deputy P.J. Rondel of St. John (Chairman):**

Ladies and gentlemen, firstly I will introduce myself. I am Philip Rondel, Deputy of St. John and Chairman of the Environment Scrutiny Panel.

**Deputy S. Power of St. Brelade:**

Sean Power, member of the Environment Panel and the Deputy for St. Brelade.

**Mr. B. Brown (Panel Adviser):**

Bruce Brown. I am adviser to the Jersey Scrutiny Panel.

**Deputy D.J.A. Wimberley of St. Mary:**

Daniel Wimberley, Deputy for St. Mary and Vice-Chairman of the panel.

**Mr. C. Le Masurier:**

Chris Le Masurier, shellfish farmer, Jersey Oyster Company.

**The Deputy of St. John:**

Thank you. Chris, welcome back. Have you got an introduction to start with? Would you like to give us an update on where we are with your industry at the moment?

**Mr. C. Le Masurier:**

Right. Our industry has evolved quite a lot over the years. My business itself is the biggest shellfish producer in the whole of the U.K. (United Kingdom) and it is a developing business. There are a couple more businesses, members of the Aquaculture Association, there is a hatchery that has been set up over here now. A lot of investment has gone into the industry over the years and traditionally we have prided ourselves on the water quality and the reputation of our product and our Island. There were instances in the late 1990s when the water quality dropped. That was rectified by extensive works of the sewerage system around the southeast corner of the Island. All the shellfish farmers who place their product on the market are tested monthly, each of our areas are tested monthly for E. coli and in more recent years tested for norovirus as well, norovirus being a lot more serious. E. coli is used as an indicator for the potential of norovirus. In recent years we have seen a continued decline in the water quality yet again, resulting in all the shellfish farm concessions, probably totalling, off the top of my head, about 12 to 15 individual sites, being tested. There is one which is beyond Seymour Tower which is grade A. So a lot of these concessions, like one of mine down near Icho Tower approximately a mile from the shore, and these are sporadically turning up with over the E.U. (European Union)

limit for grade A waters. So here we are, we have got a lot of people putting a lot of investment, a lot of know-how into developing our industry and yet we are having to market it as a sort of sub-standard, sub-quality product because we are getting these monthly results which are done by the competent authority, by the Health Protection Unit along with the Environment Department. We as an industry and speaking for myself as well, my company, I think that it is not acceptable for an island to have grade B waters. You sort of expect it in Poole Harbour or in an estuary but not in an island with a 40 foot rise and fall of tide.

**The Deputy of St. John:**

You say there is a fall in water quality. You have obviously got the evidence in that area.

**Mr. C. Le Masurier:**

Yes, and like I say, monthly from the Environment Department we get test results. For example, here 330 E. coli is the limit for a grade A, area 28 incidentally is the one at Icho Tower. On the flood tide for area 28, 500 E. coli.

**Deputy S. Power:**

Is there a variation between a flood and a neap?

**Mr. C. Le Masurier:**

The flood tide along the south coast, anything that drains out of St. Aubin's Bay will go straight up the ... round the reclamation site, up the Sambue Gutter, straight through the oyster beds, through La Rocque Harbour and will end up eventually in

Grouville Bay. Anything south of the reef would go down south towards Les Minquiers.

**Deputy S. Power:**

Just to clarify, Chris, in your experience over the years farming where you do, do you notice any particular variation between spring and neap tides in terms of water quality? Is there an astronomical factor here?

**Mr. C. Le Masurier:**

All the sampling is done on the spring tide because most of the areas are only exposed on a spring tide. So at the beginning of the year we are given a set of dates that the Environment Department choose on spring tides where they can access all the sites, so no sampling is done on a neap tide.

**Deputy S. Power:**

Do you think that makes a difference?

**Mr. C. Le Masurier:**

Possibly it would but as a business we could not guarantee our product to be grade A with seeing these sporadic test results. The only way that we could place stuff on the market as grade A at any one time is to batch test. There is a system now, a mobile unit you can get or you can be accredited yourself to batch test which is evolving now.

**Deputy S. Power:**

So you are saying that on a spring tide it sluices out of St. Aubin's Bay, as you described it goes east, goes round La Collette, goes through ... what did you call it, the gutter?

**Mr. C. Le Masurier:**

The Sambue Gutter.

**Deputy S. Power:**

Then it goes over towards Grouville Bay.

**Mr. C. Le Masurier:**

Yes, through La Rocque Harbour.

**Deputy S. Power:**

Through La Rocque Harbour and over to you and that effect is most pronounced on a spring tide.

**Mr. C. Le Masurier:**

Yes.

**Deputy S. Power:**

On a neap tide you have far more static water.

**Mr. C. Le Masurier:**

You do, yes.

**The Deputy of St. Mary:**

My gut feeling would be that on a neap the contamination would be worse because the water is moving around less but it might be the other way round.

**Mr. C. Le Masurier:**

You would not have so much dilution on a neap tide but, yes, it is moving around less. I would say it depends where the source is coming from. If the source was coming from Bellozanne outfall I would say on a neap tide it is one of those, yes, you have got less tidal flow but you have got less dilution as well.

**Deputy S. Power:**

Do you have any information, Chris, as to do the discharges from Bellozanne outfall vary on neap tides or spring tides?

**Mr. C. Le Masurier:**

I do not have any information. Shellfish are used as an indicator and I have on numerous occasions offered to Water Resources shellfish, oysters, to either put in a lobster pot or an oyster table placed at certain points around the coast to then be tested by themselves as the competent authority as an indicator and that could be tested, but flatly refused, no resources, no this. I cannot do that myself because I am not a competent authority. We have taken samples previously, we have been given sterilised pots and if on any occasion you see an incident, take a sample, get it to the States analyst, and some of these results that we have got back are extremely high.

**The Deputy of St. John:**

From your point of view what constitutes the biggest threat to water quality affecting your industry?

**Mr. C. Le Masurier:**

Over the years it has been mentioned that it could be potential runoff from the land producing E. coli, it could be birds, wading seabirds in Grouville Bay, which when they clean the seaweed you do get a lot. There is a system called phage testing and it can tell if it is human or animal faeces, E. coli, and that was done on one occasion and it came back very mixed but generally human so the stuff is getting from the main sewerage system somehow, out of where, out to sea. I personally do consider it as a big threat because you spend a lot of years building up a reputation and it only takes someone to get norovirus or E. coli published ... but it is the bigger picture. It is not just the aquaculture industry to me. I see it as tourism, I see it as we do not want to be publicising that we have got grade B. Our industry is in an awkward position. We cannot publicise too much that there is pollution, there is whatever, we have got a substandard product.

**Deputy S. Power:**

So you want Government to do something.

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. John:**

Do you believe the quality of the effluent from Bellozanne outfall is adequately controlled and reported?

**Mr. C. Le Masurier:**

I would say no.

**The Deputy of St. John:**

Do you have any specific concerns about the potential impact on the wider marine environment of operations at La Collette, either directly or indirectly, of the transfer of ash cell leachate to Bellozanne for treatment, et cetera?

**Mr. C. Le Masurier:**

In an ideal world you would say: “No, no, no, do not do anything” but the world has got to move on and I just think it needs to be properly regulated. The industry and the relevant parties have had opportunities through the Ramsar panel to put their point across and as long as the dialogue stays open the world can keep moving. For our industry we are very much at ... I know the term I would like to use but I do not want to say it.

[11:45]

**Male Speaker:**

Everything is being taped. **[Laughter]**

**Mr. C. Le Masurier:**

We feel that if there is an unexplained mortality in the shellfish, if there is pollution you have got to report it. The chain of reporting and who it goes to, it has got to go to Water Resources, it has got to go to the competent authorities who do not really have a grasp on the ability, the resources or sometimes the desire to send samples, get them tested, you know, if there is a source of pollution. I am not an expert on analysis. I need to be giving these samples to the competent authorities to get them done and when you get told: “Oh well, you can only bring a sample in between 10.00 a.m. and 4.00 p.m. on a Monday or Tuesday” because the States analyst, that is the only time they have got a gap, pollution does not happen like that. Sporadic rainfall does not happen from 9.00 a.m. to 5.00 p.m. Monday to ...

**Deputy S. Power:**

People do not flush their toilets just on a Monday and a Tuesday.

**The Deputy of St. John:**

Do you believe that the operation of the Fort Regent cavern, for instance, has significantly affected the water quality or had an impact on the shellfish beds?

**Mr. C. Le Masurier:**

I think the cavern is an asset but from what I have seen, and seen with my own eyes, it is not sufficient any more. If there were 10 caverns it might do the job. I just think the Island is overloaded with effluent.

**The Deputy of St. John:**

So when the town separation scheme is completed, i.e. take away from the surface from main drains which goes into the cavern currently, obviously significant betterment will be in place. I presume you agree with that.

**Mr. C. Le Masurier:**

Any betterment is better for our industry and for the Island, I would say. The aquaculture industry, when we had big issues a couple of years ago we were offered to visit the cavern by T.T.S. (Transport and Technical Services) and prior to that date we had not had any rain for up to 2 weeks and in the time that we were in the cavern visiting it started to rain outside and the cavern started to fill. In the time it took us to drive from the cavern to Bellozanne and they brought it up on the screen on the telemetry equipment it was already at 5-10 per cent capacity. When that cavern was built it was said it was going to be for a one in a how many year storm?

**The Deputy of St. John:**

One in 50, if I recall.

**Mr. C. Le Masurier:**

The main issue, when we were there they were showing all the effluent coming in from all the different sectors, from the north of the Island, west of the Island, east of the Island, from the cavern. What was going to Bellozanne and being primary, secondary, tertiary treated, only a third was being treated because it was already at that capacity and that was the time it took us to visit the cavern, drive to Bellozanne and what was coming out at the end of the pipe. Knowing the history of the sampling of the shellfish beds and the east coast, I just think it has gone the same pattern, that

there has been that much development around the coastline that it has put that much more pressure on the system.

**Deputy S. Power:**

And inevitably water consumption.

**The Deputy of St. Mary:**

A couple of questions, Chris, really picking up on things you have said. You said in response to one of the first questions that in recent years there has been a continued decline in water quality. Is the evidence just those sheets, the actual testing of the shellfish, or is there other evidence? If we looked at those over time would there be a trend of getting worse over the last few years?

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. Mary:**

There would be? Okay. I just wanted to be sure where the evidence was.

**Mr. C. Le Masurier:**

We have done graphs ourselves on our own test results, we have done graphs that shows that decline. Also we have tried on a couple of occasions to put in place things like when there is a sewage spill, be it the cavern or whatever, the T.T.S. call us. That works for a couple of months and then they tend to forget and then at the end of the year you get notified that there were 6 spills during the year. So where are my 6

phone calls? There is not enough in place to safeguard our industry and human health. At the end of the day this is what it boils down to and it is a lot of extra cost to ... when I got all my areas downgraded I got told by Public Health either I install purification or I stop selling for consumption, and that was a cost of £70,000 to myself just to carry on. I did not have time to ... I could not let the customers down. Previously one of the other shellfish companies, La Rocque Fisheries, put a claim in against the States back in the late 1990s and his purification system was installed by T.T.S. and paid for by T.T.S. as an out of court settlement.

**The Deputy of St. Mary:**

Can I just ask about the costs? £70,000 is the one-off capital cost. Is there an ongoing cost of hassling the oysters about?

**Mr. C. Le Masurier:**

Electricity to run all the pumps and the U.V. (ultraviolet) lights is £4,000 a quarter.

**The Deputy of St. Mary:**

What about the double handling?

**Mr. C. Le Masurier:**

The oysters have got to be brought up. Previously we would bring them up, we would wash them, package them, export them. Now it is bring them up, wash them, purification for 42 hours, take them out of the purification, package, export.

**The Deputy of St. Mary:**

Any estimate of roughly how much that is added cost in say a year of mucking about like that?

**Deputy S. Power:**

How many people man the purification, how many employees? Have you calculated the extra labour?

**Mr. C. Le Masurier:**

I have not calculated the extra labour, no.

**Deputy S. Power:**

Could you?

**Mr. C. Le Masurier:**

Yes, I could. The main cost is for the last 2 years, since we have been downgraded to grade B anyway, 2 or 3 years now, since we have had purification and selling as grade B we are having to sell to someone ... my purification is enough to supply to the local market but not the export market. I may sell 20 tonnes of oysters and 100 tonnes of mussels locally a year whereas I export 800 tonnes. So I am having to sell 800 tonnes of grade B product to people who then have to do the extra work, so I am getting a lesser price, less value, because of the extra work that my customers have to do.

**Deputy S. Power:**

Can I clarify this? Your argument then, as the biggest company in the Channel Islands in aquaculture in the production of oysters and mussels, is that water quality

has deteriorated over a significant period of time. The deterioration has been logged and proven statistically and graphically and the main conclusions from the deterioration is that Jersey's water treatment process cannot deal with what is coming out of the system, and that is sewage discharge and whatever else is coming off the land. That has been caused by modern agriculture, increased population, increased development, and the result is that your product is now grade B rather than grade A because the Island cannot simply process or treat the water that is going into the sea. That is where you are?

**Mr. C. Le Masurier:**

That would be my view. We have seen a trend of good quality that deteriorated. Substantial works were done to the infrastructure, which improved the water quality straight away and then steadily over the years it has got worse to we are back in the dip again.

**Deputy S. Power:**

Finally in my bit here, the ramifications for the Island are not just the grading of your product but obviously it has a tourism impact, it has a health issue and whatever else you said, and how do we handle this?

**Mr. C. Le Masurier:**

Every week Jersey Tourism are sending people to me to promote the Island. They see what we do down on the beach as good tourism. Friday I had Korean TV, last Monday French TV. It is every week. I am there sort of bit in mouth trying to say: "Yes, we have got lovely water quality, wonderful, try these oysters" and I am having

to take oysters out of the purification tank and pretend they have come out of the bag on the beach just to be covered.

**The Deputy of St. Mary:**

Yes, it is not a good situation. Can I take you back now to where you said that the competent authorities did not have the ability, the resources or the desire when you report something to sort of get in there quickly and you feel resolve the issue. Can you expand on that?

**Mr. C. Le Masurier:**

There is a water pollution hotline which I have called on a number of occasions. It goes to the Water Resources Department and sometimes the answers that I get are: "It is out of hours. You have got a pot, go and take the sample yourself" or: "There is no point taking a sample now because it is a Thursday and it will not get to the lab before Monday." Pollution is pollution at the end of the day and I would feel that it could be addressed quicker and more efficiently.

**The Deputy of St. John:**

You think there is a lackadaisical approach towards it?

**Mr. C. Le Masurier:**

I am sceptical because I think that it is ... they know the issues, they know the problems and there is no easy fix, no easy solution, not without a huge lot of investment. It has been talked about extending the main pipe out further but in my view it would have to go quite a lot further.

**The Deputy of St. John:**

Of your 6 spills a year, you said you were notified of 2 of them or thereabouts. You obviously would not know when there has been a spill other than being notified. Do you sample when you go down on each tide or how do you measure yourself or do you just leave it until you get back and the purification tank ...

**Mr. C. Le Masurier:**

We purify everything now anyway.

**The Deputy of St. John:**

Including your As?

**Mr. C. Le Masurier:**

I have no A areas. There is one area that is grade A, which is behind Seymour Tower.

**The Deputy of St. John:**

Right, but it is not yours, no.

**Mr. C. Le Masurier:**

It is not mine, it is a different company and they do not use it anyway.

**The Deputy of St. John:**

Any other questions? Bruce, have you got anything on this one?

**Mr. B. Brown:**

I have no questions that you have not already answered.

**The Deputy of St. John:**

Will you lead the next set of questions please, Daniel?

**The Deputy of St. Mary:**

Yes. Moving on to the regulator and the relationship with the regulator, I think we have covered the first one: does the regulator respond adequately in a timely fashion to reported incidents and stakeholder inquiries generally? What is the general relationship like, do you think, between yourselves and the regulator in their various capacities?

**Mr. C. Le Masurier:**

I have brought this issue up when I was chairman of the Aquaculture Association. We have a place on the Sea Fisheries Advisory Panel and I have brought that subject up, the subject of pollution on a number of occasions, trying to use that as a channel. I have met with the St. Clements Constable and he chairs ... he does not chair, he is responsible for the Fisheries Panel. I thought a bit more weight might have been put for our case there as well. I have met with Mike Jackson. I think a lot of it is boiling down to funds and infrastructure.

[12:00]

I can see that but it is not the answer. It is still pollution at the end of the day and it is still a lot of people's reputation. There just does not seem to be a compromise. For our industry it is: "You are grade B, that is how it is, sort it out yourself."

**The Deputy of St. Mary:**

I am going to jump to a different question in the next section but it fits in now. Do you think that it would help if there was an official Jersey position on where we are trying to go with all this? It seems to me you are faced with a kind of, you used the word sceptical and it probably boils down to funds and you get this attitude on the phone: "Well, do it yourself", basically, and the whole problem is that nobody is actually up for it except yourself. How can we resolve that? How can we set a goal that makes sense?

**Mr. C. Le Masurier:**

A very good question. I will speak for myself. I do not know if I can speak for everybody in our industry, but we have got ideal resources in Jersey for aquaculture and we have got a very good opportunity to better our reputation and take it to new levels. That is definitely my route and my direction. I find a lot of the States departments do not have a lot of communication between ... there is a lot of blame culture. It is the world we are in, you know: "Oh, it is not our department, it is their department" or whatever. The best thing that could come out of this review, I think, for our industry would be: "This is Jersey's position. Okay, yes, there may be an issue. Yes, we are working towards it but if there is a problem admit it, not just pass the buck all the time." That is very much the impression I get.

**Deputy S. Power:**

Can I come in here? Would you agree, Chris, that we have got T.T.S. who are the competent authority, they are dealing with sewage.

**Mr. C. Le Masurier:**

Yes. They are responsible for ...

**Deputy S. Power:**

They are the responsible authority to treat sewage and minimise its discharge into the open sea. We have got Environmental Protection; we have got Health Protection; we have got the various fisheries organisations; we have got the Ramsar Authority. What you have just said in your previous statement is that there is no clear environmental policeman who you can pick up the phone to say: "The water quality has deteriorated. You need to deal with this now" and that is what the problem is. There is 4 States departments dealing with more or less the same issue.

**Mr. C. Le Masurier:**

The Fisheries Department in itself recently, because the previous Head of Fisheries and Marine Resources has left, who has put years of service in, has been a bit restructured, but they say themselves they have got 2 bosses. They are under Environment for some things, they are under E.D.D. (Economic Development Department) for other things and it is no clear-cut line.

**Deputy S. Power:**

The reason the situation is as it is is because there is not one authority that has complete control over the pollution issue, the water quality in the sea. That is the issue, because you are dealing with you just mentioned 5 now. Fisheries, which is part of Economic Development and the Environment Department, they have got one leg in each camp. (inaudible) is run by Economic Development, not the Fisheries Department. Then we have got Health Protection, Environment Protection and T.T.S. That is the problem.

**Mr. C. Le Masurier:**

And I think you should bring in Tourism to that as well.

**Deputy S. Power:**

So we have a very cloudy reporting mechanism. That is the problem.

**Mr. C. Le Masurier:**

At the end of the day it all comes under - and this is where people do get sceptical - the States of Jersey. It is still States of Jersey that is paying everybody wages, be it the bloke at T.T.S., be it the bloke at Water Resources, whatever, their employer is the same. This is where people do get sceptical. These test results are done independently. They are collected by Veterinary Affairs and the Environment Department. They are put in bags. They are then handed to Health Protection. Health Protection are not allowed to do the testing themselves. They are sent to England to be independently tested but it is printed on Environment ... the results come back from Cefas in England, the independent tester.

**The Deputy of St. John:**

So they are lifted and put on Environment paper, that is what you are saying?

**Mr. C. Le Masurier:**

Yes. Whereas the bathing waters that are all grade A, wonderful quality, are all tested in-house, locally. Our results are outside, independently.

**Deputy S. Power:**

So if the bathing water quality was tested in the same way that yours is tested what do you think would happen?

**Mr. C. Le Masurier:**

I do not know.

**Deputy S. Power:**

Very diplomatic. How do you think the Government, the States of Jersey, could change the regulatory framework so that we can get to where you are, which is improve the water quality? Who needs to do what to make it one phone call, one point of contact, one way of improving?

**Mr. C. Le Masurier:**

I think the logical thing for our industry is always channel through to the Fisheries Department. I think the structure of the Department of Agriculture and Fisheries beforehand worked more efficiently. Now there is all this mixture between departments and who is their boss and who does what. I think that is the most

efficient way for us. Yes, you have got Water Resources, water pollution which comes under Environment as well but it is still up at Howard Davis Farm.

**Deputy S. Power:**

In terms of the regulatory framework, the biggest single issue you have, Tourism has and the Island has is that the water quality has deteriorated because we cannot treat the water that is going into the bays?

**Mr. C. Le Masurier:**

I think, personally, any time you speak to Water Resources they will tell you: “We do this monitoring, we monitor here, monitor here” but it is very sporadic. I think there could be a lot of mileage to get an independent ... and like I have suggested for years, put sampling points around the Island, different distances away from the coastline and have an audit done on Jersey’s water quality but the risk of that could be potentially detrimental. Like I said, we try and keep the can on this pollution as much as we can because at the end of the day it is our reputation for our product that is going to be affected but I think there is not enough done in-house to have a clear picture of where these sources are coming from.

**Deputy S. Power:**

How does our regulatory framework compare to, say, our neighbours in Normandy in France?

**Mr. C. Le Masurier:**

When I got one of my areas downgraded to a grade B I took my test results to France and said: “If I was in France what would be my classification?” and they said: “You would be the talk of the town, they would be jealous because these are excellent.” I got downgraded on one area just because of one bad result in 12 months where now we are looking per area 4, 5 results per year, 4, 5 months.

**The Deputy of St. John:**

In how many years has that gone down at that speed?

**Mr. C. Le Masurier:**

There you get 2008, 2009 and 2010.

**The Deputy of St. Mary:**

So in 3 years it has gone from one sample out of 12 to 3 or 4 samples out of 12?

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. John:**

We will let you have all these documents back afterwards.

**Mr. C. Le Masurier:**

If you would like copies of any of those they are available from ... I am sure I brought these last time but these are all available from the Veterinary Affairs. There was talk at one stage that they were going to put them on their website and make them readily

available and I was strongly against that, putting it in the public domain, because it shows us to be a substandard product.

**Deputy S. Power:**

It is not the product that is substandard, it is the water around it, and because of that your product has been downgraded.

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. John:**

Yet you are telling us that if those results were in Normandy ...

**Mr. C. Le Masurier:**

This is going back a few years at the beginning when it started to drop down again.

We were shocked when we got one area out of 5 downgraded to grade B.

**The Deputy of St. Mary:**

Now they are all grade B.

**Mr. C. Le Masurier:**

They are all grade B.

**The Deputy of St. John:**

You have not spoken to your colleagues over there since, in Normandy?

**Mr. C. Le Masurier:**

The industry over there is that big and employs so many people they will find ways around problems. If not, they will put in infrastructure for the cleansing. Generally the shellfish producers are all in a zone, close to the beach. If there is a problem they will put a pump out at sea, pump the water up, everybody gets seawater purified to use.

**Deputy S. Power:**

You said as far as the French are concerned your product is a better product. You are saying it is a cleaner product, it is a better quality product?

**Mr. C. Le Masurier:**

Well, was, yes.

**The Deputy of St. Mary:**

Can I ask a few? The first thing I want to pick up on is the public domain issue, which is a big, big issue. You are saying that as things are now it is wise not to put things in the public domain. Can I put it to you that doing things that way entails a massive risk? I would refer you to the cucumber saga where all Germans stopped buying anything from Spain within a week, it was that bad. Well, certainly cucumbers. Then they stopped buying cucumbers from almost anywhere. It was catastrophic and it was instant. That is the level of consumer awareness in certain countries like Germany. So I just wonder, running that past you, whether you would maybe look again at what you just said about it might be better not to publish things.

It may be that publishing and then making the standards better and then being safe might be a better strategy. Just comment on that.

**Mr. C. Le Masurier:**

A couple of years ago, after badgering on about this issue for a couple of years when we saw the downturn, our Minister for Environment was in a restaurant in the U.K., and everybody else in his group had shellfish and had oysters and everybody came down ill, norovirus I think it was. Then a lot of things moved very quickly over here, all the areas got downgraded, all the rest of the areas got downgraded to Bs. It was later found out that it was one of the chefs that was contaminated who was then contaminating all the food but straight away shellfish, oysters are blamed, but those oysters had derived from Jersey. They had gone to a merchant in Colchester and then gone to Mr. Blumenthal's restaurant and that is how quickly reputation ... because that was all over the *Times*, the whatever, oysters from whatever. Luckily Jersey was kept out of it because by the time they traced it back that they were Jersey oysters it was proven that it was the chef. This norovirus and E. coli X, whatever it is, it only takes one bad thing and I just think ...

**The Deputy of St. Mary:**

In the light of that, going back to the question about cost, it cost you £70,000 to put in equipment and it is £4,000 a quarter to run the electrics, £16,000 a year, but a much, much bigger cost might be reputational damage if we do not face the issue.

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. Mary:**

You said admitting the problem was the best thing we could do. We could all admit the problem in the same way and then act together.

[12:15]

In another round of questioning we focused together on who needs to do what and I want to disentangle this. Is the main thing to have a shared goal, and there are different agencies involved and they do their different bits but they are all working to a single goal, which is to avoid that risk and have good oysters, or is the issue still this matter of who is doing what? That bothers me. Try and disentangle that for us.

**Mr. C. Le Masurier:**

One of the main issues, which I have not hinted on before, is the ease of when there is an issue, when there is a problem, when there is a sewage spillage, which we are in the real world, things do happen, it just seems very easy, Water Resources straight away just grant a retrospective discharge permit - because it is a pollution incident - to T.T.S. The problem is covered legally, they had a permit, they could pump it out, whatever. That is no good for the bathers, it is no good for the shellfish. It just seems that is the solution now and not looking any further to: is this happening more often? The answer to me is yes. Is it getting worse? Yes. I do not think, personally, that giving discharge permits willy-nilly is the right way to do it.

**The Deputy of St. Mary:**

Under what law are they granting retrospective ... saying: "It is all right that you did it a week ago"? Under what law are they doing that, do you know?

**Mr. C. Le Masurier:**

I do not know.

**The Deputy of St. Mary:**

Are you familiar with the F.E.P.A. (Food and Environment Protection Act) law, the 1985 law, which is about specifically food, I think? I am just wondering if there are legal ways to nail this best but you are not familiar with the different ...

**Mr. C. Le Masurier:**

I am not familiar, I am sorry.

**The Deputy of St. Mary:**

We will ask the Minister tomorrow.

**Mr. C. Le Masurier:**

The responsibility, the duty of the Minister for Environment - and I cannot remember which law this is - is to maintain or improve the seawater quality, the quality of our water, and I see this as a deterioration of what has happened in the last few years. It is definitely not maintaining and it is definitely not improving.

**The Deputy of St. Mary:**

If that is written into the law then they are failing in their legal duty.

**Mr. C. Le Masurier:**

Yes.

**Deputy S. Power:**

What you are essentially saying, Chris, is that the Minister for Environment has not carried out his or her duties because the water quality has deteriorated and he has not produced any contingency to ...

**The Deputy of St. Mary:**

The Water Pollution Law.

**Mr. C. Le Masurier:**

You are correct, it is the Water Pollution Law. Water Pollution 2000?

**Deputy S. Power:**

Yes, it is.

**Mr. B. Brown:**

This is slightly smaller scale compared to the large issues you have been addressing but one thing that has been suggested to me in the past is that some of the deterioration in quality of microbiology is in part being caused by change of laboratories, with a suggestion that it may not be a real change, it may be an artefact of different labs performing in a different way. I just wondered whether you had any

comment on that in terms of the timing of what you see as the deterioration, the quality getting worse, with what you know in terms of the sampling.

**Mr. C. Le Masurier:**

Always a possibility and, yes, it has been mentioned as well. I would have thought, given that these test results are put on States of Jersey paper, that the States of Jersey, if they think that the tests are not being done properly and it is their reputation that they are sending this information out on as well, that they would look into finding another source or getting counter-samples done. There are plenty of places out there. Our hands are tied. We are duty bound to give stuff to the States of Jersey to then put to whoever they deem fit.

**Mr. B. Brown:**

It is an interesting question because the laboratory in question that produces the results, as far as I understand it, is U.K.A.S. (United Kingdom Accreditation Service) accredited, it follows a referenced methodology, but you do get differences between laboratories and because it is such an important issue it might be helpful to understand if that is having an effect.

**Mr. C. Le Masurier:**

A valid point, yes.

**The Deputy of St. Mary:**

I will go back to this one, because now we have knocked it around a bit it might be useful just to come back to it. Do you believe that the results from monitoring of

effluent discharges should be made more readily available, for example on a public register as in the U.K., bearing in mind all these other issues that we have talked about?

**Mr. C. Le Masurier:**

Yes, but ...

**The Deputy of St. Mary:**

Provided that the others do it?

**Mr. C. Le Masurier:**

It just seems to me that the testing that is done is done in such a way that it is picking and choosing so much and there is so little availability of time and slots for the States analyst, for when people can do it and whatever. Like I said, the weather conditions are sporadic. It may be worth you trying yourselves and phoning at 4.00 p.m. and say you are standing on the slipway at Bel Royal and there is a strong stench of whatever, because it does happen, and you will see the response you get.

**The Deputy of St. Mary:**

Yes, but publishing as on a public register. I can see the issue that it varies and because the weather varies you are going to get irregular readings and so on and so on. But in my view the public need to be taken and understand all those issues so there is more publicity for not just Jersey but Southend and whoever else, Ireland, our competitors, as long as everybody is publishing on the same basis.

**Mr. C. Le Masurier:**

Well, everybody should be testing on the same basis and it is European guidelines, is it not, I would have thought we were all following for the actual testing, so if things are published ... The bathing water, it is that that confuses me and causes me the most doubt is that the bathing water is published and is exceptional 10 yards from the beach, yet a mile out there is human effluent.

**The Deputy of St. Mary:**

And your beds are grade B. Yes.

**The Deputy of St. John:**

We will move on. Would you take the next set of questions, please, Deputy Power?

**Deputy S. Power:**

Chris, you just referred to the E.U. and the broader picture. I think you have probably answered some of these but do you think that our departments are able to keep up or do keep up with E.U. directives and if they were to stick to the strict letter of the law do you think it would improve things, especially the areas of water quality and, specifically in your case, aquaculture legislation?

**Mr. C. Le Masurier:**

The simple answer is no. I do not feel that the departments are keeping up with the legislation and there is a lot of cherry picking between what they want to abide by and what they do not abide by, sometimes to the advantage of individuals and businesses,

sometimes not, but it is always a very grey area what we are abiding by and what we are not.

**Deputy S. Power:**

It does seem strange, relating back to what I think you said about 15 minutes ago, that the Environment Department is our environmental policeman and yet it seems to be issuing discharge certificates to another States department to carry out a function where that department seems to be unable to control or treat what is going down the discharge pipes.

**Mr. C. Le Masurier:**

Personally, in an ideal world it would be very nice to keep everything in-house, that Jersey had its own fisheries legislation that sufficed for everyone, but because our industry is generally built up with exports we have got to comply with E.U. legislation for that. We do run the risk of if we do not keep up with this legislation ... 2006/88 was the fisheries legislation that was brought in in 2006, well, we are cherry picking in that legislation. At the moment it has not brought up any huge issues but as it is some members are stopped from importing, exporting to and from certain areas because we have not moved with the times.

**Deputy S. Power:**

So you would cite that as a specific difficulty, a specific problem that that has caused because of E.U. because we cannot adhere to it?

**Mr. C. Le Masurier:**

Yes. I think because we are very much an export industry we are obliged to follow some of these E.U. guidelines. The E.U. guidelines for E. coli, for the testing for the classifications of the harvesting areas, we are obliged to follow all that.

**Deputy S. Power:**

In that regard then it has caused you problems, difficulties. I think you used the phrase a few minutes ago in terms of Jersey's compliance with E.U. directives would you say that we pick and choose? Cherry pick is probably the wrong phrase but we are selective in how we implement?

**Mr. C. Le Masurier:**

Yes. Do not get me wrong, if Jersey can produce a legislation document that thick the E.U. will produce it this big and you will get so bored of reading it that you give up. So, sometimes it is to our advantage that we do not comply fully because what I find is a lot of especially the fisheries' decisions made by the E.U. are made by people sitting in an office in Brussels and not by ... I think Jersey has had previously a good system of the Agriculture and Fisheries Department, the Fisheries Advisory Panel that reports to States Members. I think that as a whole has worked well but I just see with resources and laying off of staff, lack of staffing levels, things are just becoming more difficult for industry to ...

**Deputy S. Power:**

You mentioned the tension between Fisheries and Economic Development, that is an obvious one, but I think Jersey is like any other jurisdiction really in terms of E.U. law, it has to apply how it interprets these things and you saying Jersey must keep a

degree of independence and do what it thinks is best fit for the Island rather than carte blanche stamping everything: “This is an E.U. directive. We must follow it to the letter of the law.” I think most countries do that.

**The Deputy of St. Mary:**

You are not saying, are you, that if the E.U. says we should not have that many E. coli in the oysters that we should go below that standard?

**Mr. C. Le Masurier:**

No.

**The Deputy of St. Mary:**

So, what is the issue then?

**Mr. C. Le Masurier:**

We have got to, because we are placing it on the European market, abide by their rules and at the end of the day I would hope that everybody’s goal would be looking to better any standard not to look at anything substandard.

**The Deputy of St. Mary:**

You suggested earlier that a problem was that the French might not be so keen on complying with the same standards or they might have ways round it. So, would one way be for our staff in Brussels, that we now have, to be leaning on this kind of issue and saying: “Look, level playing field, folks. Our oysters comply with your

specifications. It costs to do that but we are hearing little things that all is not right elsewhere”?

[12:30]

**Mr. C. Le Masurier:**

I very much think we need to get our own house in order before we start picking on the French industry.

**The Deputy of St. John:**

A very good comment.

**Deputy S. Power:**

Which leads us on to the next one, which is in terms of establishing shellfish quality, you have obviously said it at least 6 times that you are grade B, you would like to be grade A, so how do we set that agenda then to go forward? How would you like the States, whether it is the Environment Department, T.T.S., how do you get to grade A, how do they achieve that status?

**Mr. C. Le Masurier:**

The feedback that I get from Water Resources, T.T.S., et cetera, T.T.S. we have got no problem, everything is working 100 per cent fine, whatever, so I am getting no answer there. Water Resources, pretty much the same but cannot understand that all the bathing waters are coming back wonderfully clean, we just cannot understand what is happening. I think a proper audit needs to be done to find ... to me it seems

obvious there is an issue of pollution getting to the shellfish somehow. I think a proper audit needs to be done by an independent body.

**Deputy S. Power:**

So, changing the way we do it and getting it done by another body.

**Mr. C. Le Masurier:**

Yes, and from there we can see that as long as the industry has some sort of assurance that the States of Jersey are wanting the same goals as us.

**Deputy S. Power:**

If we put you in the Environment Department or in the T.T.S. what would you change in terms of what you have just said?

**Mr. C. Le Masurier:**

I would get an audit done to further the knowledge because you cannot make any decisions before then. I think we are seeing enough times what comes out of Bellozanne outflow. I think that is a good starting point as an interim. There has been talk about extending the pipe out but it would need to go out quite a way.

**Deputy S. Power:**

A mile or 2 miles.

**Mr. C. Le Masurier:**

Yes. I know you are very experienced in that line but I would say you would have to go past south of the Demie or something like that.

**The Deputy of St. Mary:**

Do you accept the sort of cost estimates that have been put on that, the massive amounts of money that I seem to have in the back of my mind for that pipe which seem very high?

**Mr. C. Le Masurier:**

I remember a figure that was bandied around a couple of years ago by Constable Jackson of £200 million or something.

**The Deputy of St. Mary:**

That was for the entire sewerage system.

**Mr. C. Le Masurier:**

For the entire sewerage system but that £200 million is £200 million to fix a problem that is not there today, because as far as T.T.S. are concerned there is not a problem but we need £200 million to fix a problem that is not there.

**The Deputy of St. Mary:**

Well, the entire sewerage system is falling apart.

**Mr. C. Le Masurier:**

I would have thought the extension of the pipe would be an interim measure, or definitely an improvement that would not need to take that pipe quite so far would be to put something in place that discharge is only done on an ebb tide that would take it west.

**Deputy S. Power:**

Yes, good point. My last question in this section, Chris, is in terms of the local Ramsar Management Authority, how do you rate it in terms of performance? Have you had much contact with it?

**Mr. C. Le Masurier:**

Yes, I go to every meeting and I think open forums, discussions like that work and it is a way to channel stuff through to the powers that be.

**The Deputy of St. John:**

You are happy the way that group are working?

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. John:**

And the feedback you are getting, the dialogue is working both ways?

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. John:**

Good.

**The Deputy of St. Mary:**

But from what you have been saying not much is actually happening on the ground, the decline continues. Presumably you say this at R.M.A. (Ramsar Management Authority) meetings so how do you square that with what you have just told us? I am a bit confused. They are listening but nothing happens.

**Mr. C. Le Masurier:**

Yes, I find the panel works well, the Ramsar group works well, but it is yet another ... it is better than nothing but I would think or expect or hope the chairman would then go off with the powers that he has got and implement and pass those recommendations and those things up.

**The Deputy of St. Mary:**

If the Ramsar site has a pre something ... I cannot think of the word but anyway there is an assumption that water quality in the Ramsar site certainly would not deteriorate and it would improve and that was the goal of having a Ramsar site so more people can enjoy it and all the rest of it, then you would think flags would be going off in people's minds, alarm bells would be ringing. There is the data saying that the water quality is actually declining, as it relates to your business, and Ramsar would be the forum for saying: "This cannot be. We cannot do this in a Ramsar site." So I am still puzzling with the fact that you have got data like this, presumably you are bringing it

to the Ramsar meetings, and I do not see evidence of anything except retrospective discharge permits.

**Mr. C. Le Masurier:**

True. Unfortunately the chairman of that Ramsar meeting is now the Minister for Environment who is ...

**The Deputy of St. John:**

Is he still chairing those meetings?

**Mr. C. Le Masurier:**

I am not sure. There has not been one since.

**The Deputy of St. Mary:**

My understanding of the Ramsar agreement is that if there is a deterioration in the status of the site it has to be reported. You are telling us that there is a deterioration in the site.

**Mr. C. Le Masurier:**

Yes. I have been telling people ever since I got all my results downgraded that there has been a deterioration in the site.

**The Deputy of St. Mary:**

So presumably that would be in the minutes.

**Deputy S. Power:**

The water quality issue affects Ramsar as well as the rest of the coast. It is the whole coast so therefore it is a Ramsar issue which highlights the fact that there is a water deterioration issue all along the south coast.

**Mr. C. Le Masurier:**

It was agreed by Constable Jackson that they would look at putting something into place for any discharge, if there was a discharge from the cavern, for example, that anything would be done on an ebb tide. I attended that meeting with Don Thompson because the Fishermen's Association were concerned because all the pumps for all the viviers around the Town Harbour, all the couges, all the store boxes, et cetera, are there and if there is discharge from the cavern it is through the wall of the Town Marina, straight through.

**The Deputy of St. John:**

But of course they cannot dictate it being done on an ebb tide nor on a rising tide because you cannot predict when we are going to have that second thunderstorm, so whatever promises he tries to make they cannot be fulfilled.

**Deputy S. Power:**

What is clear from the discussion on the Ramsar Management Authority and its effectiveness is that what has affected you in terms of water quality equally affects the Ramsar site, full stop.

**Mr. C. Le Masurier:**

Yes, it does.

**The Deputy of St. John:**

Bruce, have you got any further comments?

**Mr. B. Brown:**

No.

**The Deputy of St. John:**

Daniel?

**The Deputy of St. Mary:**

No, I am all right on that.

**Mr. B. Brown:**

I would have comments but not questions.

**The Deputy of St. John:**

Sorry, my apologies. Okay, we will move on now. The panel adviser's report suggests that additional targeted monitoring is required, both to establish benchmarks for the existing chemical status of Jersey coastal waters and to trace possible sources of microbiological pollution. However, it seems that this cannot be achieved within existing resources. Would the Aquaculture Association or individual farmers, members, be in a position to consider some shared investment in any monitoring initiatives that could be beneficial to the industry?

**Mr. C. Le Masurier:**

Obviously we would have to take that to a meeting with all members present. Personally I would be reluctant due to all my investment in sorting out someone else's problem already.

**The Deputy of St. Mary:**

Nicely put. Can I come in there on the chemical side? We have not talked about that. In that question there was the existing chemical status and so far we have talked about microbiology. How does that issue affect members of the Aquaculture Association, and yourself in particular, chemical pollution and heavy metal pollution?

**Mr. C. Le Masurier:**

I think it is a very, very valid point which holds a high level of importance. Yes, for the shellfish as well, because obviously they filter a lot of water and anything that is in the water will be taken straight into them. I know Don Thompson as well was very concerned about cadmium, et cetera, that the month before the main Christmas sales of crab and their main market was stopped because of a bad test result. One of the members of the Aquaculture Association, Marcus here, has got a hatchery, et cetera, and they are pumping seawater in a micro-nursery which any chemicals or anything could be extremely detrimental. Mr. Coburn with turbot; it is a diverse industry, the aquaculture industry and the shellfish all would be devastated with any influx of chemicals. I was amazed with sitting on the Ramsar panel by these biocides that were being introduced through the J.E.C. (Jersey Electricity Company) et cetera, and how these things are allowed to happen, especially as you said in a Ramsar area, and we

petitioned quite strongly against the use of any biocides or molluscicides which are designed to kill shellfish and you are pumping that straight into a Ramsar site. I am sorry if I forget what to say here because I just lose my ability, I go speechless when I even think about that.

**The Deputy of St. Mary:**

And when you think that the existence of that biocide did not figure in the environmental impact assessment for the incinerator, so I end up speechless too sometimes. But going back, it was in our adviser's draft about this question of chemical pollution, some of these very, very persistent chemicals, and there is no monitoring done at all at present in Jersey. Any comments? Would that be bolted on to this audit that you are talking about?

**Mr. C. Le Masurier:**

Yes. I think we do not know enough about what chemicals are being used. If we are not testing for something we do not know.

**The Deputy of St. Mary:**

Yes. There may not be an issue but there may be.

**Mr. C. Le Masurier:**

Yes.

**The Deputy of St. John:**

What changes to existing monitoring arrangements would bring the greatest benefit to the shellfish farmers?

**Mr. C. Le Masurier:**

If there is any question about the labs that are being used currently, which might have been picked up on as we discussed before, then I think as an interim we should maybe select a second laboratory and send equal samples from equal areas to 2 laboratories. I understand there is extra cost to that but it is not going to take the 2 people that come down to collect 6 oysters from each area that much longer to pick up 12.

**The Deputy of St. John:**

Good comment. Do you have any other comments that you would like to make? While I am saying that, did Marcus come along as your associate member or as a colleague of yours?

**Mr. C. Le Masurier:**

Marcus is the secretary for the Association.

[12:45]

**The Deputy of St. John:**

Marcus, did you want to pass any comments at all as a member of the association? You have heard what has been said.

**Mr. M. Taylor:**

No, I do not think so. I think everything has been covered.

**The Deputy of St. John:**

Did you have any other comments you would like to make, Mr. Le Masurier?

**Mr. C. Le Masurier:**

Just for those who do not know my background, my grandfather started the shellfish over here in the 1970s and I took over my own company 12 years ago. Previous to that I worked with La Rocque Fisheries and saw the effects that that had, the deterioration in the water quality. We have built and we want to take our company to the future and have a good reputation and I think the individuals of the industry and the industry need to, in participation with the States of Jersey, improve the water quality. That is the ultimate goal.

**The Deputy of St. John:**

Any final question?

**Deputy S. Power:**

No.

**The Deputy of St. John:**

Any final question, Daniel?

**The Deputy of St. Mary:**

Yes. I think I will kick myself if I do not ask you. On this transparency issue, because it is very important to me and I think it is probably important to your own interests, there is a risk, of course, in publishing bad data or data that is spiky and so you get a bad reading and then somebody jumps on it but in the end game when you are competing with people all over and the other end game is that we raise our game, that we improve the quality, we cannot know that and the public cannot know that unless we are publishing. I just wonder what your final comment would be on publish or not publish, across the board.

**Mr. C. Le Masurier:**

Personally, I would not like to see it published, but that is my reputation. If the States of Jersey want to publish something, the way I read the Water Pollution Law you are dropping your Minister right in it. Your call.

**The Deputy of St. John:**

Bruce, have you any ...?

**Mr. B. Brown:**

No, thank you.

**The Deputy of St. John:**

Have we omitted anything, any question that we need answered? If not, I would like to thank you very much for your attendance, all of you, and declare the meeting closed at 12.47 p.m.

**Mr. C. Le Masurier:**

Thank you very much for the invitation.

[12:47]