



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Agriculture and Agri-Food

EVIDENCE

**NUMBER 074**

Thursday, October 5, 2023

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Chair: Mr. Kody Blois





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• (0815)

[English]

**The Vice-Chair (Mr. John Barlow (Foothills, CPC)):** I call this meeting to order.

Welcome to meeting number 74 of the House of Commons Standing Committee on Agriculture and Agri-Food.

There are a few reminders about today's meeting. This will be taking place in a hybrid format. The proceedings will be made available via the House of Commons website. Just so you're aware, the webcast will always show the person speaking rather than the entirety of the committee.

Screenshots or taking photos are prohibited. Our witnesses should be aware of that.

Also for our witnesses, members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. If interpretation is lost, please inform me immediately, and we will ensure the interpretation is working properly before we proceed.

Before speaking, please wait until I recognize you by name. If you're on video conference, please click on your microphone to unmute yourself. For those in the room, the microphone will come on automatically. If you see the little red button in front of you on the panel, you will know that your microphone is on.

When speaking, please speak slowly and clearly for the benefit of our interpreters. When you are not speaking, please make sure, especially for those who are online, that your microphone is on mute.

I remind you that all comments by members and witnesses should be addressed through the chair, please.

Pursuant to the order of reference for today, the committee will resume consideration of Bill C-275, An Act to amend the Health of Animals Act (biosecurity on farms).

I would now like to welcome our opening panel.

With us today, we have Dr. Jodi Lazare, associate professor. From Animal Justice, we have Camille Labchuk, executive director. From the Canadian Food Inspection Agency, we have Dr. Mary Jane Ireland, executive director, animal health directorate, chief veterinary officer for Canada, and Dr. Rick James-Davies, director general for western operations. I believe he is joining us online.

For our witnesses, you'll be given up to five minutes for your opening remarks, and then we'll proceed to the opening rounds of questions. When you have one minute left, I will signal you by giving you a bit of a wave so that you know to start your conclusion. Just keep an eye on it; I will try my best not to cut anyone off. I would like you to try to finish your comments.

We have a substitution today. We have Mr. Collins subbing in for Mr. Drouin. There's no pressure, Mr. Collins. I'm sure you'll do fine.

Ms. Lazare, we'll start with your opening comments. You have five minutes, please.

**Dr. Jodi Lazare (Associate Professor, As an Individual):** Thank you. I'm happy to be here.

My name is Dr. Jodi Lazare. I am an associate professor at the Schulich School of Law at Dalhousie, where I teach the mandatory constitutional law course and an animal law seminar.

I previously held a research grant from the Social Sciences and Humanities Research Council of Canada to study the constitutional dimensions of animal rights advocacy and farm trespass laws. I have published articles in peer-reviewed journals on that subject.

I'm going to use my time here to touch on my primary concern with the proposed bill, which is simply that, just as in 2021, it may not correspond with the division of powers. By that I mean that Bill C-275, in its current form, without the amendments voted on by committee last time around in 2021 in dealing with Bill C-205, might well be outside of the federal government's legislative jurisdiction.

Some of the discussion in the House and in committee thus far has suggested that statutory consistency across provincial jurisdictions is a worthwhile goal, and I agree with that. It is a fact that uniform federal legislation would often be more efficient and more effective than a patchwork of different provincial laws.

However, the nature of Canada's constitutional structure means that it's simply not always possible to have consistency across provinces, and, respectfully, the federal government can't force consistency if it is acting outside of its area of jurisdiction.

I understand that this bill aims to improve biosecurity on farms and that it is, in some part, about protecting animals and about food safety, but it has also been stated, several times now, that the bill is primarily about trespass.

I'm sure the committee members don't need this kind of breakdown, but in the interest of clarity, I ask you to just please bear with me as I take you through my quick thinking about the constitutional issues here.

In determining whether a law was properly adopted by a particular level of government—that is, at the federal or provincial level—courts will look at what the law actually does. They look at a law's purpose and at its effects to uncover what's known in legal jargon as its “pith and substance” or its “dominant feature”.

They might look at the context of the adoption of a law, such as current events motivating its introduction—those have, of course been relevant here—and at speeches and debates and hearings like this one. All of those things, in the present case, clearly suggest that the “dominant feature” of this bill is not entirely protecting biosecurity. That's because, in addition to what has been said about this being a trespass bill—as this committee has heard before and I think we'll hear again today—biosecurity threats on farms are not in fact driven by trespassers, protesters or activists—by people “without lawful authority” to be on the farm, to use the words of the bill.

You've heard already—and I suspect we'll hear again—that CFIA records show that there is no documented evidence or instance of an activist or trespasser or protester introducing disease onto a farm, but that the greatest risks to animals are diseases transmitted from farm to farm. Diseases are transmitted from workers, suppliers, etc., going between farms, and by birds and wildlife and so on. In other words, they are not from individuals who are present illegally.

From a constitutional perspective then, in my view and as has been repeated here, this is a trespass bill, which may or may not, based on the evidence, have perhaps incidental or secondary effects on biosecurity. It's quite clear that this bill is about shutting down activism and trespass and about protecting the mental health of farmers and farm families. In other words, it is about protecting a particular industry by shutting down activism in the form of trespass.

In fact, the bill's sponsor has stated explicitly that this bill is about the protection of private property, and as we all know, these things fall under the provincial jurisdiction over property and civil rights. Legislation protecting private property is not, in other words, part of the federal government's tool box, so to speak.

The fact is that all provinces have trespass laws. Some of them have laws specific to trespass on farms, although some of those laws are currently being challenged in court. In fact, interestingly, Prince Edward Island's legislation, aside from the part about taking in any animal or thing, contains exactly the same wording as Bill C-275 and has not been subject to any constitutional questioning, suggesting again that this bill, Bill C-275, should fall under provincial jurisdiction.

• (0820)

I want to be clear here that I am not suggesting that Parliament cannot legislate to protect health and safety and biosecurity on farms. It's been said numerous times by the courts that Parliament can legislate to protect health and safety by way of the Criminal Code, and in this case, perhaps by using its jurisdiction over agriculture, although there is not a lot of case law and interpretation of that provision.

My submission, rather, is that this bill, as it is currently written, does not do that: It does not target the most likely source of biosecurity risks. However, a law that provided for the same restrictions and applied to everyone who enters a farm, legally or illegally—in other words, that adopted the same amendments voted on with respect to Bill C-205 in 2021—would be much more likely to survive constitutional scrutiny because, in its dominant feature, it would be a biosecurity bill.

I will leave it at that in the interest of time, and of course I'm happy to answer questions.

Thank you.

**The Vice-Chair (Mr. John Barlow):** Thank you very much, Dr. Lazare. I appreciate your comments.

Now we will move to Ms. Labchuk from Animal Justice for five minutes.

**Ms. Camille Labchuk (Executive Director, Animal Justice):** Good morning. Thank you for inviting me to appear.

I am a lawyer and the executive director of Animal Justice, Canada's leading national animal law advocacy organization. Together with our tens of thousands of supporters, we work to improve laws protecting animals. This is a big task because, frankly, Canada has fallen quite far behind. We have some of the worst animal protection laws in the western world, particularly on farms.

Let me just set the scene for you. We do not have federal or provincial laws regulating animal welfare on farms in this country. Many of the most cruel farm practices are still legal and common in Canada, despite being outlawed in places like the EU and in many U.S. states. This includes things like keeping pregnant pigs in gestation crates, which are metal cages so small that the mothers can't even turn around, and crowding egg-laying hens inside tiny wire cages where they can't even spread their wings, and farming animals for their fur.

Along with our lack of laws comes a lack of transparency and oversight. Farmed animals are typically kept behind closed doors in areas that, as you know, the public can't access. There are no government inspections of farms to proactively monitor animal welfare, including by the CFIA. Provincial agencies tend to respond only if a complaint is made, and no farmer or worker has a legal obligation to report anything they see.

One of the few times that a cruelty complaint can be made occurs when a person goes to work undercover on a farm and films what they see, wearing a hidden camera. I have been involved in many such exposés. For example, the last investigation that Animal Justice did was at a pig farm in Ontario. This aired on CTV's *W5* program. It resulted in a conviction against the pig farm for a lethal C-section on a live, conscious pig in what industry would call a "slash and grab" to remove the piglets, and also in a conviction for castrating piglets and docking their tails without anaesthesia.

Unfortunately, the animal farming industry in Canada has been pushing agricultural gag laws—so-called "ag-gag" laws—that make it illegal to do this type of undercover work on farms and in order to shut down videos of animal cruelty. These laws first started sweeping the United States in the 2010s and are now also law, as we've heard, in Alberta and in Ontario. It's illegal in those provinces for journalists and whistle-blowers to go undercover on a farm. It turns that conduct into a trespass. We believe those two laws are unconstitutional, as they restrict free expression under the charter, which is why we are challenging Ontario's law in court. That case will be heard starting on October 30. U.S. ag-gag laws have also been challenged and struck down in six states now.

This bill targets anyone unlawfully on a farm, which in Ontario and Alberta includes undercover workers and journalists. The language prohibiting taking a "thing" into a farm seems targeted at a hidden camera that an undercover worker or journalist might wear and puts these whistle-blowers at significant risk of prosecution simply for bringing images to the world. The ban on undercover work makes this bill vulnerable to a constitutional challenge.

I'll note that in Canada, biosecurity protocols are currently entirely voluntary, and studies show that adherence to them on farms is poor. We've analyzed decades of data from the CFIA, and in a report that I will provide to this committee, we've seen that farmers are responsible for most biosecurity issues and that a sit-in has never caused a disease. It tends to be standard farm practices like sharing needles, having wild animals access farms and using contaminated equipment across different areas that spread disease.

This committee also received a letter from 19 infectious disease specialists. They note that undercover video is good for biosecurity and actually spurred on one of the largest food safety-based recalls in U.S. history. These experts conclude that this bill seeks to weaponize genuine concerns about infectious diseases and animal and human health in order to increase protection of private businesses from bad publicity.

I'll say as well that this bill doesn't address any legal gap. Provinces do have trespass laws already, but more to the point, there is also the Criminal Code. All of the sit-ins referenced last week resulted in criminal convictions, and these are the most serious charges possible, like break and enter, mischief and theft.

For example, we're going to hear from a Mr. Binnendyk on the next panel about the Excelsior Hog Farm sit-in, which occurred after videos emerged showing pretty troubling conditions on farms, including some pigs that couldn't walk and slowly died on a filthy concrete floor. Two people were convicted and sentenced to jail time after the sit-in, which is actually the harshest known sentence in Canadian history for a peaceful protest of this nature.

I'll just conclude by saying that I know committee members have been hearing from a lot of constituents who have concerns about this bill, and I urge you not to dismiss those concerns. It's time to pause and consider why it is that public trust in farming is so low. I would say that it's not because people are misinformed; it's because they see video after video of animals being beaten on farms, animals with severe medical conditions that don't get treatment, and animals being killed in brutal ways.

• (0825)

They see conditions the public simply no longer accepts, and they're frustrated by the lack of laws and the secrecy. The response to these legitimate public concerns should not be to pass laws that further undermine transparency.

Thank you.

**The Vice-Chair (Mr. John Barlow):** Thank you very much, Ms. Labchuk. We appreciate your submission.

Now we will turn to the Canadian Food Inspection Agency. I don't know if it's going to be Dr. Ireland.

We'll start with you for five minutes. Go ahead, please.

**Dr. Mary Jane Ireland (Executive Director, Animal Health Directorate, Chief Veterinary Officer for Canada, Canadian Food Inspection Agency):** Thank you very much.

We are pleased to be here to speak with you today as you continue your consideration of this private member's bill, Bill C-275, an act to amend the Health of Animals Act, with regard to biosecurity on farms.

The CFIA is a science-based regulatory agency and is dedicated to safeguarding animal health, plant health and food safety to enhance the health and well-being of Canadians, the environment and the economy. In this capacity, the CFIA administers and enforces a variety of legislation, including the Health of Animals Act, which Bill C-275 seeks to amend.

The primary objective of the Health of Animals Act is to protect animals and prevent the transmission of federally regulated animal diseases and toxic substances to both animals and humans. The CFIA employs highly skilled veterinarians, veterinary inspectors and other inspectors, who administer and enforce the Health of Animals Act. Under the act, CFIA inspectors have the authority to conduct inspections, seize and detain animals or things, investigate cases of non-compliance and recommend prosecution when it is appropriate to do so.

CFIA inspectors are not peace officers. They do not have the authority to detain persons who violate the Health of Animals Act.

The CFIA works with various stakeholders, including producers, to help protect animal health and prevent the spread of diseases, including through the development of animal biosecurity measures, which can be implemented by producers on their farms.

Animal biosecurity is an area of shared responsibility. It involves federal, provincial and territorial governments, as well as industry associations and producers.

The Health of Animals Act and its regulations contain biosecurity requirements for federally regulated diseases. Provinces and territories may also develop and enforce their own biosecurity requirements. Provinces and territories provide funding to producers to improve biosecurity measures and to support certain disease-control activities.

In addition, the CFIA, industry, academic institutions and provinces and territories have worked together to develop voluntary national biosecurity standards. These standards outline the practices and protocols for farmers to routinely implement in order to prevent animals from being exposed to disease at the farm level.

In Canada, most on-farm biosecurity standards are voluntary, and farmers are responsible for implementing biosecurity standards on their premises. While these standards are voluntary, several industry associations have integrated parts of them into their mandatory on-farm programs. This collaborative effort between industry associations and producers has promoted the use and adherence to on-farm biosecurity measures, and these measures, combined with other regulatory requirements, help to reduce the threat of disease spread and to maintain market access.

While the objectives of Bill C-275 are commendable, we would like to identify a few considerations regarding the current text of the bill.

The current wording poses legal risks. It does not account for existing provincial and territorial jurisdiction over property and civil rights. Almost every province has legislation to address trespassing, and five provinces have passed enhanced private property legislation to prohibit trespassing at locations where animals are kept.

At the federal level, the Criminal Code includes prohibitions related to trespassing, such as mischief and breaking and entering, and these provisions have been successfully used to convict individuals who have engaged in this type of activity. There is a risk the prohibition may not be a valid exercise of federal agricultural power, which is understood to be limited to agricultural operations that are inside the farm gate.

The bill also presents enforcement challenges. The Crown would have to prove beyond a reasonable doubt that the accused understood the risk of disease transmission as a result of entering the premise or that they acted recklessly to expose an animal to disease or toxic substances. Additionally, the police of local jurisdiction would need to respond to trespassing incidents, as CFIA officials are not peace officers.

We would encourage you to take these considerations into account as you continue your study of this bill.

Mr. Chair, I hope this provides a general overview of the CFIA's role in animal health and biosecurity as well as an overview of some of the challenges with the current text of the bill. We welcome any questions the committee may have.

Thank you.

● (0830)

**The Vice-Chair (Mr. John Barlow):** Thank you, Dr. Ireland. It's always great to have you at the committee. We appreciate your testimony.

Colleagues, we have time for one round for sure. I'll try to do a second round; we'll see how the timing goes. We may have to tighten them up a little bit to make sure that we get that second round in. We'll deal with that when we get there.

Witnesses, we'll go to each party. They'll get six minutes in the first round of questions, and we'll start with the Conservatives.

Ms. Rood, you have six minutes, please.

**Ms. Lianne Rood (Lambton—Kent—Middlesex, CPC):** Thank you, Mr. Chair.

Thank you, witnesses, for being here today on this important bill.

I'm a farmer. Ms. Labchuk, you mentioned that you believe that public trust is low with our farmers, but I beg to differ as a farmer who has to adhere to the very strictest of food safety standards—some of the strictest, actually, in the world. Whether it's CFIA regulations, provincial food safety regulations, or even standards set by each individual agricultural sector, we adhere to the strictest of standards. In fact, there's a headline here, and I'll read it back to you: "Firefighters, nurses, farmers respected most by Canadians".

I wholeheartedly disagree with your statement. I trust our farmers. With their practices for ensuring food safety in this country, our farmers are some of the safest in the world

I just have a few questions for you.

Have you ever been on a farm?

● (0835)

**Ms. Camille Labchuk:** I grew up in rural Prince Edward Island, so I've been on plenty of farms.

**Ms. Lianne Rood:** Have you lived on a farm?

**Ms. Camille Labchuk:** No, I didn't grow up on a farm.

**Ms. Lianne Rood:** Okay.

Have you ever cared for livestock on a farm at all?

**Ms. Camille Labchuk:** I've been around plenty of farmed animals.

**Ms. Lianne Rood:** Then you've never cared for livestock yourself or cared for them on a farm.

**Ms. Camille Labchuk:** Do you mean have I owned farmed animals—

**Ms. Lianne Rood:** Yes. Have you cared for them?

**Ms. Camille Labchuk:** —or have I actually farmed them? No. As I've mentioned, I'm a lawyer, not a farmer.

**Ms. Lianne Rood:** Okay.

Do you think that animals should be used for food?

**Ms. Camille Labchuk:** The mission of Animal Justice.... I want to be really clear about what I'm here to say to you today.

We exist to lead the legal fight for animals. We work to improve the legal protections for animals. As I've mentioned—and I appreciate what you're saying about food safety—unfortunately we actually do have some of the worst animal protection legislation in the western world.

**Ms. Lianne Rood:** Do you think that animals should be used for food?

**Ms. Camille Labchuk:** Look, we're here today to talk about—

**Ms. Lianne Rood:** It's a yes-or-no answer.

**Ms. Camille Labchuk:** —improving the laws protecting animals. It's undeniable that Canada doesn't have any of those laws on the books right now. When you look at—

**Ms. Lianne Rood:** I'm sorry. I'm going to interrupt you because there wasn't an answer to that question. I'll go to my next question.

Do you believe that animals should have the same legal standing as humans?

**Ms. Camille Labchuk:** What do you mean, exactly, by “legal standing”?

**Ms. Lianne Rood:** I mean legal standing.

**Ms. Camille Labchuk:** “Legal standing” is a term of art referring to whether someone has the right to go to court to seek a legal remedy if their rights are being violated. Animals don't currently have any rights.

What we would say, as I've repeatedly mentioned to this committee, is that animals currently don't benefit from on-farm legal protections. They have some of the worst laws in the western world protecting them.

**Ms. Lianne Rood:** So you believe in protecting animals over humans and over the rights of Canadians and farmers to have secure farms—

**Ms. Camille Labchuk:** That's not what I'm saying at all—

**Ms. Lianne Rood:** Okay.

**Ms. Camille Labchuk:** I'm saying that we're in the country—

**Ms. Lianne Rood:** Does it concern you that those who come on-to farms uninvited are putting livestock at threat and at risk?

**Ms. Camille Labchuk:** Animal Justice doesn't advocate on-farm trespassing. What we're here today to say is that we have very poor laws protecting animals, and that fact is what's contributing to this very low public trust in agriculture.

**Ms. Lianne Rood:** I'll disagree with you again. There is not a low public trust in agriculture, and that's been proven.

**Ms. Camille Labchuk:** Well—

**Ms. Lianne Rood:** Does it concern you that those who come on-to farms uninvited are causing psychological harm to farmers and their families?

**Ms. Camille Labchuk:** What concerns me is that there is low public trust in agriculture. You can look at studies from places like the Centre for Food Integrity, which is an industry organization, that show that people are increasingly concerned about animal welfare on farms—

**Ms. Lianne Rood:** So the welfare of the farmers and farm families doesn't concern you at all.

**Ms. Camille Labchuk:** Yes, it does. I'm concerned about the welfare of animals and I'm concerned about the welfare of farmers—

**Ms. Lianne Rood:** But the people who run the farms. Great.

Does it concern you that those who come onto farms uninvited are causing trauma to children who live on the farms?

● (0840)

**Ms. Camille Labchuk:** Look, as I've said, we don't advocate on-farm trespass. I'm here today because what this bill would do is shut off undercover videos from investigations that are employment-based, where people lawfully work on the farm and expose what they see to the world. Oftentimes, unfortunately, that includes animal cruelty. These videos have resulted in prosecutions, policy changes—

**Ms. Lianne Rood:** Thank you very much, again, for no answer.

I'm going to turn my comments and questions over to Dr. Lazare.

Dr. Lazare, in your testimony on Bill 156 at committee in the Ontario legislature, you said that “there are...ways to achieve the legislative objective [here that] have less of an impact on fundamental freedoms. For example, simply raising the fines for trespassing would do the job, or expressly prohibiting the introduction of biosecurity threats, like the federal private member's bill C-205 would do. Both of those things would impair rights less than the current form of the legislation. Again, that's enough for the law to fail in a constitutional challenge.”

In your opening comments, you alluded to the fact that Parliament doesn't have checks and balances set up—when in fact it does—to vet private members' bills to make sure that they are constitutional before they're even introduced.

Thank you for acknowledging that this bill, formerly Bill C-205, prohibits “the introduction of biosecurity threats” on farms. We've already established through previous testimony that whistle-blowers are protected under Bill C-275, since they have lawful authority to be on the premises. Therefore, the provisions in this bill would not apply to them.

Would you agree? How does this bill ban whistle-blowers?

**Dr. Jodi Lazare:** I'm sorry. There were a lot of questions there.

What I said with respect to Bill 156 in Ontario is that Parliament could prohibit the introduction of biosecurity threats on farms. However, what I'm saying today is that this bill doesn't do that, because it only applies to trespassers who, according to the evidence, are not the ones introducing biosecurity risks on farms. That's number one.

How does this bill prevent whistle-blowing? As Ms. Labchuk stated, in certain provinces, entry onto a farm as a whistle-blower or an undercover investigator is illegal. Those people would be on the farm illegally, making them subject to prosecution under this bill as well.

Also, I don't think I said that there are no checks and balances. I think the point of a committee hearing like this is to hear from experts—experts from the CFIA, experts in animal protection and experts in constitutional law—and that's precisely what we're doing right here. We're discussing the validity of the law.

**The Vice-Chair (Mr. John Barlow):** Thanks, Dr. Lazare. I appreciate that.

We'll now move to the Liberals and Ms. Taylor Roy for six minutes, please.

**Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.):** Thank you, Chair, and thank you to all the witnesses for being here today.

This is a very important bill. Of course, on the agriculture committee, we're all concerned about the health and welfare of farmers, as well as the welfare of the animals on those farms.

There's one thing I'd like to ask about. It has been stated by both Ms. Lazare and by Ms. Labchuk that this bill actually does not address the real risks of biosecurity. In my mind and in hearing from other witnesses, it seems that those biosecurity outbreaks are the largest cause of stress for farm families.

Could you address how this bill could potentially address biosecurity risks on farms, if it is not doing so now?

**Ms. Camille Labchuk:** Yes. Thank you for your question.

One thing that we've done through analyzing decades of CFIA data is take a close look at the things that result in biosecurity threats and diseases, and oftentimes it tends to be poor practices on farms or poor adherence to practices that are voluntary. For instance, there have been numerous studies in the dairy sector, in the chicken sector, on mink farms and on rabbit farms that have shown that people are not really following the rules closely when researchers put up cameras to monitor their behaviour.

One thing that we are advocating... When the last iteration of this bill, Bill C-205, was discussed at this committee two years ago, it was amended to do a couple of things, and I think those amendments would be productive in this case.

The first amendment struck the term “without lawful authority or excuse”. It made this bill apply to anyone who was on a farm who introduced a biosecurity threat, and that's important because we know that the vast majority of biosecurity threats come from people who have regular access to farms. They could be workers, operators or people coming and going with permission. They're not people who are there unlawfully.

That's what we would suggest.

**Ms. Leah Taylor Roy:** Thank you.

I'd like to turn to Dr. Ireland.

I'm curious. There are voluntary standards on farms and there are standards through associations. Does the CFIA have regular inspections for these, or are you only inspecting when you're called in because there's a breach of some sort?

**Dr. Mary Jane Ireland:** Thanks very much. I'll start and then I'm going to pass to my colleague Dr. James-Davies, who is involved with operations and can speak to the farm level.

You're correct that national biosecurity standards are voluntary. Biosecurity in general is a responsibility shared federally, provincially and territorially with industry associations and producers. The national biosecurity standards are the gold standard that has been produced through collaboration between the CFIA with industry, experts, provinces and territories. They establish a framework for biosecurity. Those standards—and there are eight of them—can be tailored and adopted and used by associations and producers to create their own biosecurity strategies. They have been adopted by several national associations to build into their mandatory on-farm safety programs. Examples are the Dairy Farmers of Canada, the Chicken Farmers of Canada and the Turkey Farmers of Canada.

With that, I'm going to pass it over to Dr. James-Davies to talk about the presence of the CFIA on farms.

• (0845)

**Dr. Rick James-Davies (Director General, Western Operations, Canadian Food Inspection Agency):** Thank you, Dr. Ireland and Mr. Chair.

The CFIA's activities are in line with a suite of regulations and policies that regulate the animal industry as a whole. The majority of those activities happen downstream from the farms.

As Dr. Ireland has said, on-farm biosecurity is really the responsibility of farmers, their associations and the provincial bodies that essentially provide a suite of best practices and farm regimes—

**Ms. Leah Taylor Roy:** I'm sorry to interrupt, but I just had to ask: Do you regularly inspect to see that these biosecurity measures are being enforced, are being practised?

**Dr. Rick James-Davies:** There's no regulatory regime to do on-farm inspections of biosecurity.

**Ms. Leah Taylor Roy:** Thank you very much.

Do you feel that mandatory biosecurity measures would be more effective in preventing biosecurity risks?

**Dr. Rick James-Davies:** Well, I think, as Dr. Ireland said, that's really a shared responsibility across the sector. CFIA's role is to respond to acts and regulations put forward by Parliament, and a change in regulation would certainly change the nature of our activities.

**Ms. Leah Taylor Roy:** Thank you very much.

Do I have more time?

**The Vice-Chair (Mr. John Barlow):** You have one minute.

**Ms. Leah Taylor Roy:** That's great.

I'd like to come back to you, Ms. Labchuk.

There's been some controversy about whether biosecurity risks or diseases have actually been introduced into farms by trespassers.

One in particular was the case of the hog farm. Could you comment on that? My understanding was that actually the judge said it did not happen, but there has been some confusion. I'd like to have that on the record.

Thank you.

**Ms. Camille Labchuk:** Thank you for the question.

There has been a lot of discussion about a hog farm in Quebec where it was alleged that trespassers brought in disease. There actually is no evidence of this. It was not a point in the Crown's case at trial. The judge rejected testimony from the farm owner at trial that this would have occurred.

A subsequent inspection by authorities after that sit-in found filthy conditions. There were too many pigs. There was an accumulation of manure on this farm. There was an insect infestation, and there was a dying sow that should have been euthanized without delay. I would just say that there were pretty troubling conditions on this farm to start with and no link between the sit-in and the disease.

**Ms. Leah Taylor Roy:** Thank you very much.

In your mind, what other—

**The Vice-Chair (Mr. John Barlow):** That's your time.

**Ms. Leah Taylor Roy:** Okay. Thank you. It was a quick minute.

**The Vice-Chair (Mr. John Barlow):** No problem at all.

[*Translation*]

Mr. Perron, you have the floor for six minutes.

**Mr. Yves Perron (Berthier—Maskinongé, BQ):** Thank you very much, Mr. Chair.

My thanks to the witnesses for joining us.

I'm going to start with Dr. Ireland.

You said that there was a problem with the wording given the jurisdictions. I'd like you to explain that to me in greater detail and tell me what amendments should be made to the bill, in your opinion, to ensure that this problem is solved.

[*English*]

**Dr. Mary Jane Ireland:** Mr. Chair, we are concerned that the agricultural powers are limited to premises inside the farm gate, and we are concerned that this bill may actually include premises outside of the normal jurisdiction.

I remind everybody, Mr. Chair, that I am not a lawyer. I am a veterinarian. More details on that I think would need to be provided by a legal expert.

I also would say that unfortunately my role here is not to recommend amendments but just to point out some of the things that we would like you, as a committee, Mr. Chair, to consider that may be problematic about this bill.

Thank you.

[*Translation*]

**Mr. Yves Perron:** Thank you very much.

I understand that you're not a lawyer, but short of drafting the amendment, do you feel that focusing the bill more on biosecurity could help solve the problem?

[English]

**Dr. Mary Jane Ireland:** What I would say is that biosecurity is an extremely important component of preventing disease introduction into premises and further spread of disease. Making sure that producers and veterinarians practice high biosecurity is really a critical part in controlling disease and preventing disease. As we have pointed out, that's an area of shared responsibility.

For CFIA's part, we have contributed to the production of national standards for codes of practice for biosecurity. We promote those in terms of web material, communications and working with industry and stakeholders. We also fund the development of some of those biosecurity standards, and we also, as an agency, put in place import restrictions to make sure that products like live animals and things from places that have diseases that we do not want here in Canada do not come into the country.

• (0850)

[Translation]

**Mr. Yves Perron:** Thank you for your answer, Dr. Ireland.

Ms. Lazare, you mentioned earlier that, in your opinion, there is an issue with the current wording. You referred to the amendments we adopted during the study of Bill C-205.

I'm not asking you to draft the amendments, obviously, but could you tell me what amendments the committee should be looking at?

[English]

**Dr. Jodi Lazare:** I'm sorry. I going to switch to English. I'm really rusty in French.

The fact that it prohibits entry or only applies to people who are trespassing, who are there illegally without lawful authority, makes this law a trespass bill. If that were removed, in my opinion it would look a lot more like a biosecurity bill.

As we've heard, the federal government's jurisdiction over CFIA, health and safety, criminal law, health and even agriculture allows the federal government to deal with biosecurity on farms. What I think the federal government can't do is prohibit trespass. There are no federal trespass provisions, because trespass is a provincial jurisdiction, so in order to protect biosecurity on farms and to be constitutionally compliant, I think the trespass parts of the bill need to go.

Thank you.

[Translation]

**Mr. Yves Perron:** Thank you very much.

Ms. Labchuk, don't you think that raising biosecurity standards and trying to enhance safety to fight disease would also improve animal living conditions in general?

**Ms. Camille Labchuk:** Thank you for your question.

[English]

Yes, I do think that biosecurity is critically important, and I will say that as somebody who cares deeply about animals in an organi-

zation that works to enhance their protection, it's devastating to us when we learn about Avian influenza wiping out entire flocks. These are birds who are euthanized in cold and really brutal ways.

We think it's very important to have biosecurity standards, but I would say two things. First of all, it would be preferable to us if those standards were actually enshrined in law, but this bill isn't the way to accomplish stronger biosecurity. It doesn't actually address the threats that have been identified and are evidence-based in terms of what we see emerging from threats that actually cause diseases. I think that something that applies to everybody who is on a farm would actually be fair, and it would address the root cause of biosecurity threats and disease outbreaks.

[Translation]

**Mr. Yves Perron:** Thank you very much for your answer.

I want to come back to trespassing. Of course, everyone here understands the jurisdictional sensitivity. This is the jurisdiction of Quebec and the provinces. We're all very familiar with that. However, right now, aren't there any other ways to catch farms suspected of mistreatment on a farm, for example? We've heard from stakeholders in the agricultural sector. Are there not already ways that do not require trespassing or provocation to inform people at the Canadian Food Inspection Agency that they should conduct an inspection, for example?

Please be brief, Ms. Labchuk, because my time is almost up.

[English]

**Ms. Camille Labchuk:** Unfortunately, it's exceedingly difficult right now for anyone to report concerns about farms, and there are a couple of reasons.

The first is that farms are private property, as we've repeatedly heard. Farms are not areas that the public would typically have access to, so you don't typically get a number of reports coming from the public because they simply don't go to farms. The second is that animals can't report abuse, obviously, so if they're experiencing some suffering, that's not something that can be reported.

Because it's provincial enforcement that deals with animal cruelty concerns on farms in this country, and since it's all complaint-based, it's simply that those enforcement agencies are just not receiving reports.

**The Vice-Chair (Mr. John Barlow):** Thanks, Ms. Labchuk. That's the time. I gave you a bit extra there.

We'll now go to Mr. MacGregor for six minutes, please.

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** Thank you very much, Mr. Chair.

I'd also like to echo the thanks to all of the witnesses who are helping to guide this committee in its examination under Bill C-275.

Dr. Lazare, I'd like to turn my first question to you. I think you've very clearly outlined the problematic phrasing of the bill, which I think veers Bill C-275 into provincial jurisdiction.

We've also heard a lot of conversation from witnesses about the lack of effective existing biosecurity measures on farms and the fact that a lot are voluntary, and we have documented cases where a lot are not being followed even when they are voluntary.

In your opinion, because of your expertise in this subject matter, does the federal government have a potential mandate to enact stronger biosecurity requirements right across the board? You outlined the concern that because of provincial jurisdiction, we can end up with a patchwork of different trespass laws, but I think the federal government does have clear jurisdiction in this way, and that may be one of the ways in which we can address the problem countrywide. Do you have any opinions that you can offer on that?

• (0855)

**Dr. Jodi Lazare:** My broad answer is yes.

As I've mentioned, the federal government can regulate health and safety by way of criminal law power, and I think that this extends to biosecurity. As I said, if this bill actually dealt with biosecurity across the board and not just on the part of trespassers—if it actually applied to everyone on-farm—then I don't think there would be any jurisdictional issue with it. I'm not a judge and I don't have a crystal ball, but in my opinion it would be a much safer bet constitutionally.

Of course there's the jurisdiction over agriculture. Again, we don't have much case law on it, but we do know that it applies to what happens on farm. Legislation dealing with biosecurity and mandatory requirements could easily fall under the jurisdiction over agriculture. It could, and in my opinion it should.

**Mr. Alistair MacGregor:** Ms. Labchuk, I'd like to turn to you. I don't want to repeat many of the questions that have already been asked and I think we've covered many of the issues with this particular bill. But I do want to look at clause 2 of the bill, because clause 2 of the bill is amending the act much further down at section 65. It's adding some new clauses in there with respect to penalties.

We know the Health of Animals Act already has penalties. Do you have an opinion as to whether clause 2 of this bill is redundant and if the existing Health of Animals Act is sufficient in the penalties scheme?

**Ms. Camille Labchuk:** Yes, I would say it does seem redundant to me, and I would note that these penalties seem excessively high.

**Mr. Alistair MacGregor:** I'll turn to the CFIA.

Dr. Ireland, I'd like to ask you this: From the CFIA's documented cases and from all of the experiences that members of your organization have with respect to farms, what is the greatest source of risk for transmission of disease on farms?

Many of us are wondering whether this bill is a solution in search of a problem. We've heard that there's not a strong evidential link between activists' being on farms and transmitting disease.

Can you inform the committee, from the CFIA's perspective, of the greatest risk in transmission of diseases on farms?

**Dr. Mary Jane Ireland:** Mr. Chair, I wish I had a simple answer to that question.

The introduction of disease and the spread of disease on a farm or premises where animals are kept are very complicated and complex. There are a number of ways a disease can enter into a farm. Humans can introduce disease onto a farm. Animals can introduce disease onto a farm, and that includes animals that may have left the premises, commingled someplace else and come back. It can also be the introduction of new animals.

We also have wildlife that have the potential to introduce disease onto farms. In cases of highly pathogenic avian influenza, we have seen that wild migratory water birds are the likely source of introduction into Canada. We also have things that can introduce disease—tractors and objects that might be contaminated with manure from wild birds, for example. That is why biosecurity contemplates all the different routes of transmission onto premises.

We also have to think about which disease we're worried about. How is it transmitted? Is it a virus? Is it bacteria? Is it food-borne, feed-borne or water-borne? That is why biosecurity standards and protocols are so important. Each farm is going to have different risk factors to consider, and those national biosecurity standards give people a starting place from which to build their own.

I would also say that we are not aware of a confirmed case of a disease as a result of trespassers, but humans are a factor in the introduction of disease onto a farm.

To conclude, Mr. Chair, I would like to say that we as the Government of Canada take the health and well-being of animals, including farmed animals, very seriously. The vast majority of producers also take the health and welfare of their animals very seriously. It is linked to their livelihood and their businesses.

• (0900)

**The Vice-Chair (Mr. John Barlow):** Colleagues, we stayed right on time, so we will have time for that second round.

I appreciate your comments, Dr. Ireland.

We'll now turn to Mr. Steinley for five minutes, please.

**Mr. Warren Steinley (Regina—Lewvan, CPC):** Thank you to all the witnesses for being here.

Dr. Ireland, you said there are no confirmed cases, but in the example in Quebec there had been no rotavirus on that farm for 40 years. Then, after unlawful protesters were on that farm, rotavirus came back. Is that not an actual link between those two, or was it that after 40 years it just magically appeared because they changed practices? The only thing that was different on that farm was that one day there were unlawful protesters and the next day there weren't, and then they had rotavirus.

**Dr. Mary Jane Ireland:** Mr. Chair, I deal in science. That is not a confirmed case in which we would say trespassers were linked to that, and I wouldn't want to speculate on cases.

**Mr. Warren Steinley:** Would you confirm that it could not be linked?

**Dr. Mary Jane Ireland:** I cannot confirm that because I don't have the data in front of me and I have not investigated it.

**Mr. Warren Steinley:** On a mink farm in Ontario, trespassers released thousands of animals, and then there was an outbreak of distemper. Can that be just a coincidence?

**Dr. Mary Jane Ireland:** Mr. Chair, again, I deal in evidence. I don't know that case. I don't have the data before me. I would say that the release of animals may cause an animal health and welfare issue, but I cannot confirm that one equalled the other there.

**Mr. Warren Steinley:** You wouldn't deny there is a possibility of that happening.

**Dr. Mary Jane Ireland:** I would not speculate either way.

**Mr. Warren Steinley:** There obviously has been speculation either way, though, because we're having the discussion of whether that's a possibility or not. To just blindly make a statement like, "Canadians don't have trust in our farmers anymore" is damaging to our reputation, and I think it does a great disservice to our producers across the country. I really feel that we've gone into a weird place with the agriculture committee right now, where we're actually putting farmers on trial and saying that they're not doing their jobs.

I grew up on a dairy and beef farm and I know the protocols we had. Some of the CFIA standards we're talking about are voluntary. We're trying to say now that our producers aren't doing the job and aren't going the extra mile to make sure their animals are safe. I, for one, don't believe that for a second.

We had a program, and lots of dairy farmers have this program—Mr. Lehoux is a dairy farmer, as well—called "herd health". Veterinarians come and check on the herd health twice a month. If the veterinarians find something wrong or if they have a big concern, they contact the CFIA.

Dr. Ireland, can you comment on some of the processes and protocols that our producers do voluntarily, and on the fact that, as with the herd health program, if there is something wrong, they have professionals on the farm who come to check? They have it in other industries as well, such as pork and dairy.

Just comment on some of those protocols our farmers follow that are above and beyond those in some other jurisdictions around the world.

**Dr. Mary Jane Ireland:** In the next session you're going to have a producer speak to you, so that might be a good question for them. I think producers and associations are well placed to talk about their practices.

I was a large animal veterinarian. I am aware, and it links back to my earlier comment, that the vast majority of producers value the health and welfare of their animals. That includes proper veterinary care. That includes biosecurity, because preventing disease spread and introduction of disease into a farm are in everyone's best interest. It is linked to their livelihood. It is linked to their business. I would say it's also important for a backyard flock owner to maintain the health and well-being of their animals.

**Mr. Warren Steinley:** I have a couple more comments.

Ms. Labchuk, you talked about the fact that someone videotaped a Caesarean delivery happening. I saw a lot of Caesareans when I was growing up on a dairy farm, and lots of those procedures were done to save the mother and the calf. Do you know what? It isn't a pretty sight, but it is sometimes necessary to do a medical procedure to save an animal. When you see it on film, it may not look very nice, but in fact, most of the time it actually ends up saving the lives of those animals because there was a vet who came on time and there was a beautiful baby calf, perhaps a 4-H calf—I had a lot of 4-H animals.

When you show it on video, you're actually doing a great disservice to the producers and the farmers, because they do take their animals' health seriously, and you know what? They hired a vet to come out to do this procedure so that those animals would survive.

I think we should really take a step back at this committee and not put our Canadian producers on trial here for not taking good care of their animals.

● (0905)

**The Vice-Chair (Mr. John Barlow):** We'll now go to Mr. Carr for five minutes, please.

**Mr. Ben Carr (Winnipeg South Centre, Lib.):** The question I want to ask first will be for both Dr. Lazare and Ms. Labchuk. I'm going to ask the same question. I just want to put forward a hypothetical situation to help me understand a couple of things related to the bill.

Here's the hypothetical situation. Somebody is hired legally by a farm, by a producer within the industry. They follow all of the biosecurity regulations that are in place. They're clean when they walk in. They follow all the rules. In their pocket is a camera. They uncover some type of situation that they deem to be contrary to the regulations and the standards that are in place. They take out the camera. They record the situation. They put the camera away. They send the recording to the CFIA or maybe to Animal Justice. Maybe they post it on YouTube.

In your opinion, with the current wording of the bill, would that individual—again, emphasizing that they had gone through all of the proper biosecurity measures—be subject to punishment under the law?

**Dr. Jodi Lazare:** That would depend on how the law, if it comes into force, is interpreted, and whether the wording around being on a farm without lawful excuse extends to the taking in of “any animal or thing”. It's a question of interpretation. It could go either way.

**Mr. Ben Carr:** Can I just ask this, though? My understanding of the wording is that the “thing” would have to knowingly pose a risk. Does a camera that's clean, that's allowed under all the regulations, pose a risk? If it doesn't pose a risk, would that person therefore be subject to the penalties within the legislation?

**Dr. Jodi Lazare:** If they're on a farm illegally in Ottawa, Ontario, or—

**Mr. Ben Carr:** No. It's if they're there legally.

**Dr. Jodi Lazare:** I can't see that as being an issue, but to me the bill is targeting trespassers, not that kind of situation. Those are the situations we want to see happen.

**Mr. Ben Carr:** I understand that, but what I'm hoping for is some clarity on that particular hypothetical. The person's there legally. The phone is clean. They've gone through all the proper procedures. They work for the farmer. They see something that they don't like, that they think is unjust and contrary to regulations. They release the footage. In your interpretation as a legal expert, in accordance with the way the law is currently written, is that going to make that person subject to some form of punishment?

**Dr. Jodi Lazare:** No, it is not, unless their contract or employment terms prohibit them from bringing in a camera or a thing.

**Mr. Ben Carr:** I appreciate that clarity.

The exact same question goes to you, Ms. Labchuk.

**Ms. Camille Labchuk:** I do have concerns in that situation. In Ontario and in Alberta we have these ag-gag laws that make it illegal to go undercover to work on a farm. Those laws say that you can't use a false pretense to get a position on a farm, so someone who applies for a job and doesn't disclose that they intend to film, for instance, would be offside of that law and would be committing a provincial trespass. That applies because this bill, of course, says the word “unlawful”, and that is key in determining whether someone is caught by it.

The other thing that's troubling to me here is the language. It says what's key here is that taking in a thing or attending unlawfully at a farm could result in the exposure of animals to a disease or toxic

substance. It's very nebulous language. It's not clear. In my view it's risky.

I would point out as well that people who might be employees could sign a restrictive employment agreement requiring them to report abuse or misconduct only to management or not at all.

• (0910)

**Mr. Ben Carr:** My next question is for Dr. Ireland. Do you think we need laws that would amend the mandate of the CFIA to include stronger animal rights provisions?

I appreciate that you are here as a member of the CFIA, but you're also a vet. You swore an oath as a vet that in your professional conduct you would ensure the well-being of animals. I'm wondering if you can comment, as a veterinarian, on whether or not you think we have to have stronger laws in this country to protect the rights of animals, as Animal Justice is suggesting. If so, is that a mandate that should fall within the CFIA or is that a mandate that should be an authority given to a new agency within the country? I'm asking you as a vet.

**Dr. Mary Jane Ireland:** You are correct: I'm both a veterinarian and a CFIA employee.

The area of animal welfare is actually a shared jurisdiction in this country. It's both provincial-territorial and federal. CFIA has oversight over the transportation of animals into, within and out of the country under the transportation regulations that oversee that. As well, the safe food for Canadians regulations oversee the humane slaughter of animals in processing plants. The provinces and territories also have animal welfare responsibilities for things that occur on farm, so with the suite between federal and provincial and the sharing of areas, I do think we have animal welfare and health covered in this country.

**The Vice-Chair (Mr. John Barlow):** Now we go to Mr. Perron for two and a half minutes, please.

[Translation]

**Mr. Yves Perron:** Thank you very much, Mr. Chair.

Dr. Ireland, I'm picking up a little on what Mr. Steinley said. We all know that farmers take care of their farms and that they are all conscientious.

Let's say, however, that one exception exists. If someone from the outside the farm suspects that it's mistreating animals, is there a mechanism they could use other than trespassing on the farm? No one here wants to condone trespassing.

What could an individual do if they saw something happening on a farm? It could be someone from three farms over or whoever. Without trespassing, which is a criminal offence, how could they report it to you?

[English]

**Dr. Mary Jane Ireland:** On-farm activities would be covered by the provinces, largely, so if someone was concerned about the welfare of animals they could contact, for example, in Ontario, the Ontario ministry of agricultural and rural affairs. Provincially, that's how they could address or raise their concerns.

There's also law enforcement, which could then channel the questions and the concerns in an appropriate way. The CFIA certainly could be called, but we would defer that to the provinces in most cases. If it is a humane transportation issue—animals on a truck—or an issue at a slaughterhouse, that would be under our purview.

[Translation]

**Mr. Yves Perron:** Thank you very much. So there is a way to do something.

Ms. Labchuk, don't you think that people who suspect poor conditions on a farm could use these processes instead of trespassing?

I'd like you to comment on that.

[English]

**Ms. Camille Labchuk:** Just to be clear, we don't trespass. We don't support trespassing, but it's very difficult for anyone to see what's going on to make that report in the first place. It tends to happen only when there's an undercover whistle-blower who comes forward.

I'll say, just for example, that in Ontario the person who you would call if you have a concern would be at the provincial Animal Welfare Services. There are about 100 inspectors who work at Animal Welfare Services, and there are thousands of farms in the province, so they're very stretched. They don't have the capacity to proactively inspect farms, and that's why we have to rely on reports that come out from whistle-blowers, which are so rare.

[Translation]

**Mr. Yves Perron:** What would happen if a report was made?

**The Vice-Chair (Mr. John Barlow):** Your time is up, Mr. Perron.

[English]

Thank you, Ms. Labchuk.

Thank you, Mr. Perron.

Now we have Mr. MacGregor for two and a half minutes, please.

**Mr. Alistair MacGregor:** Thank you, Mr. Chair.

In response to Mr. Steinley's comments, I actually don't believe that we're putting our farmers on trial here. It was the Conservatives who brought this bill forward—Bill C-275—and I believe that as a committee we owe it to Canada's farmers, the public and our regulatory agencies to do a deep dive into proposed legislation. We ultimately owe it to everyone to make sure that the bills we're passing into law are doing what their intended purpose is.

Ms. Labchuk, here's what I wanted to ask you. From the documented evidence that you have reviewed, would you agree that

most documented disease outbreaks on farms have actually been caused by people who were there with lawful authority and excuse?

• (0915)

**Ms. Camille Labchuk:** I would agree with that. That seems to be very consistent with the evidence we have. It does not tend to be trespassers or unwanted visitors who bring pathogens onto farms: It's often people who don't follow the rules.

Mr. Steinley spoke about protocols on dairy farms. I'll note that one study showed that on Canadian dairy farms—and this was in 2019—less than 15% of farms had measures in place to limit or control visitors coming on and only half required visitors to adhere to infection minimization processes like changing boots and clothing. I think that oftentimes there are poor practices in place that don't comply with the voluntary biosecurity protocols.

Mr. Steinley also mentioned the C-section I described. I think that gets to the root of why people are concerned about customs on farms—

**Mr. Alistair MacGregor:** I only have a bit of time. I don't want to go down that.... I just want to say that if the evidence is showing that most, or the overwhelming majority, of disease outbreaks are caused by people who are there with lawful authority and excuse, I think we are making the case that this particular section of this bill needs to be removed.

If our ultimate goal as a committee is to help farmers prevent disease outbreaks, I think we obviously have to be taking a look at how current biosecurity measures are working across this country and whether the federal government needs to update its policies and regulations or even provide more financial resources to help farmers.

I support farmers raising animals for consumption, but we also want to make sure that we are proactive enough in addressing what the evidence shows us. I'll end with that comment.

Thank you, Mr. Chair.

**The Vice-Chair (Mr. John Barlow):** Thanks, Mr. MacGregor.

Thanks to our witnesses.

I have just one question for Dr. Lazare.

You did a great job of answering Mr. Carr's question, but regarding a couple of questions on the constitutionality of this bill, private members' bill or other legislation that comes to committee or goes through this process is vetted by the Library of Parliament and various departments to ensure constitutionality. Is that not correct?

**Dr. Jodi Lazare:** I do believe that's the case, yes.

**The Vice-Chair (Mr. John Barlow):** Thank you very much to our witnesses.

We'll take a very quick break, colleagues, so that we can get two rounds in for the next one as well. We'll take two minutes as we switch out our witnesses.

Again, Ms. Labchuk, Dr. Lazare and Dr. Ireland and your team, thank you very much for being here today. We appreciate your testimony.

• (0915) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (0925)

**The Vice-Chair (Mr. John Barlow):** I call the meeting back to order.

Good morning, colleagues. We're going to get started with our second panel.

We have Mr. Binnendyk online, but we have some interpretation issues with his connection. We might have to wait on him, but I want to make sure that we get started. We'll hopefully have Mr. Binnendyk available when the questions and answers start.

I'll introduce our next panel, colleagues.

We have René Roy, chair of the Canadian Pork Council, and Mr. Binnendyk, an owner and producer.

From the Dairy Farmers of Canada, we have David Wiens, president, and Daniel Gobeil, vice-president.

From Humane Canada, we have Dr. Toolika Rastogi in person, as well as Erin Martellani online.

We will carry on as quickly as we can to try to get the two rounds in. We will start with the Conservatives for six minutes.

[Translation]

Mr. Lehoux, you have the floor for six minutes.

[English]

Oh, I apologize. We'll start with Mr. Roy for five minutes, please.

**Mr. René Roy (Chair, Canadian Pork Council):** Thank you, Mr. Chair.

[Translation]

Thank you for inviting me to speak to Bill C-275 this morning.

My name is René Roy. I am chair of the Canadian Pork Council and a hog producer in Quebec. This morning, Ray Binnendyk is joining us as a producer and a member of the B.C. Pork Producers Association. He has felt the direct impact of what this bill seeks to address on a number of occasions.

[English]

We are supportive of this bill for three main reasons.

This bill will help us to stem the flow of disinformation prevalent in certain corners of the Internet, like videos taken from non-Canadian farms that have been used to justify these kinds of activities. That needs to stop, as Ray will testify shortly.

There are existing mechanisms already in place for legitimate concerns. Our provincial organizations work quite closely with provincial regulators to ensure that animals are cared for, and there is a process that has to be respected. Imagine if it were suddenly legal for people to walk into a bank and start taking pictures of bankers as they work because these people who are protesting have decided they know better or, worse, that banking should no longer exist. This is the fight we're having.

Finally, the threats from biosecurity are real. Our producers shower into and shower out of their barns. We have established biosecurity protocols that prevent diseases from being introduced by humans who don't respect biosecurity standards. That could hurt our animals. We expect to hear that our partners in the legitimate animal protection organizations will join us in supporting efforts to keep animals safe.

Thank you.

I hope Ray has been able to connect. I will leave him some time to introduce himself.

**The Vice-Chair (Mr. John Barlow):** Ray is still not ready, so carry on. You have two more minutes if you want them, and we'll see if we can get Mr. Binnendyk in on some of the questions.

**Mr. René Roy:** I will take 30 seconds instead of two minutes just to introduce Ray. He is a producer who has been affected by these kinds of intrusions on farms.

I would like to mention that those who are taking care of the animals on farms are farmers, in fact. We are the ones taking care of the animals every day. This is our business. Our ability to take care of our animals is affected when there are intrusions. It is our livelihood. It is also our home, because we work these farms the whole day. It is where we live. If people are entering in ways that are not permitted, it prevents our ability to take care of our animals properly.

I think it's important that this bill also addresses the question of biosecurity how diseases can enter, as has already been mentioned, through human vectors.

For all of these reasons, I think the bill should proceed, and we are certainly supportive of it.

Hopefully, Ray will be able to testify a bit later through the questions.

Thank you.

• (0930)

**The Vice-Chair (Mr. John Barlow):** Thank you very much, Mr. Roy.

We'll keep an eye on Mr. Binnendyk and hopefully get that resolved for the question period.

We'll now go to Mr. Wiens for five minutes, please.

**Mr. David Wiens (President, Dairy Farmers of Canada):** Thank you, Mr. Chair. It is a pleasure for me to join you today from my family farm in Grunthal, Manitoba.

I would like to also thank the committee members for this opportunity to talk a bit about our situation.

My name is David Wiens. I'm the president of Dairy Farmers of Canada. I am joined by our vice-president, Daniel Gobeil, with whom I will be sharing some of my speaking time today.

On behalf of Canadian dairy farmers, it is a privilege to be here to share our views on Bill C-275, an act to amend the Health of Animals Act, which is basically biosecurity on farms.

Supplying Canadian families with safe, nutritious and high-quality dairy products is the paramount mission for us as dairy farmers, and we cannot accomplish that mission unless we can ensure that our cattle themselves are healthy, safe and secure.

Canadian dairy farmers adhere to a mandatory and coordinated national quality assurance framework, which we know as proAction. This framework constantly evolves to reflect best practices and includes programs with strict requirements in a number of key areas, and that of course includes animal care and biosecurity. It's a program that Canadian dairy farmers are proud of and one that the National Farm Animal Care Council recently assessed. The council found that it met and exceeded all requirements of Canada's animal care assessment framework.

DFC worked with the Canadian Food Inspection Agency to develop the national standard for biosecurity for Canadian dairy farmers. The most critical elements of this national standard are incorporated into proAction's biosecurity module, which requires strict measures at every Canadian dairy farm to mitigate the risk of exposure to dangerous diseases or toxic substances that could threaten animal health.

In this regard, controlling traffic and visitors is essential. Dangerous pathogens can be introduced and spread by contaminated footwear, clothing and hands, as well as vehicles, farm machinery and other equipment. This is why we have strong standards and protocols in Canada that we should actually be proud of.

Such standards are compromised when visitors from the outside do not follow the correct protocols. This is true regardless of the purpose or intent of the individuals seeking uncontrolled access to the farm. Dangerous pathogens do not respect intentions. They are opportunistic disease vectors that can devastate herds and destroy farm livelihoods.

Now I will pass this on to my colleague Mr. Gobeil for a few further comments.

[Translation]

**Mr. Daniel Gobeil (Vice-President, Dairy Farmers of Canada):** Thank you very much, Mr. Wiens.

Thank you, honourable committee members.

Of course, Dairy Farmers of Canada, or DFC, agrees with parliamentarians when it comes to the fundamental rights of Canadian, including the right to express their views in public spaces.

However, our farms are not public spaces.

Our farms, our businesses—

[English]

**The Vice-Chair (Mr. John Barlow):** I'm sorry. I hate to interrupt, Mr. Gobeil, but can you move the boom on your mike up a bit, the actual microphone part?

Thank you. Carry on.

• (0935)

[Translation]

**Mr. Daniel Gobeil:** Thank you.

In fact, our farms are not public spaces; they are our homes, the places where we raise our families. Obviously, it's very important for us to preserve this vocation.

We need to strike a balance between fundamental rights and reasonable safety measures that protect the health, safety and welfare of animals and the people who work on farms and in the food supply chain. For that reason, Dairy Farmers of Canada supports Bill C-275.

I'd like to take this opportunity to acknowledge the work of the member for Foothills, who sponsored this bill.

We feel that this new bill improves on Bill C-205 because it expands the scope of protection to situations where animals and things are kept in enclosed spaces.

However, in our view, Bill C-275 doesn't fully achieve its objective and parts of it must be amended. The provision about the offender knowing or being reckless as to exposing animals to disease or toxic substances should be removed, as we believe it places an unrealistic burden of proof on the Crown.

The mere possibility that entry without authorization or legal justification might expose our animals to a disease or toxic substance should be sufficient grounds for prosecution. We can elaborate on our comments during the question period.

In closing, Mr. Chair, on behalf of Dairy Farmers of Canada, I'd like to thank you and the committee members for helping to enhance animal safety and continue to improve agricultural production—

[*English*]

**The Vice-Chair (Mr. John Barlow):** Thank you, Mr. Gobeil. I'm sorry. You're past time. We'll try to get some more information during the questions.

Now we will go to Dr. Rastogi for five minutes, please.

**Dr. Toolika Rastogi (Senior Manager, Policy and Research, Humane Canada):** Thank you, Mr. Chair. I'll let Ms. Martellani begin, please. Thank you.

[*Translation*]

**Ms. Erin Martellani (Campaign Manager, Animal Advocacy, Montreal SPCA, Humane Canada):** Thank you for the invitation to appear regarding Bill C-275.

Founded in 1869, the Montreal Society for the Prevention of Cruelty to Animals, or SPCA, was Canada's first animal welfare organization, and it's now the most active and influential animal protection organization in Quebec. In addition to being a shelter, the Montreal SPCA is a law enforcement agency. Our Investigations Division officers are responsible for enforcing provincial animal protection laws.

However, our officers' authority to intervene is limited to pets. Animals used for agricultural purposes no longer fall under their jurisdiction. So the only recourse for our officers, who are also special constables who can address complaints about farm animals, is to turn to the Criminal Code provisions dealing with crimes against animals.

Despite this situation, the Investigations Division has received many farm animal abuse complaints from whistleblowers over the years. Some of them have actually led to criminal investigations and, in some cases, even convictions.

The Montreal SPCA does not support Bill C-275 for a number of reasons, the main one being that it could undermine the work of our Investigations Division by taking away the only tool that lets us receive reports of animal abuse from the agricultural sector, a self-regulated industry that demonstrates very little transparency as it is, and offers extremely restricted access.

It would be a mistake to pass this bill because, right now, the vast majority of Canadian provinces, including Quebec, don't regulate how farm animals are treated. In addition, we have no government agency doing proactive inspections of these facilities to ensure animal welfare.

The Montreal SPCA obviously does not condone unlawful behaviour, but if distressed producers wonder why they are being targeted by activists, it is in large part due to their industry's lack of regulation and transparency.

In this context, further reducing access to livestock facilities and the ability to document violations committed therein, as proposed by this bill, will not only harm the millions of vulnerable animals that pass through them, but it will also harm producers and under-

mine the overall credibility of an industry that should instead be striving to address societal concerns.

I will now give the floor to Toolika Rastogi.

• (0940)

[*English*]

**Dr. Toolika Rastogi:** Thank you.

Humane Canada is proud to be here speaking alongside our member, the oldest SPCA in Canada.

We represent humane societies and SPCAs across the country, many of which enforce animal protection law.

Humane Canada is not an activist organization, nor do we campaign to end animal agriculture, yet we are very concerned about the welfare of farmed animals. We work collaboratively with industry, including Dairy Farmers of Canada and the Canadian Pork Council, who are here today, as well as governments and other stakeholders at NFACC, the National Farm Animal Care Council, to improve standards of care for animals on farms.

Let me be clear that these standards are not legally binding in most of the country. The government is not inspecting farms to ensure they are meeting welfare standards. Violations of welfare standards and cruelty laws are brought to the attention of enforcement through complaints, often together with undercover evidence, because there is little transparency.

Why don't Canadians have trust in our system of animal agriculture? It's because of this lack of transparency and public oversight in the system. Rather than applying an approach that is a bit of a band-aid to bring new measures and harsh penalties to deter trespassing and whistle-blowing and to further diminish transparency, we feel that what is needed is increased transparency, accountability and oversight.

Ultimately, we need to address the root of the problem. It's not that people don't understand how animals are farmed; they understand that our current system of farming is highly problematic. The predominant system involves massive numbers of animals in a barn, and that cannot provide for natural living conditions for the animals. They cannot be easily tended to in a manner that allows for their good health and welfare.

Furthermore, the intensity and scale of animals pose serious risks for infectious disease susceptibility and transmission, as we have seen, tragically, with the avian influenza pandemic.

Given the serious disease risks, as well as climate, biodiversity and pollution crises, we urgently need to reimagine our system of food production in this country to one that provides good conditions for animals and is environmentally sustainable. Such a system that's in harmony with animals and that doesn't devalue the earth is also better for the psyche of those in the farming community. It is the UN-recognized One Health and One Welfare approach.

Public support is needed for those in the farming sector to transition to such a system in order to provide for their physical and mental health, well-being and good livelihood.

Thank you.

**The Vice-Chair (Mr. John Barlow):** Thank you, Doctor. We appreciate that.

Now, colleagues, we do have Mr. Binnendyk, who now has sound that is okay. We have about a minute and a half left.

Are you okay if we let Mr. Binnendyk give his testimony to wrap up for the Pork Council?

**Some hon. members:** Agreed.

**The Chair:** Mr. Binnendyk, I'm going to give you about a minute and a half, if that's okay.

**Mr. Ray Binnendyk (Member, Owner of Excelsior Hog Farm Ltd., Canadian Pork Council):** This is a normal day at the office for most of you, but this is not something I enjoy much.

My name is Ray Binnendyk, from Excelsior Hog Farm in Abbotsford, B.C.

We have a family-run farm that my dad started in 1977, after he moved from Holland. I am one of the owner-operators, along with two brothers. We each have four kids. We are a close family that you will find, on a Sunday morning, at opa and oma's for soup and buns. Farming to us is not just a job; it's a lifestyle.

I was asked to be here to voice my thoughts on Bill C-275. This bill is very important to the future of the agricultural industry.

For those of you who don't know, we have had our farm trespassed on a number of times in the last four years. First there were hidden cameras installed. Then there was an occupation, during which 48 people camped out in our barn for a day while 150 protesters stood on the road. Just a few months ago we actually found three cameras again.

Having protesters break into our barn, install cameras and spread false information on the Internet about our family farm was an invasion of our privacy and a deeply distressing experience. It felt like a violation of not only our property but also our sense of security and trust within our community. Although all our family and friends saw through the lies, it did take a few years before we stopped getting the one-finger salutes while driving pigs to market.

The false accusations online had a significant emotional impact on our family. Because of our close-knit family, we kept each other's heads up, but I'm sure this would not be the case for everyone.

Canadian farmers take pride in what they do, and they work hard to put food on the table. Our industry has many guidelines for animal health and care, which we all follow.

Biosecurity is also a very big part of the health of animals and food security. There are—

• (0945)

**The Vice-Chair (Mr. John Barlow):** Mr. Binnendyk, I'm going to have to cut you off there. I gave you a bit of extra time, but I'm sure you'll have some opportunities during the questions from our members.

I'm sure we all have days when this isn't our favourite place to be either.

**Mr. Ray Binnendyk:** No.

**The Vice-Chair (Mr. John Barlow):** I understand where you're coming from, but we appreciate your doing it.

**Mr. Ray Binnendyk:** No problem.

**The Vice-Chair (Mr. John Barlow):** We're going to start with the first round of questioning. We will go to Monsieur Lehoux

[*Translation*]

You have six minutes.

**Mr. Richard Lehoux (Beauce, CPC):** Thank you, Mr. Chair.

I would also like to thank the witnesses for being with us this morning.

I stayed in my seat, but alarm bells still went off in my mind when I heard some of the comments made by our witnesses this morning, particularly when they talked about the lack of transparency in the industry. As a former dairy farmer myself, I find it a bit odd to suggest such a thing.

My first question is for Mr. Roy, who represents pork producers.

You talked about the importance of biosecurity and the number of checks you have to do when someone comes into your facility.

Could you tell us more about the impact of biosecurity, with regard to the various points you raised in your remarks?

**Mr. René Roy:** Thank you.

I'll start with a fact. We're told that the industry applies these measures on a voluntary basis. That's true for the industry, but these measures are imposed on producers.

When the industry sets a standard, it becomes a mandatory model for producers to follow. I think it's important to put this voluntary nature of the measures into perspective. We, as an industry, are taking charge and being proactive in the way we develop our code. We're developing it with various stakeholders, including Humane Canada, which has a seat at the code development table. These practices are established and become mandatory for producers; otherwise, they can't market their products through our Verified Canadian Pork™ certification program.

**Mr. Richard Lehoux:** Thank you, Mr. Roy.

Along the same lines, let's talk about the number of visitors allowed on your farms, since the current version of Bill C-275 excludes whistleblowers, it must be said. A lot of people visit your farms. Can you tell us how many people visit your farms, suppliers and others?

Many people who come to your farms could sound the alarm other than those who might show up and seek unauthorized entry.

**Mr. René Roy:** Absolutely.

A number of other allies help us in our everyday work, particularly in terms of biosecurity. I'm thinking of veterinarians and suppliers of various services, who also visit farms. So we interact with those suppliers who come and can observe practices every day.

Then there is our whole certification system, which imposes rules on all producers who market the product—they are audited regularly.

**Mr. Richard Lehoux:** Thank you, Mr. Roy.

I have a question for Mr. Binnendyk.

Your testimony was very touching. You talked about your family business. We have the same business model back home. We know how close family ties are. We can imagine the impact your trespasser had on your entire family's mental health.

Can you describe it in a few seconds, Mr. Binnendyk?

[*English*]

**Mr. Ray Binnendyk:** The impact on our family is definitely something. We hold each other together. If you have family and you have friends, you have a unit. I think it would be very hard if this happened to an individual who didn't have the support system that we have. We keep each other's heads up.

I don't wish this on anyone. That's the only reason I'm here. It's because the experience we had was not fun.

• (0950)

[*Translation*]

**Mr. Richard Lehoux:** Thank you very much. That's really very helpful.

My next question is for Mr. Wiens or Mr. Gobeil.

How does it work for Dairy Farmers of Canada? Dairy farms see a lot of action. I used to own one, so I know they get a lot of traffic.

I understand that you support Bill C-275. How do you see this? It has some significance. You certainly do get a lot of visitors on your

farms, both guests and suppliers. These individuals must always respect biosecurity on your farms.

Mr. Gobeil or Mr. Wiens, could you elaborate on that?

[*English*]

**Mr. David Wiens:** I can begin to respond to that, and I'll ask Daniel to follow up, but certainly we're very careful about who comes onto the farm, especially into the barns where the cattle are, and wherever the cattle are, because of the concern for biosecurity.

For us, it's very important, and we do have those extra sets of eyes coming in. We work very closely with our animal nutritionist, who comes into the barns on a regular basis to look at the cattle, because we're looking for a perfect condition for the cows so that they're not underconditioned or overconditioned. We have the veterinarians coming in on a regular basis to do herd health checks.

We work as a team. The team includes people who are not on the farm and, of course, there's proAction, whereby our farm is audited on a regular basis to ensure we are meeting the requirements of the assurance program.

Daniel, did you want to add something?

**The Vice-Chair (Mr. John Barlow):** I'm sorry, Mr. Gobeil; that's the time. Maybe you'll have a chance to add to that in the next round.

Now we'll switch to Mr. MacDonald for six minutes, please.

**Mr. Heath MacDonald (Malpeque, Lib.):** Thank you, Chair.

I want to go back to Ms. Rastogi.

In your opening comments, you said that we have to change the way we're farming or something to that effect. I've been around farms all my life. My family has farmed. Here is a quote: "Farms provide food and cover for wildlife, help control flooding, protect wetlands and watersheds and maintain air quality." Do you agree with that?

**Dr. Toolika Rastogi:** Thank you for the question.

I think all of those benefits to the environment are feasible in an environmentally sustainable farming set-up operation. The majority of farms in Canada are highly intensive operations with thousands of animals, often indoors, and a lot of impact in terms of pollution, in terms of other impacts on the environment and certainly on animal welfare, as well as, I would argue, on the people who are working in that environment.

While it can have those benefits, I think we need to improve our system to make it less intensive and to be able to identify ways of improving the interactions with the environment and with animals.

**Mr. Heath MacDonald:** Personally, I think farmers have come a long way in the last number of years, so I somewhat disagree with your opening remarks, but that's okay.

Look, we're here. I think we're all on the same page in relevance to farming. We want the right legislation, basically. I was a part of Bill 120 on Prince Edward Island. I was a member of that government when we made amendments to the act, which we spoke to earlier before this session.

I want to go to the dairy farm industry. I have a number of dairy farms in my riding. Given the complex nature of modern milk machinery and technology, I want to go one step further here and ask if there's any requirement in this bill relevant to a cyber-attack, since we're dealing with multi-million-dollar equipment that provides a better way of farming for dairy farms. I just want to see if there are any thoughts relevant to how that could possibly be built into something like this bill.

Mr. Wiens, can you reply?

• (0955)

**Mr. David Wiens:** I would just like to say that there are vulnerabilities. Because of the mechanization and the technology that's being used, there is a possibility that there could be outside interference, which obviously is a huge concern.

I think what we have to be looking at here is legislation that makes your actions as important as the results, so instead of trying to determine the intent, that there's something there that can... Some of these actions are damaging, and for us to simply say that you have to prove intent makes it very difficult. I think that just the fact that people are trying to undermine the health and safety of animals and farmers should be considered in this legislation.

**Mr. Heath MacDonald:** Thank you.

I want to go back to Humane Canada and ask a very specific question.

We've talked about policy regulations and trying to improve. That's why we're here. I think the bill is a good bill and I think the intent of the bill is good. We're all here discussing it. There are going to be improvements, obviously, on both sides.

I want to touch on the gentleman from Abbotsford, Ray Binnendyk. I want to ask this of Humane Canada: Was he treated fairly?

**Dr. Toolika Rastogi:** It's an interesting question. Thank you.

I have not had the pleasure of getting to know the family and Mr. Binnendyk and the situation. I am not involved in the case. It is not something that I can—

**Mr. Heath MacDonald:** Pardon me. All I'm asking is....

We've heard what his family has gone through, and the potential for that happening to another family. We're here as legislators to put policy and regulations in place, and that's what we're trying to do.

We want to be on the same page. Was it fair the way his family was treated? We don't know the case, but from what we're hearing, I'm sure we could read it and Google it.

I just want to know if you would support something like that.

**Dr. Toolika Rastogi:** Absolutely not. Humane Canada does not support trespassing. We are completely empathetic to the horrendous impacts on mental health. However, there are other ways to address the concerns about what's happening on farms than to further reduce transparency.

Thank you.

**The Vice-Chair (Mr. John Barlow):** Thank you, Doctor. We appreciate it.

Thank you, Mr. MacDonald, for your questions.

[*Translation*]

Mr. Perron, you have the floor for six minutes.

**Mr. Yves Perron:** Thank you very much, Mr. Chair.

I want to thank all the witnesses with us today, especially Mr. Binnendyk, who may be finding it more difficult to be here than the others. The committee members are grateful for everyone's contribution.

I'm going to go to Ms. Rastogi or Ms. Martellani. I don't know who will answer my question.

Ms. Martellani, in your opening remarks, you said that you didn't in any way condone trespassing, but that this bill would hamper investigations by removing your only tool. I'm using your words. In the same sentence, you said that you don't condone trespassing, but basically, this bill deals specifically with that. I see a contradiction there.

Could you explain your position to me clearly? Ms. Rastogi, you just mentioned that there are other ways. What are they? I put this question to the previous panel.

Let's suppose someone from outside who doesn't have access to the farm suspects that abuse is happening. Is there a way to report it? The CFIA told us there is. I'd like to hear what you have to say about this and the contradiction.

Thank you.

**Ms. Erin Martellani:** I'll take this one.

Currently, there is no adequate mechanism in place to report abuse on farms. Contrary to what was incorrectly stated earlier, reporting isn't mandatory. Employees and farmers are not required under the Health of Animals Act to report all forms of abuse. However, it's true that people who work on the farm could still report things. That said, it's probably not in their interest to do so.

A farmer will be less likely to blow the whistle on himself or his family. It would be understandable that an employee with a less advantaged status or an immigrant employee would be reluctant to file a complaint and put their job at risk.

The same is true for veterinarians or suppliers who go on site regularly. They have a financial interest in maintaining a good business relationship with the farm. So—

• (1000)

**Mr. Yves Perron:** Thank you. I apologize for interrupting, but my time is limited.

We've been told that we can go to the police force or, in the case of Quebec, the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec, MAPAQ.

Don't you think that might be enough? You say you don't encourage intrusions, but you don't want us to touch this tool, because it's the only one you have. That's what I'm questioning.

**Ms. Erin Martellani:** Certainly MAPAQ could follow up on a report, but they don't do proactive visits. Someone on the premises would have to see the facts and report it to MAPAQ.

As I mentioned, access to the premises is restricted, with the result that people find ways, illegal or legal, to gain access so they can make a report.

**Mr. Yves Perron:** In my opinion, there will be a visit if there is a report. We could discuss this for a long time.

Mr. Binnendyk, I'd like you to quickly tell us how you feel about this from a mental health perspective. You said it took you a few years to get over it. Now you're better, but it still has serious consequences.

Do you think that, if there had been a report to the ministry in your province, inspectors could have come to your company to carry out an inspection within regulatory standards, perhaps allowing the public to be reassured?

[English]

**Mr. Ray Binnendyk:** Yes, standards were followed at our place. We had the SPCA come in right after this whole incident started in 2019. Everything was good. None of that, of course, made it to any kind of press or news.

As for the way it affected us as a family, yes, for a number of years it was basically like you were always being watched. We used to be proud to be hog producers. Now we don't tell anyone. The perception that people have about us has all been spread by lies and stuff that are not true. It takes the fun out of what you do.

There aren't many farmers left, especially in B.C. There used to be 300 producers in the nineties. I do believe there are now four or five producers left. It's a dwindling farming industry, for sure.

[Translation]

**Mr. Yves Perron:** Thank you very much.

Mr. Roy, as president of your association, could you tell us about your members' mental health in general?

**Mr. René Roy:** I'd like to start by saying that the whole farm intrusion issue leads to misinformation because it's not verified. One side does its advertising, often for pecuniary interests.

I'd like to mention that, very often, there's a company behind this kind of action.

**The Vice-Chair (Mr. John Barlow):** Thank you, Mr. Roy.

[English]

Your time is up.

[Translation]

Thank you, Mr. Perron.

[English]

Mr. MacGregor, you have six minutes, please.

**Mr. Alistair MacGregor:** Thank you very much, Mr. Chair.

Thanks again to all our witnesses.

I'd like to start with Humane Canada. I was listening to the opening remarks, and I believe the word “detrimental” was used. It was that if we adopt this bill, it will be detrimental to the efforts that your organization is involved with. In terms of Bill C-275, in the previous Parliament we had Bill C-205. I think you've seen how this committee amended that bill and reported it back to the House, and there have been a lot of concerns over whether this bill is intruding on the provincial jurisdiction over trespass law.

Do you feel that the way in which the committee amended the previous bill would be enough to save this bill, or do you believe that Bill C-275 just cannot be amended appropriately? We're seeking guidance here.

• (1005)

**Dr. Toolika Rastogi:** Thank you for the question.

From our perspective, the bill is not an appropriate way to address the issues of concern. Biosecurity measures or the amendment you're speaking about, through which the bill would apply to not only those without lawful authority but also to those who do have an excuse to be on the farm, might be an improvement, because as we heard in the previous panel, the biosecurity risks are typically greatest from activities and practices on the farm as opposed to those coming from the outside.

However, the bigger question really is about addressing trespassing and addressing concern about protest activities. This could be alleviated perhaps through public government proactive inspection, a public oversight mechanism that doesn't rely on industry managing their own oversight but that actually has public reporting and accountability to citizens.

**Mr. Alistair MacGregor:** Thank you for that.

Mr. Roy, I'd like to turn to you. This committee is in receipt of a letter from infectious disease experts, all doctors in their fields. Let me quote a section from their letter: "However, as it is currently written, Bill C-275 does not address these existing biosecurity and zoonotic infectious disease risks. Rather, it would serve as an anti-trespass law that exempts animal agriculture businesses and employees and targets undercover reporters, whistle-blowers, and activists seeking to document conditions on farms."

I have visited farms. I've followed biosecurity measures. In a previous life, I was a tree planter. I've visited ranches where I've had to hose down my boots. We had to hose down the wheels on our trucks because there was a risk of foot-and-mouth disease at the time. I've visited chicken farms where I've had to not be in contact with poultry for an entire two weeks before the visit. I've had to put on special booties. I understand the protocols that are in place.

I find that during the testimony on this bill, people use words like "preventing intrusion" and "preventing trespass". In light of the quote I gave you, my question to you is this: How do we as a federal Parliament ensure that through this bill we are not intruding on provincial jurisdiction over trespass law? We simply cannot legislate on property rights. That is the domain of the provinces. In your view, how do we make this bill simply about biosecurity and not trespass?

**Mr. René Roy:** Mr. Chair, I will be relatively short on this one.

Animal health is under federal jurisdiction. We know—it has been demonstrated in a number of the testimonies—that humans are disease vectors for animals. There is a direct link between trespassers and animal health, so there is a possibility with this bill to protect our animal health in Canada.

**Mr. Alistair MacGregor:** Mr. Roy, we have infectious disease experts writing to our committee and telling us that Bill C-275 in its current form does not address existing biosecurity disease risks. From the industry point of view, how do you respond to experts who are asking our committee to amend this bill or not pass it in its current form? I just want your response to experts in the field.

**Mr. René Roy:** Well, we have various experts in the field who are saying that humans are disease vectors. Those who are not saying that are not addressing the point. I would like to see the science behind it, because with everything on our farm, it's clear that humans are disease vectors. If we don't control the risk of trespassers, there's an increased likelihood of having additional disease on our farms.

• (1010)

**Mr. Alistair MacGregor:** As a final question, why are existing provincial trespass laws not adequate?

**Mr. René Roy:** Well, I think we have somebody who is testifying about what is happening right now in B.C.

**Mr. Alistair MacGregor:** Shouldn't we be taking that up with the provincial legislatures, though, if the laws are not adequate? I'm just trying to figure this out.

**Mr. René Roy:** We have the ability with this bill to be proactive and—I think this is important—to protect not only animal health but also human health, because there are risks also for human

health. When we have disease, it can mean an additional threat to human health, so I think there is a role at the federal level.

**The Vice-Chair (Mr. John Barlow):** Thank you, Mr. Roy.

Thanks, Mr. MacGregor, for your questions.

We're almost out of time, but I do want to try to get in a second round. Probably only the Conservatives and the Liberals will get maybe three minutes each, and then we'll go to the Bloc and the NDP for perhaps one question. We can maybe try to fit that in.

I'll go to Mr. Steinley for three minutes, please.

**Mr. Warren Steinley:** Thank you very much, Mr. Chair.

Ray, thank you very much for all that your family does. We're proud of you guys for keeping on farming. We're very supportive of what you guys do out there.

I have one question after what happened with the occupation. What is your concern of foot-and-mouth now that the disease was brought into your farm? What biosecurity measures did you have to take after the occupation on your farm to clean it up?

**Mr. Ray Binnendyk:** When it came to our place, as we said, they snuck in at night and put cameras in. One day 50 of them made it into the barn. That was definitely a sight to see. When I saw my whole barn lined with that many people, I was thinking to myself, "What could happen here?"

I mean, we were fortunate enough to not see much stuff happen to the sows. Afterwards, yes, we had a number of issues, but to be able to pinpoint it on those people.... It's very, very likely, obviously, because that doesn't normally happen. There are not many people who come onto our place.

At the end of the day, we did all right. The pigs seemed to be fine, but it could have been totally different.

**Mr. Warren Steinley:** Thank you very much. I'm really sorry your family had to go through that. I'm glad you could come together and have support within your family.

I have a question for Ms. Rastogi. In your opening comments, or with Mr. MacDonald, you painted a picture of large animal farming with hundreds of thousands of animals on a farm. I think you're trying to get at some "Farm, Inc." thing.

I have some numbers from Saskatchewan of the total number of beef cows and the number of animals they have on a farm. For farms with one to seven beef cows, there are 1,298. For farms with eight to 17 cows, there are 1,781. For farms with 18 to 47 cows, there are 3,305. For farms with 48 to 77 cows, there are 1,864. For farms with 78 to 122 cows, there are 1,686.

My question is.... The vast majority of farms across this country are family farms. They're not big industrial farms. Why would you misrepresent that in committee today to try to make a point?

**Dr. Toolika Rastogi:** Thank you for the question.

It's not my intention to misrepresent anything. I am actually a scientist, so when you give me numbers without reference to what's specifically being looked at, it's very difficult for me to comment.

That being said—

**Mr. Warren Steinley:** That's easy. It's from the Saskatchewan Stock Growers Association, and it's the number of animals on beef farms in Saskatchewan as of 2021.

**Dr. Toolika Rastogi:** Right, but then you listed.... Anyway....

**Mr. Warren Steinley:** It's the number of animals on a farm and the number of farms that have those animals.

**Dr. Toolika Rastogi:** Absolutely, and one also needs context in order to interpret the meaning of that. I hear your point, though.

**The Vice-Chair (Mr. John Barlow):** You have 10 seconds left, so if you want her to answer, you'd better let her.

**Dr. Toolika Rastogi:** I'm not trying to misrepresent.... There has been a growth in the size of animal production facilities in this country. The decreasing number of family farms as referenced in B.C. is a prime example, perhaps, of smaller numbers and larger operations.

**The Vice-Chair (Mr. John Barlow):** Thank you.

We'll now go to Ms. Taylor Roy for three minutes, please.

**Ms. Leah Taylor Roy:** Thank you, Mr. Chair.

Thank you to the farmers and the farm representatives who are here today.

I'd like to start first by thanking Ray for the farming he's doing. My grandfather was a farmer. My Dutch grandfather, Andres Posthumus, came over and farmed, and I spent a lot of time on farms. My uncles and my cousins are farmers. I want to make sure that people understand that we all appreciate what farmers are doing in Canada. We appreciate what you're doing.

I understand that your farm actually has 12,000 to 14,000 animals on it, from the testimony you gave in the court, so I'm assuming yours is one of those larger farms. That's great, and thank you for doing that.

Thank you, Dr. Rastogi, for clarifying that Humane Canada and SPCAs work for the welfare and protection of animals and do not advocate for an end to animal farming, because it's been misrepresented in this committee several times that we all want to end animal farming. Clearly that's not the case.

Thank you also for emphasizing that the distrust is not in farmers but in the system of agriculture. I think we all know the majority of farmers are good and that they care about their animals, but as in any industry, there are a few bad actors.

My question is whether you think this legislation will increase public trust in the system. Ray mentioned that he has a hard time

talking about being a farmer now because people are looking at him askance.

Do you think this legislation is going to help people have trust in what's happening in the system, or do you think it's going to do the opposite?

• (1015)

**Dr. Toolika Rastogi:** Thank you for the question.

I think it is going to do the opposite, because it gives the impression of further decreasing the tools that are available that my colleague Ms. Martellani spoke about. We need more tools in order to be able to show what is actually happening on farms. This bill does the opposite.

**The Vice-Chair (Mr. John Barlow):** Go ahead, Mr. Carr.

**Mr. Ben Carr:** Thanks, Mr. Chair.

I don't have time for a question, so I wanted to make a piece of commentary. I am very concerned about the growing divide in this country between rural and urban. I think we are hearing it in some of the testimony. It's not by nature an "urban versus rural" issue only, but it tends to break down along those lines.

I want to encourage all of us in the context of this debate to be mindful—this isn't aimed at anyone in particular—of our hyperbole when we're talking about these issues. I think we have a tendency sometimes to go to the extreme of the spectrum on both sides of any particular issue in this place. I, at least, in my line of questioning, am really trying to get to the middle ground where there's a bit of truth.

I think we have to be mindful of this growing divide in our country, and I say that as someone who comes from the west but represents an urban riding. In lieu of a question, I simply wanted to end with that particularly important sentiment, in my view.

**The Vice-Chair (Mr. John Barlow):** Thanks, Mr. Carr.

I know Mr. MacGregor doesn't have any questions.

Mr. Perron, do you have a quick one that will fit in?

Go ahead, please.

[*Translation*]

**Mr. Yves Perron:** Thank you, Mr. Chair.

I'd like to take this opportunity to give the floor to Mr. Gobeil to answer my previous question, which was about the mental health of its members.

I also invite him to make any other comments, if he wishes.

**Mr. Daniel Gobeil:** Thank you, Mr. Perron.

There has been talk of reducing tools. For us, a tool such as the one that allows someone to go to the production site, where our families, children and grandchildren work and where we are during the day, does not promote a balance in terms of mental health and animal welfare.

Lots of people come to the farms: veterinarians, input suppliers, equipment vendors, representatives from the Department of Agriculture and Agri-Food and representatives from the Department of the Environment.

Be assured that all these people are in a position to denounce cases of mistreatment. According to the ProAction program, there must be a visit at least every two years. Sometimes it's every year. These visits are precisely to ensure the well-being of the animals and to report abuse.

Industry people want to feed the population. We want to continue to produce food for consumers. Obviously, there is no tolerance for abuse. We don't need a tool like this to do the job of monitoring and ensuring transparency.

The industry is willing to be more transparent, but the solution is not intrusion by whistleblowers or...

**The Vice-Chair (Mr. John Barlow):** Thank you for your response, Mr. Gobeil.

[*English*]

Thank you, colleagues.

There are couple of reminders before we head out.

The amendments for Bill C-275 need to be in by the end of the day on October 11. Keep that in mind. We'll be doing clause-by-clause study on Monday, October 16.

If anybody has any travel plans or ideas for this committee, please have them to us by November 10. Is that okay, colleagues?

Thank you very much to our witnesses for being here with us today and for your testimony. It's certainly much appreciated to have your insights.

We are adjourned.

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