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Written Brief in Opposition to Bill C-205 An Act to amend the Health of Animals Act

To: The Standing Committee on Agriculture and Agri-Food
Submission date: May 6, 2021

Introduction

On behalf of Humane Society International/Canada and our hundreds of thousands of supporters nationwide, we write to voice our strong opposition to Bill C-205. This Bill is what is known as an “agricultural gag” or “ag-gag” law, because it seeks to reduce the flow of information out of Canada’s animal agriculture industry. HSI/Canada unequivocally opposes any efforts to reduce transparency within this industry, including ag-gag laws. We are urging the Standing Committee on Agriculture and Agri-Food to halt the progression of Bill C-205 for the following reasons:

1. It will chill undercover exposés that reveal instances of animal cruelty, perpetuating animal abuse on industrial farms. It may infringe upon the right to free expression, threatening workers’ rights, consumer health and safety, and the freedom of journalists, employees and the public at large to share information about our food supply.
2. It is redundant to existing anti-trespassing and biosecurity laws and it will do nothing to address the real biosecurity threats that exist within the animal agriculture industry, and actually detracts focus from the root problems.
3. Its language is very vague and speculative, and the fines are inconsistent with the rest of the *Health of Animals Act*. The bill’s proposed penalties for persons other than individuals, namely corporations or organizations, is an unusual distinction and suggests that the bill is trying to target activist groups and undercover media exposés.
4. It will undermine public trust in Canada’s food system, which is already low. Further, its consideration is a waste of resources at a time when our leaders should be focused on the COVID-19 pandemic.
5. Finally, it will set a dangerous precedent for this and other industries. Animal agriculture and animal welfare are already underregulated; any laws introduced to govern what happens on farms should increase transparency and improve upon the status quo, not heighten secrecy and penalise those who expose cruelty or other issues.

These concerns are outlined in detail in the following pages. We trust that you will give them due consideration.

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1. Chilling undercover exposés and free expression

It is clear that the primary purpose of Bill C-205 is not to enhance biosecurity or prevent trespassing; rather, it is intended to shelter an industry that is already well-hidden from the public's view. While the Bill does not directly target whistleblowers, if passed, it would significantly chill undercover exposés because of its high penalties for individuals and persons other than individuals and its vague and speculative language.

Undercover reporting is often the only way for the public to see what happens on factory farms, in slaughterhouses and in transport trucks, and it often leads to important reforms within the industry. Bill C-205 would make it much riskier for journalists and whistleblowers to document and expose animal abuse as well as issues related to workers' rights, consumer health and safety, or environmental degradation. In fact, it could worsen biosecurity by targeting journalists and news media organizations who expose the very conditions that make industrial farms hotbeds for infectious disease transmission.

More than 30 similar ag-gag bills have been defeated across the United States in the past decade. They have been rejected repeatedly by lawmakers on both sides of the aisle and have been widely unpopular with the American public. A large group of non-profits vocally oppose ag-gag in the U.S., including the American Civil Liberties Union, the conservative think tank R-Street, Amnesty International, Association of Prosecuting Attorneys, Humane Society of the United States, and Center for Food Safety. Additionally, similar efforts by Big Ag to cover up cruelty and illegal behaviour have been struck down by courts in Idaho, Wyoming, Utah, Iowa and Kansas, on the basis that laws restricting or prohibiting whistleblowing activities on farms violate the First Amendment right to free speech.

The public has the right to know what happens within our food system, especially regarding the welfare of animals, workers, our natural environment and public health. Rather than deterring undercover exposés, the federal, provincial and territorial governments should do more to regulate animal welfare standards on farms, reducing the need for exposés in the first place.

2. Redundancy to existing legislation and failure to address biosecurity threats

Bill C-205 reportedly seeks to prevent trespass by circumventing existing trespass laws and creating different, parallel regulations. Trespassing laws already exist across the country, and they are already enforced in the rare occasions that individuals do trespass on farms.

This Bill also uses biosecurity concerns as a pretense for punishing people who go on to farms without permission. By unfairly shifting the focus of biosecurity issues to people like animal advocates, rather than putting the onus where it belongs – on farm and slaughterhouse owners and occupiers – it prevents true biosecurity issues from being addressed. There is no evidence that animal advocates have ever introduced or spread a disease on a Canadian farm. In fact,

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studies into biosecurity issues on Canadian farms have revealed that the poor establishment of and adherence to biosecurity protocols by employees and operators is a serious issue.

A study conducted on poultry farms by the University of Montréal revealed that a large number of employees made regular biosecurity mistakes – including not washing their hands and not changing their clothes or boots when required.ⁱ Using hidden cameras to observe employee behaviour, the authors, including veterinarian Manon Racicot, witnessed a majority of farm workers ignoring safety rules. The study’s recommendations are to make biosecurity protocols easier to follow, to enhance education and communication on farms, and to consider using technology to remind workers to comply with biosecurity requirements.ⁱⁱ

Poor implementation of biosecurity practices is also an issue in the Canadian dairy and rabbit industries. A study published in the *Journal of Dairy Science* in July 2019 investigated the extent to which the industry has adopted the national standards related to biosecurity practices. Alarming, there is “very little information on the adoption of these practices”, with only a small portion of farms following best practice.ⁱⁱⁱ The study concluded that “many important biosecurity practices are not implemented on Canadian dairy farms; therefore, efforts to promote the adoption of these practices will be necessary to improve biosecurity in dairy herds.”^{iv}

A 2017 study published in *The Canadian Veterinary Journal* reached similar conclusions, finding that “Biosecurity practices on rabbitries were uniformly poor, indicating a critical need for development and implementation of industry-wide biosecurity standards.”^v While indicative of poor biosecurity standards within these industries specifically, this study points to the clear need for better on-farm management of pests and pathogens.

Rather than diverting attention away from the real threats to biosecurity and food safety, farm owners and workers must do a better job of following established biosecurity protocols. The people responsible for animal care must not be permitted to cause disease transmission or interfere with disease control.

Finally, there must also be more transparency and reporting within the industry, reducing the need for whistleblowers to expose practices that jeopardize public health. Humane Society International released a white paper in October 2020 which demonstrated that intensive animal farming is the perfect breeding ground for future pandemics, due to conditions that allow for viruses to spread and amplify rapidly. These are some of the root causes of biosecurity issues within animal agriculture and until they are addressed, disease outbreaks will continue. Thus, the government should establish legal standards for on-farm operations and the treatment of farm animals, and adequately enforce those standards through on-farm inspections and surveillance.

3. Vague, speculative language and high fines for organizations

Bill C-205 is vaguely worded and inconsistent with the rest of the *Health of Animals Act*, which does not pertain only to those operating “without lawful authority or excuse”. Furthermore, it



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criminalizes actions that “*could* result in the exposure of the animals to a disease or toxic substance that is capable of affecting or contaminating them”,^{vi} which is extremely speculative and possibly very dangerous.

Additionally, the Bill’s proposed penalties for persons other than individuals, namely corporations or organizations, is an unusual distinction and suggests that the bill is trying to target activist groups and undercover exposés. It could also encompass news media organizations, such as CTV’s W5 or CBC’s Marketplace investigative programs.

4. Undermining public trust and wasting precious resources

“Ag-gag” laws have been shown to erode public confidence in the food system^{vii}. Bill C-205 indicates that the industry has something to hide, and it therefore serves neither the public nor the industry it intends to protect. Indeed, at the National Farm Animal Health and Welfare Council’s 2020 Forum, several presenters spoke about ag-gag laws being bad for the agriculture industry, and that it would be better to *increase* public access to information. Many within the industry recognize that the public is more interested than ever in where their food comes from, especially in terms of animal welfare. Yet a 2018 poll revealed that 61% of surveyed Canadians were “unsure” that “Canadian meat is derived from humanely treated animals”^{viii}, demonstrating the need for efforts that will increase public trust.

Studying Bill C-205 is a poor use of the government’s time and financial resources while we are in the midst of an unprecedented public health emergency. Rather than focusing on proposed legislation that could harm consumers and their fundamental rights and freedoms, we should instead be spending our time and money on the very real threats to both animal and human health: the COVID-19 pandemic. Should the government support this bill, it will appear to be pandering to Big Ag and willing to cover up criminal animal cruelty. This is especially unwise given that the ongoing pandemic has proven the dire need for transparency in places like slaughterhouses and long-term care homes, as well as the value of peaceful protest.

5. A dangerous precedent for this industry and others

Bill C-205 grants special protections for one industry, which sets a dangerous precedent – both for this industry, which may seek or expect similar special treatment in the future, and for other industries, like the health-care sector and oil and gas industries, that might want similar special treatment.

Animal agriculture and animal welfare are already underregulated. The federal government only regulates animal welfare during transport and slaughter, after animals leave the farm, and most provinces or territories have animal cruelty laws that exempt “generally accepted” agriculture practices. If the federal government is going to begin regulating what happens on farms, there should be more laws to increase transparency and improve animal welfare. New laws that

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increase the penalties for exposing what happens on farms do not address the root issue. For exposés of farms, slaughterhouses and transport conditions to end, we need better regulation of what happens within the industry in the first place, to prevent abuse to animals, improve conditions for workers, and lessen the impact on the environment.

Recommendations and Conclusion

Canadians do not support ag-gag laws. Within the past year, nearly 15,000 of our supporters have used our letter-sending tools to voice their opposition to ag-gag bills at the federal and provincial levels. The public is counting on the federal government to not pass Bill C-205.

For the above reasons, HSI/Canada urges federal decision-makers to oppose this Bill and have its progress halted. In the interest of preventing animal cruelty, protecting workers and our environment and ensuring food safety, the animal agriculture industry should be subject to more stringent regulations, not more special protections.

If legislators are truly interested in reducing trespass and the incidence of disease outbreaks, a more appropriate, effective, and legitimate way to do so would be to:

1. Improve trespass laws at the provincial and/or federal levels;
2. Prescribe more specific biosecurity protocols with clear, mandatory guidance for farmers;
3. Adequately enforce biosecurity regulations;
4. Address the systemic issues on industrial farms, like overcrowding and intensive confinement, that breed and amplify zoonotic diseases in the first place.

Thank you for your time and the opportunity to participate in this consultation.

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Humane Society International/Canada is a leading force for animal protection, with active programs in companion animals, wildlife and habitat protection, marine mammal preservation, farm animal welfare and animals in research. HSI/Canada is proud to be a part of Humane Society International which, together with its affiliates, constitutes one of the world's largest animal protection organizations. Celebrating animals and confronting cruelty worldwide and on the web at hsicanada.ca.

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- ^{vi} Parliament of Canada. “Bill C-205.” Emphasis added.
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