



POUVOIR NOURRIR
POUVOIR GRANDIR

L'Union des producteurs agricoles

**BRIEF SUBMITTED BY
THE UNION DES PRODUCTEURS AGRICOLES
TO THE STANDING COMMITTEE ON AGRICULTURE AND
AGRI-FOOD**

Bill C-205, An Act to amend the Health of Animals Act

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About the Union des producteurs agricoles

Throughout the years, the Union des producteurs agricoles (UPA) has worked tirelessly to achieve many important milestones, including farm credits, farm and forestry co-ops, rural electrification, education development in rural areas, collective marketing, recognition for agricultural jobs, protection of farming land, implementation of sustainable agriculture and even the development of print media in Quebec with its own newspaper: *La Terre de chez nous*. Ever since it was founded, the UPA has been contributing to Quebec's growth and progress.

The UPA's work and that of its members are a vital part of the fabric of rural Quebec and help shape the economic, geographic and communal features of every region. The UPA's membership includes 40,934 Quebec farmers who operate 27,823 mostly family-owned farm businesses and employ more than 55,900 people. Year after year, they show their deep community roots and inject \$807 million into their local economies.

In 2018, Quebec's agriculture sector generated \$10.3 billion in revenue, making it the province's leading primary-sector activity and one of its highest-performing overall industries, especially in rural communities.

Each year, our 30,000 forestry producers harvest over \$350 million of wood, generating \$2.5 billion from processing.

The UPA's work extends to other continents through interventions in OECD countries to advocate for the exemption of agricultural products from trade agreements, and in Africa for the development of collective marketing through UPA Développement international. By optimizing their resources across Quebec, our agricultural and forestry producers have put the province's farms and private forests on the map, both in Canada and around the world.

Currently, the UPA consists of 12 regional federations and 25 specialized associations. It relies on the direct involvement of more than 2,000 producers who work as administrators. The UPA has also set up several round table groups, for instance, on organic production, horticulture and local marketing, where industry stakeholders can meet and build a better future together.

For the UPA, POUVOIR NOURRIR—the power to feed—is about feeding the passion that drives all producers; it is about nourishing our ambition to provide high quality products for all. And POUVOIR GRANDIR—the power to grow—is about putting all our resources together to achieve a forward-looking perspective. **POUVOIR NOURRIR POUVOIR GRANDIR**: that is our promise.

1. Introduction

The UPA has read Bill C-205, An Act to amend the Health of Animals Act, and welcomes this important step to send a clear signal that biosecurity measures must be respected in farm businesses, and penalties introduced to deter trespassers. More importantly, this legislation would become the only tool that the federal government has to protect stock farmers and their families.

Canada's agriculture and agri-food sector is a pillar of its economy and rural areas. This essential industry employs 1 in 8 Canadians, ensures food security and generates approximately \$115 billion in revenue, including \$67 billion in exports.¹ In addition, livestock and livestock products generated \$26.4 billion in cash receipts in Canada and \$5.7 billion in Quebec in 2020.² In the animal production sector alone, Canadian exports of meat, cheese and other animal products amounted to \$10.8 billion, \$2.5 billion of which came from Quebec.³ The 2016 Census identified 77,594 livestock farms across Canada, including 12,328 in Quebec, all of which help rural regions to thrive.

2. Biosecurity, sanitation and animal health and welfare

Part of the mandate of stock farmers under the *Health of Animals Act* is ensuring biosecurity and animal health. The Act sets out the measures that stock farmers must take when a disease occurs in their herd. In addition, it requires that their premises be accessible only to persons with authorized access. The Act's objective is to limit the risk of spreading disease to neighbouring livestock herds.

In order to prevent outbreaks and contamination, the various livestock sectors work upstream and adopt often stringent health and biosecurity programs and protocols, where only authorized people wearing the recommended equipment and following these strict protocols can enter the livestock premises. Three examples are the Start Clean–Stay Clean®, the On-Farm Food Safety Program® (poultry) and the Canadian Quality Assurance (CQA®) PigSAFE program (pork).

The vast majority of Canadian livestock sectors have adopted codes of good animal husbandry practices that were developed with the National Farm Animal Care Council and

¹ <https://www.agr.gc.ca/eng/canadas-agriculture-sectors/sector-overviews-data-and-reports/overview-of-the-canadian-agriculture-and-agri-food-sector-2018/?id=1605883547264>.

² Statistics Canada. *Table 32-10-0045-01 Farm Cash Receipts, Annual (x 1,000)*.

³ Online industry data (accessed May 4, 2021).



animal welfare authorities and organizations, including researchers, veterinarians, government departments and producers. The Council favours a science-based approach for developing, updating and maintaining codes of practice for the care and handling of farm animals, as well as a credible and standardized approach for designing animal care assessment programs. These codes of conduct are mandatory in productions such as pork, where non-compliance prevents farmers from marketing their animals.

Agricultural professionals and inspection services from various government departments visit farms and can report any case of non-compliance regarding the health and welfare of animals and notify the appropriate authorities.

3. Trespassing on the rise

Anti-meat and anti-speciesism movements are gaining momentum in many Western countries, including Canada. Protests in public places and around grocery stores have made the news in recent years.

However, a more radical faction of these movements and organizations is readily committing civil disobedience by trespassing onto private premises, including agricultural and food processing companies. They proclaim to be whistleblowers.

Examples include the trespassing and sit-in at a hog farm in Saint-Hyacinthe in December 2019 and recently, in spite of COVID-19 lockdown measures, a trespassing incident at a dairy farm in the Eastern Townships in April 2021, during which two activists attempted to release animals into the wild. Further disruptions to the operations of food processing companies, particularly slaughterhouses, have been documented for a number of years now. Some recent ones occurred in 2021 in Quebec, which suggests that anti-speciesism organizations will bolster their activism on private premises as the health restrictions ease.

These groups believe that they are being righteous in their disobedience and do not shy from sharing their activities on social media to attract new members and often to finance their cause. For these groups, any breeding of animals for consumption or for the production of any other food or by-product is considered abuse, notwithstanding the efforts made by the industry to improve the health and welfare of animals at all stages of the production cycle.

In the absence of adequate legislative measures to explicitly prevent trespassing onto farms across Quebec and because we fear that activists from these groups will repeat their illegal trespassing, which occurred in December 2019, the UPA turned to the courts

in 2020 to seek an interlocutory injunction to prohibit members of an organization from entering or being within 200 metres of the premises and livestock site. The UPA is awaiting a hearing date for a request for a permanent injunction.

4. The consequences of trespassing

The entry of unprotected persons into a farm represents a significant biosecurity risk. A trespasser's clothing and footwear can carry pathogens. Some of these diseases have decimated entire herds and forced producers to cull herds and close all trade for animals or food products derived from them. This was the case with bovine spongiform encephalopathy several years ago and, more recently, with African swine fever, which has had serious repercussions on livestock production and food autonomy in China.

Beyond biosecurity concerns, trespassing can have serious consequences for animal welfare. People who are allowed to enter livestock premises are aware of the dangers that their behaviour can create: sudden or rapid movements, random noises or simply a change in routine can create stress in animals that will then behave erratically and may even injure themselves, neighbouring animals and their offspring. Furthermore, animals that have experienced high stress levels are more likely to develop health problems later on.

All of these elements will have a significant impact on the financial health of businesses, but also on the mental health of farmers, their families and their employees. There is a great deal of stress associated with trespassing on private property, and all producers are concerned that they will have to deal with trespassers at some point. Trespassing onto a farm is an invasion of privacy for farmers, and they face a very real risk with unpleasant consequences.

5. Deterrence

Several provinces have trespassing laws, and some are raising the minimum and maximum fines for trespassing. Other provinces, such as Quebec, do not yet have any measures in place to deal with trespassing onto farms. Therefore, federal legislation is needed to address the problem head-on across Canada. Mandating significant penalties to deter individuals and groups from trespassing on livestock farms is the only way that the federal government can truly protect farm animals, farmers and their families from these trespassers.



Given that trespassing onto a livestock premise poses a risk, whether premeditated or not, of exposure to disease and contaminants to the animals, we believe that it is important to clarify the wording of the legislation. Bill C-205 should clearly state that any person who trespasses onto a livestock facility, pen or other place where animals are kept is deemed to be presenting a risk. The concept of awareness of risk in the current wording of the bill would allow trespassers to claim lack of awareness of this risk and avoid penalties.

To ensure that anyone entering a livestock facility without authorization is deemed to present a biosecurity risk, whether they are aware of it or not, we are proposing the following changes to the bill:

- Section 9.1:

No person shall, without lawful authority ~~or excuse~~, enter a building or other enclosed place in which animals are kept. ~~knowing that or being reckless as to whether entering such a place could result in~~ **This is to prevent** the exposure of the animals to a disease or toxic substance that is capable of affecting or contaminating them.

In addition, to ensure that all places where animals are bred and kept are covered by the legislation, it is important to add a definition of “enclosed place” and incorporate the various livestock premises.

In light of the above, we request that a definition of “enclosed space” be added and that it include enclosed or netted buildings, feedlots, fenced areas and fish farms.

6. Conclusion

The UPA believes that Bill C-205 is an essential legislative tool for strengthening biosecurity protection measures on stock farms. For several provinces, including Quebec, it is the only legislative measure that addresses the concerns of farm producers in terms of biosecurity and overall food security. However, the bill needs to be adjusted so that a definition of enclosed space includes various livestock buildings, feedlots, fenced areas and fish farms, and that anyone entering into these areas without authorization is deemed to present a biosecurity risk, whether they are aware of it or not.