



MONTREAL

5215, rue Jean-Talon Ouest  
Montréal (Québec)  
H4P 1X4

---

514 735-2711

---

[spca.com](http://spca.com)

---

June 2<sup>nd</sup>, 2021

## **Brief Opposing Bill C-205, An Act to amend the *Health of Animals Act***

Addressed to: The Standing Committee on Agriculture and Agri-Food

### **ABOUT THE MONTREAL SPCA**

Founded in Montreal in 1869, the Canadian Society for the Prevention of Cruelty to Animals, also known as the Montreal SPCA, is Canada's first animal welfare organization. Our mission is to protect animals from cruelty, to represent and defend their interests, and to promote compassion for all sentient beings through public education.

We fulfill this mission namely by:

- Training and employing special constables appointed by the Quebec Ministère de la sécurité publique to enforce the provisions of the *Criminal Code* relating to animal cruelty and neglect. These constables are also mandated by the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec as inspectors for the purposes of enforcing the *Animal Welfare and Safety Act*;
- Working with municipal, provincial and federal governments to improve animal welfare legislation and regulations;
- Developing and implementing awareness campaigns focusing on various animal protection issues.

### **INTRODUCTION**

We, at the Montreal SPCA, strongly oppose Bill C-205 and urge the Standing Committee on Agriculture and Agri-Food to halt the progression of this bill for several reasons. We believe this bill will serve as a deterrent to whistle-blowers and stifle denunciations of farmed animal cruelty because it is unnecessary and redundant, and its proposed penalties are disproportionately high. Bill C-205 also detracts from the primary motive for trespassing on farms: exposing and documenting the underlying problem of the lack of legal standards overseeing the treatment and living conditions of farmed animals. Finally, this bill takes aim at the wrong targets (activists) and fails to efficiently address or tackle the true biosecurity threat to farmed animals and public health: intensive animal agriculture itself and the absence of prescribed federal regulations pertaining to biosecurity.

### **DETERRENCE OF FARMED ANIMAL CRUELTY DENUNCIATIONS**

The Montreal SPCA believes that Bill C-205 is unnecessary and redundant and that its penalties are disproportionately high. As a law enforcement agency that receives most of its farmed animal cruelty complaints from whistle-blowers entering farms, the Montreal SPCA is concerned that this proposed

amendment to the *Health of Animals Act* will result in deterring the flagging of animal mistreatment on farms. Such denunciations are already underreported, as farmed animal welfare is not systematically inspected. Due to this deficiency, whistle-blowing on behalf of activists presents a rare glimpse of the treatment and living conditions reserved for farmed animals, as any occasional inspection that does occur is solely complaint based.

### **Disproportionately high penalties**

Bill C-205's exceedingly high penalties may seem consistent with those reserved for an individual who breaches any provision of the majority of the *Health of Animals Act*. However, Bill C-205's penalties are, in comparison, disproportionately high, as they are attributed to an offence that is hypothetical in nature. An offence under section 9.1 consists of "enter[ing] 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 the exposure of the animals to a disease or toxic substance" (emphasis added). In contrast to the wording throughout the rest of the *Act*, no evidence of actual harm is required for an individual to be found guilty of contravening this section of Bill C-205. Heavy fines (of up to \$50,000 for an offence punishable on summary conviction or up to \$250,000 for an indictable offence) and/or imprisonment (of up to 6 months to 2 years) are therefore unreasonably high penalties considering they merely require an individual trespasser to *potentially* expose animals to a disease or toxic substance.

### **Unnecessary and redundant amendment**

The addition of these new proposed penalties for an offence under section 9.1 is also completely unnecessary and redundant. Severe penalties already exist under the *Criminal Code* for someone who is convicted of any form of break and enter, as private property is already protected regardless of to whom it belongs. In fact, some provinces (excluding Quebec) even have their own provincial trespassing legislation to this effect. And as individuals are already being prosecuted in Quebec for trespassing on farms under the *Criminal Code*, there is evidently no legislative gap or need for Bill C-205 in this province either.

As private property is already protected under federal (and in some cases provincial) legislation in Canada, needlessly granting special protections to the animal agriculture industry sets a dangerous precedent and will undoubtedly have serious repercussions on whistle-blowing. Were Bill C-205 to be adopted, an activist (in Quebec, for example, where no provincial trespassing legislation exists) could be charged under the *Criminal Code* of criminal break and enter on a farm as well as of an offence under section 9.1 of the *Health of Animals Act* for having exposed (or having potentially exposed) animals to a disease or toxic substance. If found guilty, an imprisonment term of up to 10 years could therefore also be stacked onto the additional penalties proposed in Bill C-205.

### **FAILURE TO ADDRESS UNDERLYING TRESPASSING MOTIVE: ANIMAL WELFARE CONCERNS**

As stopping trespassing on farms seems to be of utmost concern to farmers, it should be pertinent to consider what activists who trespass on farms are trying to expose, or exactly what it is farmers seem so staunchly to be attempting to prevent activists from revealing. To understand what motivates activists to trespass on farms to begin with, one must shed light on the underlying pre-existing problem: the lack of legal standards overseeing the treatment and living conditions of farmed animals.

### **Virtually no legislation regulates the treatment of farmed animals**

While there exist federal and provincial laws governing the transport and slaughter of farmed animals in Canada, practically no legislation regulates how these animals are treated throughout their lives on the farm.

In fact, provincial animal protection legislation excludes agricultural activities from its scope provided these are conducted “in accordance with generally recognized rules”. However, these rules are left undefined. Thus, so long as a significant portion of the animal agriculture industry adopts a certain practice, it is automatically considered consistent with the “generally recognized rules”. It is therefore the industry itself that determines which practices are legal or illegal, regardless of the degree of suffering they inflict on animals. At a federal level, the provisions of the *Criminal Code* dealing with crimes against animals only punish acts causing *unnecessary* animal suffering. And because generally recognized agricultural practices are considered necessary, no matter how painful they may be to animals, they are therefore similarly excluded from the *Criminal Code*’s scope of application.

### **National codes of practice**

In the agri-food sector, most animal-use industries are involved in the development and periodic revision of species-specific codes of practice dealing with the care and handling of livestock. These codes of practice constitute nationally developed guidelines and set out recommended methods of animal rearing. However, in the vast majority of Canadian provinces, these codes have no legal force in and of themselves, and compliance with them remains strictly voluntary. Furthermore, the related animal agriculture industries are heavily involved in the drafting and reviewing of these codes. In fact, animal welfare Code development or Code Amendment Development Committee members only make up a small percentage of involved stakeholders (a maximum of 1 or 2 participants) and are vastly outnumbered by industry representatives. As a result, several practices that seriously compromise the animals’ welfare and that have been banned elsewhere in the world, such as extreme confinement and systematic mutilation without any analgesia or anesthesia, are authorized in these codes.

### **Establishing and legally enforcing farmed animal welfare standards**

Rather than attempting to silence activists who seek to document and expose the treatment reserved for farmed animals behind closed doors, the government should be focusing its efforts on improving transparency and accountability in the animal agriculture industry by creating legally binding and enforceable standards pertaining to the treatment of farmed animals across the country.

In fact, scientific research has even shown a link between subpar animal welfare conditions on farms and enhanced biosecurity risk, such that increased stress in “poultry”, for example, results in increased occurrence, persistence and spread of *Salmonella*<sup>1</sup> and that farmed animal concentration is related to an increased risk of pathogen spread<sup>2</sup>.

### **FAILURE TO IMPROVE BIOSECURITY**

As the title of section 9.1 implies, the stated primary intent of this amendment to the *Health of Animals Act* is to protect animals from exposure to a disease or toxic substance that is capable of affecting or contaminating them. However, the Montreal SPCA does not believe that passing Bill C-205 will accomplish its objective of improved biosecurity on farms for several reasons.

---

<sup>1</sup> Koutsoumanis et al. (2019). *Salmonella control in poultry flocks and its public health impact*. EFSA Journal, 17(2). doi:10.2903/j.efsa.2019.5596 <https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2019.5596>

<sup>2</sup> (2020). (rep.). *An HSI report: The connection between animal agriculture, viral zoonoses, and global pandemics*. Retrieved from <https://blog.humanesociety.org/wp-content/uploads/2020/10/Animal-agriculture-viral-disease-and-pandemics-FINAL-4.pdf>

## Unfounded targets

By merely targeting trespassers or animal activists (any person entering a building or other enclosed place in which animals are kept without lawful authority or excuse), Bill C-205 perpetuates the myth that activists are the primary and only source of biosecurity risk and disease transmission on farms, which is false. In fact, there is not a single verified case of biosecurity harm being caused by activists trespassing on farms in Canada. A recent report on biosecurity incidents prepared by Canadian national animal law advocacy organization Animal Justice, and entitled [\*Disease Outbreaks & Biosecurity Failures on Canadian Farms\*](#), compiles Canadian Food Inspection Agency (CFIA) reporting on disease outbreaks at farms dating back to the early 2000s. In this report, the causes of various disease outbreaks are attributed by the CFIA to poor farming practices, standard agricultural activities and biosecurity failures by producers and operators.

Never the less, it is far too common for activists to be singled out as scapegoats regarding this issue without any evidence. Indeed, the result of a recent access to information request filed with the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec (MAPAQ) confirms that 2020 allegations from Porgreg, a Quebec pig farm in Saint-Hyacinthe, identifying activists as having caused a rotavirus outbreak among their pigs after having occupied the farm in December 2019 were unfounded. In fact, no such situation was ever reported to MAPAQ. Rather, the unsanitary conditions (and threats to animal welfare) exposed by activists during the occupation of Porgreg were corroborated by a subsequent [\*MAPAQ inspection report\*](#), which was also obtained via an access to information request. This report lays out several alarming observations, namely: overcrowding, manure accumulation, inadequate ventilation, insect infestation, one dying animal and several piglets as well as one sow, all in need of medical care. This MAPAQ inspection was prompted by a complaint filed by the concerned activists in question as a result of their occupation of Porgreg.

## Voluntary biosecurity standards

As clearly demonstrated in the [\*Disease Outbreaks & Biosecurity Failures on Canadian Farms\*](#) report, disease transmission on farms is primarily attributed to the individuals who spend the most time on them and the standard agricultural activities in which they partake (and not to occasional trespassers). However, as it stands, the only existing federal biosecurity standards that apply to these individuals are strictly voluntary. While the animal agriculture industry and the CFIA do determine [\*National Biosecurity Standards and Biosecurity Principles\*](#) for some animal farming sectors, adherence to these standards is not legally required.

Rather than the superficial solution proposed by Bill C-205 of solely targeting trespassers, the government should instead invest its time and resources into regulating and enforcing more stringent biosecurity standards on farms. Such standards should logically apply to *everyone* entering a building or other enclosed place in which animals are kept.

## Industrial animal farming: the legitimate biosecurity threat

Furthermore, placing the burden of biosecurity threats on activists diverts the focus away from the bigger systemic problem: the scientifically proven risks to biosecurity and public health caused by standard practices in intensive animal agriculture. What makes these farms such dangerous breeding grounds for disease in the first place? Particularly given the current global COVID-19 pandemic of zoonotic origin, it is alarming that the Canadian government is not taking more efficient biosecurity steps to address this urgent matter.

The opportunities for infectious diseases to emerge and proliferate on farms are numerous, namely due to the extreme confinement of thousands of immunocompromised animals in highly stressful and unsanitary conditions<sup>3</sup>.

In fact, in July 2020, the United Nations Environment Programme published a report called *Preventing the next pandemic - Zoonotic diseases and how to break the chain of transmission* in which it highlights seven major anthropogenic drivers of zoonotic disease emergence in relation to pandemic risk. The top two are an increased human demand for animal protein and unsustainable agricultural intensification (and clearly not rare occasions of trespassing on farms on behalf of activists).

Indeed, the report explains how 60% of known infectious diseases in humans (such as Ebola, SARS, the Zika virus, bird flu and swine flu) and 75% of all emerging infectious diseases are zoonotic, meaning transmitted between animals and humans. It goes on to identify the threat of unsustainable agricultural intensification as follows: “The intensification of agriculture, and in particular of domestic livestock farming (animal husbandry), results in large numbers of genetically similar animals. These are often bred for higher production levels; more recently, they have also been bred for disease resistance. As a result, domestic animals are being kept in close proximity to each other and often in less than ideal conditions. Such genetically homogenous host populations are more vulnerable to infection than genetically diverse populations, because the latter are more likely to include some individuals that better resist disease. Factory farming of pigs, for example, promoted transmission of swine flu due to a lack of physical distancing between the animals.”<sup>4</sup>

### **Food system shift**

The very nature of intensive animal agriculture is therefore incompatible with the notion of improving biosecurity. Therefore, why should we perpetuate the current agricultural model when it is a global threat to public health? There is an urgent need for a major shift to improve our food system. Rather than attempting to shut down whistle-blower activity denouncing troubling unsanitary conditions on farms, it is imperative that the government develop and economically support farmers to transition to alternatives to factory farming which do not present biosecurity risks (such as the plant-based protein and cultivated meat industries).

### **RECOMMENDATIONS AND CONCLUSION:**

For the reasons stated above, the Montreal SPCA is urging federal decision-makers to oppose Bill C-205 and halt its progress. If this bill is adopted, we believe it will have a chilling effect and stifle farmed animal cruelty complaints. It also detracts from the inherent underlying problems with intensive animal agriculture: its lack of legal standards overseeing animal welfare on farms as well as its intrinsic propensity for being a breeding ground for disease, which is exacerbated by a lack of prescribed federal regulation of biosecurity standards.

To accomplish the stated legislative intent of Bill C-205 of effectively reducing trespass and improving biosecurity on farms, the following steps should be taken in its stead:

---

<sup>3</sup> (2021). (rep.). *Animal Advocacy or Animal Agriculture? Disease Outbreaks & Biosecurity Failures on Canadian Farms*. Retrieved from <https://animaljustice.ca/wp-content/uploads/2021/05/Disease-Outbreaks-Biosecurity-Failures-on-Canadian-Farms-May-202021.pdf>

<sup>4</sup> United Nations Environment Programme and International Livestock Research Institute (2020). *Preventing the Next Pandemic: Zoonotic diseases and how to break the chain of transmission*. Nairobi, Kenya.

1. Regulate and legally enforce more stringent biosecurity standards on farms which should logically apply to *everyone* entering a building or other enclosed place in which animals are kept;
2. Refer to pre-existing trespass laws at the federal and/or provincial levels applying to all individuals and improve them, if need be;
3. Improve transparency and accountability on farms by establishing and legally enforcing farmed animal welfare standards;
4. Address the urgent biosecurity threat of the very nature of intensive animal agriculture to global public health and implement a major shift to improve our food system.

Should Bill C-205 be adopted despite all the arguments and alternatives to the contrary stated above, we ask that its speculative wording be removed and that it be a requirement for harm to have in fact occurred for an individual to be charged with any offence. In this case, section 9.1 would be reformulated as follows:

*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 the exposure of~~ and expose the animals to a disease or toxic substance that is capable of affecting or contaminating them.*

Thank you for the opportunity to participate in this consultation.



**Erin Martellani**  
Animal Advocacy Coordinator  
Montreal SPCA  
[emartellani@spca.com](mailto:emartellani@spca.com)  
t 514-735-2711 ext. 2222