

To: Standing Committee on Agriculture and Agri-Food

From: Last Chance for Animals (LCA)

Date: June 4, 2021

Re: Submission on *Bill C-205 – An Act to Amend the Health of Animals Act*

Last Chance for Animals (LCA) is a non-profit organization dedicated to eliminating animal exploitation through education, whistleblowing, legislation and media attention. LCA has been involved in numerous high-profile whistleblower exposés in Canada, which have led to nearly 30 charges having been laid, farm improvements and legislative change. LCA shines a light on the practices of industries exploiting animals while following all laws in its operations.

EXPRESSION OF OPPOSITION

I write to express LCA's strong opposition to Conservative MP John Barlow's *Bill C-205 - An Act to Amend the Health of Animals Act*. The Conservative Party of Canada frequently portray themselves as champions of transparency and accountability. Actions speak louder than words. With Bill C-205 they are turning their backs on transparency and accountability. Instead, they choose the opposite with this Bill.

This Bill is nothing more than misguided legislation claiming that it will increase biosecurity, when in fact, it will do the exact opposite. Canada's own Chief Veterinary Officer, Dr. Jaspinder Komal, stood up before this Committee and advised that the Canadian Food Inspection Agency (CFIA) "think[s] the level of risk that will be induced by trespassers would be very minimal, because in order to have a risk from a disease perspective, you have to have continuous and prolonged contact with the animals, as that's how diseases are spread."¹ This is consistent with the findings of a recent report on disease outbreaks & biosecurity on Canadian farms, summarizing information gathered and made public by the CFIA, which shows that documented disease outbreaks on Canadian farms have been due to standard agricultural activities and failures by producers and suppliers only.² Evidence clearly shows this Bill is purporting to solve a problem that does not exist.

These legislative moves are a cloak to hide the actions of bad apples behind biosecurity language and shut down whistleblowing. Entering into buildings or other enclosed premises where animals are kept, without lawful authority or excuse, is already illegal.

¹ <https://www.ourcommons.ca/DocumentViewer/en/43-2/AGRI/meeting-31/evidence#Int-11293931>

² <https://animaljustice.ca/wp-content/uploads/2021/05/Disease-Outbreaks-Biosecurity-Failures-on-Canadian-Farms-May-202021.pdf>

TRANSPARENCY FOR CANADIAN CITIZENS

Moving into the second year of this pandemic, as a society, we have learned important lessons about the connection between how we treat animals and disease. As a result, it is now more important than ever that we focus on ensuring appropriate transparency and accountability is in place rather than restricting access to information about animal agriculture.

Whistleblowers are an essential part of our legal system regulating environmental issues, biosecurity and the treatment of animals. Whistleblowers put themselves on the line to make the world a better place that is safer for everyone. They are an essential source of information in animal agriculture, filling in gaps in regulatory regimes and keeping an eye out for problems on the ground level. The government should be celebrating whistleblowers and the important role they play in oversight and transparency.

Whistleblowers are an important source of information about animal agriculture and increase oversight and transparency into how our food system operates.

THE IMPORTANCE OF WHISTLEBLOWER COMPLAINTS

Over the years, LCA has made many whistleblower complaints about conditions in animal agriculture. These complaints have led to charges based on animal welfare and sanitation issues as well as farm improvements. LCA investigates the treatment of animals and follows the law in doing so. Whistleblower complaints like these serve as an important source of information for regulatory authorities who rely heavily on complaints to ensure appropriate farm animal welfare standards are being met.

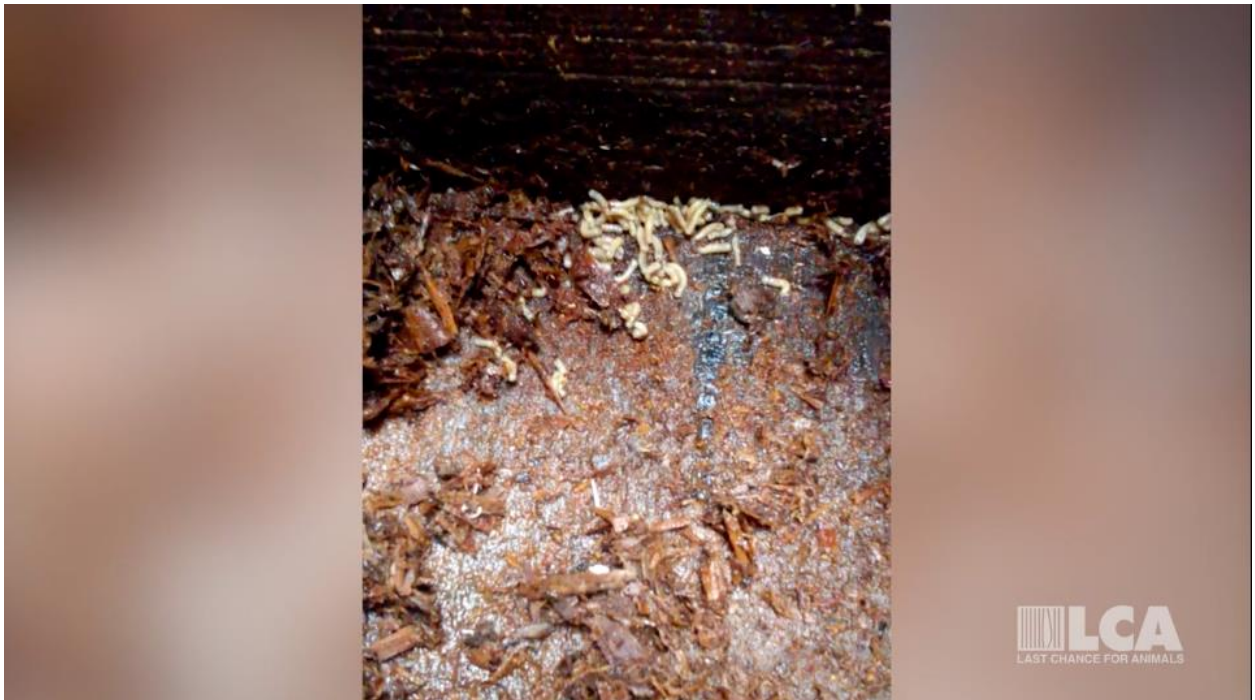
In March of this year, an animal cruelty complaint by LCA based on whistleblower evidence led to the guilty plea of Millbank Fur Farm for failing to meet prescribed standards of care.³ LCA's complaint into that farm shined a light on numerous troubling issues and over and above the farm's conviction led to a number of improvements on the farm.

PROHIBIT INDUSTRIES FROM SELF-REGULATION

In reviewing the submissions of the Canadian Mink Breeders Association, they advocate for the passing of Bill C-205 to prevent “undercover videos” and people entering “under false pretences”. They claim that their member organizations and other animal industries ought to be able to continue to self-regulate and operate with nothing more than voluntary biosecurity standards applicable to the farms themselves. They do this even though LCA's recent whistleblower exposé into a Canadian mink farm revealed the conditions depicted in the photographs below (actual images taken from whistleblower footage of Millbank Fur Farm):

³ <https://www.youtube.com/watch?v=5DMLpxDrH0Q>





CFIA ADMITS THEY LACK RESOURCES TO ENFORCE BILL C-205

The measures proposed by Bill C-205 have no place in the *Health of Animals Act*. The content of the Bill is inconsistent with the rest of the Act and the Bill seeks to govern a matter that is not

properly under Federal jurisdiction. The content of Bill C-205 is so different from the remainder of the *Health of Animals Act* that Dr. Jaspinder Komal, Canada's Chief Veterinary Officer and the Vice President of Science of the Canadian Food Inspection Agency, expressed in his testimony before this Committee that the Bill would be "a significant shift from what the CFIA has been mandated to do." He further indicated that the CFIA does not have the resources or skillset to enforce this Bill.⁴

The Bill also seeks to impose penalties that are significantly stricter than the rest of the Act for essentially trespassing. These proposed penalties are inconsistent with the trespassing regime in Canada, especially given that there is no requirement of harm to be convicted of the offences proposed by the Bill. Further, the Bill's proposed two classes of penalties for individuals and persons other than an individual make it clear that this Bill is targeting organizations such as animal advocacy groups and media organizations and is aimed at chilling freedom of expression.

CANADIAN CITIZENS' RIGHT TO KNOW TRUTHFUL INFORMATION

Bill C-205 criminalizes whistleblower exposés into our food chain and severely punishes whistleblowers acting in society's best interest. These kinds of laws are known as "Ag-gag" laws. Ag-gag laws make it a crime to reveal the truth. They are a severe erosion in oversight and transparency and an unjustified intrusion on freedom of expression.

Access to this kind of information allows for consumers to make informed choices. It holds producers accountable for the practices they follow and allows for whistleblowers to report troubling conditions to regulatory authorities. Restricting access to this information moves away from safety, transparency and accountability. Canadians want and deserve to know about where their food comes from and how animals raised for food are treated.

Ag-gag laws prevent whistleblowers from revealing truthful information about unsanitary conditions, animal cruelty, and unsafe working conditions in animal agriculture. They are a threat to freedom of expression as well as our health and well-being.

Ag-gag laws prevent Canadians from being able to make informed decisions about the products they purchase and businesses they support. They also prevent whistleblowers from being able to hold producers accountable when they violate laws that endanger our health and the wellbeing of animals in agriculture.

PANDEMICS ORIGINATING FROM ANIMALS AND HUMAN HEALTH

With COVID-19 outbreaks having occurred in meat processing plants and farms across the country oversight and transparency is more important than ever. It is disappointing that governments are focusing on stopping access to this kind of information instead of focusing on the pandemic and making sure appropriate oversight is in place. Concerned Canadians have a right to know what is happening in animal agriculture because it can directly affect the health and safety of the public.

⁴ <https://www.ourcommons.ca/DocumentViewer/en/43-2/AGRI/meeting-31/evidence#Int-11293931>

AG-GAG LAWS OVERTURNED - FOUND TO BE UNCONSTITUTIONAL

It is disappointing to see these Ag-gag laws popping up in Canada copied from similar laws in the United States. This is happening long after many states have had their Ag-gag laws overturned as violations of the Constitution. Expect to see this eventuality here as well. Ag-gag laws are a violation of Canada's Charter protected right of freedom of expression. This Bill is also a violation of the division of powers under the Canadian Constitution as it seeks to legislate on matters that are properly under Provincial jurisdiction. I urge you not to spend time and energy on laws that are not likely to last long as they get swept away as violations of Canada's Constitution.

The current pandemic has shown us that there is a strong connection between the sanitary treatment of animals and disease – Now is not the time to shut down whistleblowing in Canada, we need it now more than ever.

Yours very truly,

A handwritten signature in black ink, appearing to read 'M Desa' with a stylized flourish at the end.

Miranda Desa
Canadian Counsel for Last Chance for Animals