

Ontario Federation of Agriculture

Submission to the

Standing Committee on Agriculture and
Agri-Food

on

Bill C-205: An Act to Amend the Health of
Animals Act

June 4, 2021

Dear Mr. Chairman and honourable members,

Re: Bill C-205, *An Act to Amend the Health of Animals Act*

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

More than ever, we understand the critical importance of maintaining a steady and reliable food supply and protecting the safety of those who feed us. Farmers work hard to provide a safe and sustainable food supply for all Canadians. It is becoming increasingly difficult for farmer and agricultural owners to effectively produce food, fibre, and fuel due to trespassing events. Increasingly, farms have come under increasing threat from trespassers and activists who illegally enter property, barns and buildings, causing significant disruptions to the entire agri-food sector. Once peaceful protests have now escalated to trespassing, invasions, barn break-ins, theft and harassment. These incidents distress farmers, their families and employees, and threaten the health of livestock and crops when activists breach biosecurity protocols, ultimately putting the entire food system at risk.

Trespass events across the entire agri-food sector pose severe risks to human and animal health and welfare, and threaten the integrity of the food system by breaching biosecurity protocols. Unwanted visitors and trespassers can have devastating impacts on the health and safety of farms, families, businesses and livestock. In Canada, 97 per cent of farms are family farms- not only a place of business, but also homes where children are raised, and family and friends are welcomed. Farm families depend on the safety and security of their farms to raise livestock, and grow and produce food to maintain a strong, reliable food supply.

OFA supports Bill C-205, *An Act to Amend the Health of Animals Act*. Bill C-205 addresses the critical issue of securing the biosecurity of our food supply, and helping producer mental health by making it an offence to enter, without lawful authority or excuse, a place in which animals are kept if doing so could result in the exposure of the animals to a disease or toxic substance. The *Health of Animals Act (HAA)*, 1990, is intended to control the spread of animal-related diseases between animals, and the potential transmission by animals to humans. The HAA currently provides authority for controlling diseases and toxic substances that may affect animals or may be transmitted by animals to persons with respect to the owner of the animals, but it does not

address trespassers or risks to biosecurity. OFA supports legislation that aims to address these issues.

Biosecurity

Diseases and pests pose a significant biosecurity threat on livestock and crop farms. The risk to biosecurity, especially for livestock operations, has the potential to pose a risk much larger than to just that single operation. Canadian farmers follow high standards of care, including biosecurity protocols designed to protect animals and crops from disease and pests. Modern livestock and poultry farms restrict human access to animals to minimize the potential for introducing diseases and pests. Diseases and pests can affect more than just the health of animals; they pose risks to wildlife, the environment, the economy, and also the health of humans. Limiting the introduction of diseases, pests, and/or toxic substances is of critical importance to the agriculture sector.

Infectious diseases and pests can spread through direct contact with a plant or animal, and indirect contact through contaminated means, such as soil, equipment, clothing, footwear or vehicle tires. Movement between barns and farm properties can introduce new diseases and pests which can have a significant and widespread negative impact. An individual or group entering farms or farm buildings, handling animals, or moving between barns and farm properties without observing biosecurity protocols puts the health of animals, the safety and security of food, and the livelihood of farms at risk. When diseases enter the food system, the impacts on the economy and the strain on our food supply can be devastating. The current HAA does not take into account the potential risks of biosecurity breaches or the exposure of animals to a toxic substance. Bill C-205 would make it an offence to enter a building or other enclosed place in which animals are kept without permission, 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 that is capable of affecting them. Biosecurity is essential in protecting animal and human health, and the safety and integrity of Canada's food system. OFA supports Bill C-205 in its aim to reduce the risk to biosecurity associated with trespass onto farms and into barns.

Mental Health

Farmers already face a wide variety of daily stressors that affect their mental well-being: weather, environment, market fluctuations, finances, farm labour, and social isolation are just a few. Trespass and activism are now an additional growing source of stress. According to the Canadian Mental Health Association, rates of stress, mental health issues and suicide are much higher among people who work in the agriculture industry as compared to the general population. Sixty-eight percent of farmers are more susceptible than the general population to chronic stress, which can lead to physical and mental illnesses. Adding to the list of stressors, farmers are under attack by activists who advocate against certain farming activities and are perpetuating a negative image of farming businesses. Activist activities, including trespass, barn break-ins, theft of animals, and harassment and intimidation all contribute to the health problems facing Canada's farmers.

Allowing on-farm trespass and barn break-ins to occur is not only threatening the viability of Canadian agriculture, but also posing a serious threat to farmer mental health and well-being. Bill C-205 recognizes the mental health crisis in agriculture and aims to support farmers and farming

business by introducing new protections against trespass and biosecurity breaches. OFA supports farmer and agri-food worker mental health, and believes Bill C-205 does a commendable job of alleviating some of the stress associated with biosecurity breaches by providing additional protections when people trespass onto farm property or into livestock facilities.

Furthermore, Bill C-205 aligns well with Recommendation 3 from this Standing Committee in the 2018 report “Mental Health – A Priority for Our Farmers”. This Recommendation recognizes the need to combat the growing incidences of cyber bullying, intimidation, and threats targeted at Canada’s agricultural workers and suggests the Government of Canada consider including *any form* of intimidation targeted at any group of Canadians based on their occupations or places of residence as a Criminal Code offense. We believe Bill C-205 would signal meaningful progress towards achieving the Recommendations outlined in the Standing Committee’s report and would provide a vital piece to reducing stress and protecting farmers’ mental health.

Legislation

Often, provincial statutes are not enough of a deterrent for people who commit trespass offences. Police response to trespass incidents are low, and enforcement officers are often hesitant to lay charges. Provincial penalties are relatively minor in relation to the offence and do not serve as an effective deterrent. Charges (when laid) are often dropped by the court system, as they are considered minor infractions. In December 2020, the Ontario government proclaimed the *Security from Trespass and Protecting Food Safety Act, 2020*, which serves to protect Ontario’s food supply chain, from farm to table. The provincial *Act* demonstrates to trespassers, activists, law enforcement, and the Ontario justice system that the protection of farms, families, agri-food employees, animals and the food system is of the highest priority. The *Act* strikes a balance in enhancing the safety and protections of the farming and food industry while recognizing and respecting a citizen’s right to freedom of speech and freedom of assembly. Bill C-205 would complement provincial legislation such as Ontario’s *Security from Trespass and Protecting Food Safety Act* as an indicator of the severity of these offences, and that protecting the agri-food industry is critical.

In previous cases of on-farm or in-barn trespass, individuals have been charged with breaking and entering federally under the *Criminal Code of Canada (CCC)*, Offences Against Rights of Property. However, charges under the CCC carry a high burden of proof, which is often difficult to prove beyond a reasonable doubt. The definition of breaking and entering requires proof that there was intent to commit an indictable offence, or that an indictable offence was committed in conjunction with the break and enter. Often, it is difficult to prove intent to commit an indictable offence, and the charge of breaking and entering is dropped, allowing the individual or group to avoid prosecution.

OFA is concerned with previous incidents of farm trespass and barn break-ins that resulted in criminal charges. A recent incident involved an animal rights activist who illegally entered a mink farm, videotaped the animals and operation without permission. He was charged under the CCC with breaking and entering with the intent to commit criminal mischief. The judge ruled in favour of the accused, and stated that “no harm befell the mink” as a result of his actions, and that “a

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harm that might have occurred, but did not, cannot constitute mischief”. The acquittal of the activist sets a dangerous precedent for future similar cases charged under the CCC.

OFA is concerned that the same importance is not being placed between rural and urban trespass. The aforementioned case saw the defence attorney argue the idea that there is a lesser expectation of privacy in barns and on farms despite that farms are also places of residence, as they are commercial premises. The judge agreed with this notion, stating “the reasonable expectation of privacy is informed by the place and biographical details available from entering the place. In the present case, the sheds are commercial properties and therefore, there is a lesser expectation of privacy”. OFA is deeply concerned about the implications to the rights of private property as a result of this decision. The fact that livestock agriculture operations are commercial businesses run on private property does not justify the trespass across farms and into barns- no more than the same argument justifies a person going into a home daycare and videotaping the care of children. In Canada, 97 per cent of farms are family farms- not only places of business, but also homes where children are raised, and family and friends are welcomed. The same importance needs to be placed on rural trespass as it is in urban settings. Canadians living in urban areas would not accept trespassers on their property; The same legal standard should be extended to rural families. Farm families depend on the safety and security of their farms to raise livestock, and grow and produce food to maintain a strong, reliable food supply. The fact that a commercial business operates on private property should not be used as justification for breaking the law.

Hesitancy to lay charges, dropping of charges, or acquittal of the accused sets a dangerous precedent and encourages trespass events on-farm and through barns. OFA believes Bill C-205 provides the justice system tools to address the risks resulting from biosecurity breaches and trespassing on farms and through barns. The Bill extends the HAA to include trespassers and increases the penalties for groups or organizations who encourage individuals to threaten the biosecurity of animals and workers.

Farmers genuinely care for their animals and follow strict codes of practice regarding animal husbandry and welfare. Both federal and provincial laws exist to protect animals from cruelty, including Ontario’s *Provincial Animal Welfare Services (PAWS) Act, 2019*, and under the CCC. Both statutes authorize enforcement officers including police, provincial animal welfare inspectors, to enter places where animals are kept, including farms, in response to concerns that animals are in distress. Farmers and farm animals do not need self-appointed individuals entering livestock and poultry barns. Being unable to see inside does not justify trespassing; being unable to see inside a barn or livestock operation does not mean the animals inside are automatically in distress. OFA believes that there is an obligation to expose animal abuse, utilizing existing legislation and enforcement. Existing federal and provincial laws and enforcement personnel are empowered to address concerns about animal welfare, and have appropriate authority, training, knowledge and resources to fulfill these responsibilities. Bill C-205 will act as a complement to existing animal welfare laws, both federally and provincially, to help protect animals from distress.

Fundamental Freedoms

OFA believes freedom of speech is integral to who we are as Canadians. However, this fundamental freedom is not absolute; no person should be allowed to act in a criminal matter to further their own beliefs or agenda without consequence. Trespass on private property in pursuit of freedom of speech, or media cannot be tolerated. Canadians depend on the legal system and law enforcement to protect their rights and safety. Our system of law and order is based on consequences for breaking the law. OFA believes Bill C-205 has adequate provisions and protections to deter these criminal activities.

Conclusion

For many farm families in Ontario, home and work are uniquely connected, which means that when people trespass, break into barns, make harassing comments and threats, and steal animals, they are doing so at someone's place of business and their home. As such, trespassers and activists put the safety and security of farmers, their families, agri-food employees, and their animals at risk. The civil liberties of Canadian farm families are being violated, with their farm businesses and private property, and homes being invaded. Trespass on-farm and through barns can introduce diseases, pests, and contaminants into livestock operations. These events pose severe risks to human and animal health and welfare, and threaten the integrity of the food system by breaching biosecurity protocols. Cross-contamination and biosecurity threats can decimate livestock herds and poultry flocks, and devastate producer livelihood, the agriculture industry, the food system, and the economy.

OFA supports Bill C-205 in its goal of protecting farms, farmers, livestock, and the entire food system from the risks associated with trespass and potential biosecurity breaches. OFA believes Bill C-205 complements existing provincial and federal legislation and gives the justice system the tools it needs to help protect the food supply from trespassing and biosecurity breaches. Canadians depend on the safety and security of their farms to raise livestock, and grow and produce food. Bill C-205 does a commendable job to strengthen and protect our Canadian food system and those who feed us.

Sincerely,



Peggy Brekveld
President

cc: The Honourable Marie-Claude Bibeau, Minister, Agriculture and Agri-Food Canada
Mary Robinson, President, The Canadian Federation of Agriculture
OFA Board of Directors