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# Standing Committee on Agriculture and Agri-Food

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Chair: Mr. Pat Finnigan





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• (1530)

[*English*]

**The Chair (Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.)):** I call this meeting to order.

Welcome to meeting number 31 of the House of Commons Standing Committee on Agriculture and Agri-Food.

Pursuant to the order of reference of Wednesday, March 10 and the motion adopted by the committee on April 15, the committee is beginning its study of Bill C-205, an act to amend the Health of Animals Act.

Today's meeting is taking part in a hybrid format pursuant to the House order of January 25. Therefore, members can attend in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website. Just so that you are aware, the webcast will show the person speaking rather than the entirety of the committee.

I'd like to take the opportunity to remind all participants in this meeting that screenshots or taking a photo of your screen is not permitted.

[*Translation*]

To ensure an orderly meeting, I would like to outline a few rules to follow.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute your mike. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer.

Just a reminder that all comments by members and witnesses should be addressed through the chair. When you are not speaking, your mike should be on mute.

[*English*]

Before we get going, I'd like to remind members that amendments to Bill C-206 must be sent to the clerk by Friday, May 7—tomorrow—at 5 p.m. eastern time.

Now I'd like to welcome the witness, who has seven and a half minutes for his opening statement. I'd like to welcome John Barlow, the member of Parliament for Foothills.

Mr. Barlow, you have the floor for seven and a half minutes. Go ahead.

**Mr. John Barlow (Foothills, CPC):** Thank you very much, Mr. Chair. It's great to be back here with some friends. I'm certainly looking forward to the discussion today. It really is an honour for me to be in front of the standing committee on agriculture and agri-food to discuss my private member's bill, Bill C-205, an act to amend the Health of Animals Act.

Mr. Chair, Bill C-205 proposes to amend the Health of Animals Act to make 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 animals to disease or a toxic substance capable of affecting or contaminating them. Simply put, this enactment would apply existing penalties within the act to people who trespass on farm property at facilities where animals are kept. It also proposes to double existing fine amounts for groups and organizations that encourage unlawful behaviour, which put the biosecurity of our farms and food supply at risk.

The new offence, titled “Exposure of animals to disease or toxic substance” would be inserted after section 9 of the act under “Prohibitions”, the heading within the “Control of Diseases and Toxic Substances” portion of the act. Existing penalties within the act are found in section 65 under “General offence”. Bill C-205 would apply those penalties to the new offence. The bill would also add subsection 1.2, which, as was mentioned previously, would double existing fine amounts for groups and organizations that encourage unlawful behaviour that puts the biosecurity of our farms and our food supply at risk.

Two key principles were considered when I was drafting this bill. First, I wanted to work within the existing legislation to enhance what was already there and to ensure that the penalty would be a deterrent for unwanted behaviour. Second, I wanted to develop legislation to deal with one specific incident. Rather than the bill, it should have the capacity to address the big-picture challenges associated with trespassing incidents across the country.

Mr. Chair, I also want to be very clear about what this bill does not do.

This bill does not limit individual rights to peaceful protest on public property. This bill also does not prevent whistle-blowers from coming forward when they witness practices that jeopardize food security or the welfare of animals. In fact, farmers and their employees are obligated to report any wrongdoing to the appropriate authorities, as they operate in a highly regulated environment. They must also follow strict rules and codes of conduct to ensure the health, safety and welfare of our farm animals.

Mr. Chair, I certainly know the members of this committee, and they are well aware that there have been numerous protests by animal activists on farms and at processing plants. The situation is not limited to a specific segment of animal agriculture or to a certain part of this country. Members from all parties recounted the situations in their ridings when this bill was debated in the House at second reading. I won't revisit all of those stories today. Instead, I'd like to touch on one aspect of the bill that has no clause for this committee to consider, but will perhaps have the most impact on farmers and ranchers if this bill does become law.

It's a subject matter this committee knows well, and that is mental health in agriculture. It is fitting to discuss this, given that this week is indeed mental health week in Canada.

The idea for this bill came to me as a result of an incident within my riding at a turkey farm near Fort Macleod. I went to visit the Tschetter family after they had about 30 protesters on their farm.

The Tschetter family came up to check the turkey barns at 7 in the morning, as they always do, and were shocked to find about 35 or 40 protesters who had camped out in their barns. When I spoke to Mr. Tschetter and his son, he just couldn't understand why they were targeted and what they had done.

This was a devastating incident for their family, but also for farmers across my riding and across the country who phoned and emailed me—and maybe many other members of this committee. They're concerned. Is this open season on farmers and ranchers? Is this something that we have to endure? Why are they being targeted?

This committee will recall that in its 2019 report titled "Mental health: a priority for our farmers", you heard testimony from witnesses about farmers being the victims of stigmatization at the hands of activists. For the benefit of people listening and those who have not read the committee's report, I'd like to quote part 3 of that report:

Today, farmers, ranchers and producers come under attack from many different sources. As one witness put it: "Our ancestors only had to worry about weather and prices. Today, we farmers have the added worry of being a target of an extreme activist, something that takes a serious toll on me mentally."

Committee members heard extremely disturbing testimony from witnesses relating to how they had been verbally assaulted, threatened and called murderers or rapists over social media channels by environmental terrorists and animal rights extremists. Such social media attacks are not tolerated in most urban setting or among teenagers, yet little has been done to curb these attacks targeted at farmers.

Who do these animal rights activists target? Of course, the first ones in their sight are the producers. As well as being called pol-

luters, today they are accused of being aggressors and rapists, because of artificial insemination, and child kidnappers and killers.

You know, those words have extremely serious consequences. As one farmer told me, when he gets up in the morning and sees that type of thing on Facebook, he's already wondering how he's going to cope. It adds a lot of stress and distress.

Such testimony is troubling and deeply disturbing. Sadly, it is quite common to see many instances of bullying and intimidation towards farmers go unpunished. This section of the report led to the following recommendation from this committee:

Recommendation 4: That the Federal government should take any and all measures necessary to prevent these unprovoked attacks as well as to make sure individuals who perpetrate them face justice.

Bill C-205 speaks directly to that recommendation. Imagine waking up and knowing that your farm is the target of some of these individuals and groups, but not knowing if or when they'll show up at your home or your farm, what they have planned for the animals in your care, or what they may do to your property, your employees or your family. Though my bill may not prevent unprovoked attacks on social media, it certainly aims to deter groups and organizations who encourage others to bring this type of aggression onto the doorsteps of farm families and unlawfully trespass onto farm property where animals are kept.

I hope members of this committee can see the importance and urgency of this bill and what it would mean for our farmers, our ranchers and our producers, and especially for farm families like the Tschetters who, unfortunately, have been on the receiving end of this misguided activism. I would encourage this committee to listen to our hard-working families and support Bill C-205.

Mr. Chair, I'm certainly happy to answer any questions from the members of the committee. We'll certainly be talking about many other aspects of this bill, but I really thought it was important, considering this is mental health week, to focus on the mental health side of what is being proposed with Bill C-205.

Thank you very much for your time. I look forward to your questions.

● (1535)

**The Chair:** Thank you very much, Mr. Barlow. You're right on time.

We'll start our question round with Ms. Rood, who has six minutes.

**Ms. Lianne Rood (Lambton—Kent—Middlesex, CPC):** Thank you, Chair.

Thank you, Mr. Barlow, for appearing here today. I did have the pleasure of speaking to this bill in the House. I want to commend you on the great work you've done for our producers across this country with this bill.

Like you, I have a lot of farmers in my riding who are suffering from mental health issues relating to incidents that have come onto their farms. I can think of one farmer in particular who I talked to just prior to being elected. They have an animal farm and their animals are kept outside. He told me of how he had awoken and found some folks who were trespassing on the property and released all their animals out of the cages. He told of how it just really took a mental toll on the whole family and on their livelihood, really. Biosecurity is number one, but the health and safety of the animals is a priority for these folks. It's their livelihood.

You touched a little bit on what the implications are and how this would affect biosecurity measures. I'm wondering if you could comment a little bit further on how this protects the farmers and how it will continue to help them when they go through these issues with people coming unlawfully onto their farms so that they're protected and their mental health doesn't suffer anymore.

**Mr. John Barlow:** Yes. Thank you, Ms. Rood. Certainly you've touched on one of the most important aspects of this legislation.

Really, we looked at it from two different perspectives. The first perspective was protecting the biosecurity of our farms and our food supply. The second was dealing with the mental health of our farm families and our ranchers and certainly even those who work at the processing plants.

The crisis in agriculture, when it comes to mental health, is real. We have certainly seen that become even more so as a result of the pandemic. Many of our farm families live in isolated communities. Many of their social gathering opportunities have been cancelled—rodeos, family fairs, community dinners, 4H events and those types of things—so we've seen the mental health impact on agriculture become even worse.

My colleague from the Bloc put it very well, I thought, in his speech during second reading. He said imagine you were a homeowner who came downstairs in the morning to get breakfast for you and your kids, and a group of protesters was sitting in your living room saying, "You're mistreating your family dog." Never would that be appropriate or something that wouldn't face very serious consequences. Unfortunately, though, when it comes to farms and agriculture, this all too often has become just part of the business.

That is unacceptable. There has to be strict consequences for those types of actions. I think the most important thing here is that oftentimes the protesters or the activists don't understand the very strict biosecurity protocols that are in place and they unknowingly may be spreading a disease from one farm to another.

• (1540)

**Ms. Lianne Rood:** Thank you very much.

You touched on my next question for you. I have a lot of fall fairs in my riding, as I'm sure a lot of our rural members of Parliament do. Of course, at those fall fairs there are young people who go to show their livestock as part of their 4-H club, or just as part of the exhibition or fair itself. You touched on rodeos as well. I'm just wondering if you can share with us whether this bill, if passed, would apply to things such as fairs and exhibitions, or even I guess zoos for that matter.

**Mr. John Barlow:** Thank you very much for the question.

Yes, it would. The idea of this bill was that it would deal with any animal that is in an enclosed area, so a corral, say, at a rodeo, or a barn or holding area, but also during transport. Certainly, I have a Cargill meat processing plant in my riding, as well as Bouvry, but my Cargill plant, as Mr. Longfield will know, is the largest processing plant in the country. There are 4,000 head of cattle going into that facility every single day. That's a lot of transport trucks, so there are a lot of opportunities for some contamination to be spread, for diseases to be moved from one animal to another.

It's also very important that when those animals are in transport, they are also protected. So rodeos, transport trucks, zoos will all be encapsulated within this legislation.

**Ms. Lianne Rood:** Thank you very much.

Lately we've heard in the news a lot of people talking about their charter rights and freedoms. Are there concerns about the constitutionality of this proposed bill? I ask because I know it's a question that's out there, and I want to make sure that we're not infringing on the peaceful right to protest. Could you comment on that as well?

**Mr. John Barlow:** It was an important aspect of this bill. Many of my colleagues... Mr. MacGregor, brought this up. I thought he was very eloquent about it. We wanted to ensure that this bill would not infringe on the rights of Canadians to peacefully protest on public property. I think that's an integral part of our society. It's something we want to ensure is protected. Absolutely, this does not prevent any group or individual from protesting on public property. You can do it on the highway, in the ditch, but there has to be a line that cannot be crossed, and that is that fence line, or the driveway or the barn door where there are some very real financial and mental health consequences is those are crossed.

This does not prevent any Canadian from peacefully protesting on public property outside a processing plant or a farm.

**Ms. Lianne Rood:** Thank you very much.

**The Chair:** Thank you, Ms. Rood and Mr. Barlow.

Now we go to Mr. Blois for up to six minutes, please.

**Mr. Kody Blois (Kings—Hants, Lib.):** Thank you, Mr. Chair.

I'd like to thank Mr. Barlow for his remarks. It's clear that this is something he's very passionate about.

Just as an aside, I would be remiss if I didn't talk about the sign wars in your riding. I've seen a few of those pictures locally, and I'm getting quite a kick from them, so well done.

The first question I have when I look at this is the following. Mr. Barlow, I know you touched upon this a little bit when you said in response to Ms. Rood that most activists don't understand or appreciate the biosecurity risk. If that is indeed the case, my concern with the legislation—although its intent, I think, is well meaning—is that knowing that, or being reckless too, might be too high a threshold for us to be able to even get any type of conviction to actually deter this type of activity that you're talking about here today. Do you think that might be too high a threshold?

**Mr. John Barlow:** I appreciate the question, and thanks, Mr. Blois, for noticing my sign wars, but we're trying to lighten it up a little bit. It was getting a little bit vicious, and it was a good way to highlight some local businesses for sure.

On your question specifically, there has to be a deterrent in place that puts our farm families at ease that their issues are being taken seriously, let's say, and some consequences in place for those activists and protesters who, as I said and as you mentioned, may not know the protocols that are in place. Many of us on this Zoom call have certainly toured farms in our ridings, or across the country. I have Mountain View Poultry in my riding, for example. I took my staff through there this summer. You've got to put on booties. You've basically got to put on a haz-mat suit, a hair net, and wash your hands and boots as you go from room to room. Protesters may not understand that.

There has to be that level of consequence there. Certainly—

• (1545)

**Mr. Kody Blois:** Mr. Barlow, I don't mean to interrupt.

**Mr. John Barlow:** It's okay, Kody.

**Mr. Kody Blois:** I get that when you and I put our boots on and we're willingly going through that facility with the co-operation of the farmer, we know there is inherently a potential biosecurity risk, because we're being told or we're reading the signs. For the individuals we're talking about—there's a lot of talk around trespassing, activists and people that are quite militant—how do we know that the legislation being proposed is actually going to get to those outcomes and deter?

It's a pretty high threshold when a prosecutor—and I'll get to that question about who would actually be prosecuting this legislation—has to illustrate to a court that, indeed, someone actually knowingly presented this risk to the farmer. If these people are uneducated about the background on farms, are we worried that these people will continue to do it and that there won't actually be an ability to get a charge under the legislation because of that threshold?

**Mr. John Barlow:** Using your argument, Mr. Blois, I would say that doing nothing also doesn't achieve that goal. We could just keep the current legislation or the act as is and rely on that to do its job, but clearly it isn't. Most often, from the research that I've done, charges are rarely laid. This gives us an opportunity through the CFIA—and I'll get to that question—to look at this, but to ensure there are consequences in place.

I didn't agree with just the status quo, and I would say that we've had unanimous support from stakeholders, farmers, ranchers and processing companies that this is a step that needed to be taken to ensure that those protesters would learn. They're not militants, nec-

essarily, Mr. Blois, but people who have a legitimate passion or concern about what they're doing. This is a way for us to teach them that if you want to do this, there are right and wrong ways of doing it.

**Mr. Kody Blois:** Let's talk about the other types of legislation, because you mentioned that there are some recourses, whether it be provincial trespass laws or elements under the Criminal Code. In the instances of the experiences you've had locally, when you talk to the farmers, do they ask the RCMP to press charges? Or is there a disconnect between what farmers ask the RCMP to do and what might actually be applicable under the existing legislation?

**Mr. John Barlow:** That's a great question, Mr. Blois.

I'll give you an example of what happened during the incident in Fort Macleod in my riding. It wasn't the farmers who phoned the RCMP. Do you know who phoned the RCMP? It was the protesters. They wanted to protect themselves from the ramifications of having a very shocked ranch family walk into the barn at 7 o'clock in the morning as they were breaking into this property and into the barn, which I would say is actually a free-range turkey farm. The turkeys weren't in cages, and they weren't in any enclosed space, other than being able to go in and out of the barn to keep warm.

It was the activists who actually phoned the RCMP so that they could be protected from any unknown reactions from a farm family.

In many ways, it's actually the protesters and the activists who are phoning the RCMP, but there were a lot of farm families putting pressure on the Fort Macleod RCMP to make sure they pressed charges.

**Mr. Kody Blois:** You talked about CFIA and you mentioned that you expect that they would be the ones that would actually perhaps enforce these regulations and perhaps bring charges or work with the RCMP. CFIA doesn't have a whole lot of presence, necessarily, at the producer level on-farm. Did you do any consultation with them about the resources that would be necessary to meet the spirit and intent of your legislation?

I think I have about 30 seconds, Mr. Chair, for Mr. Barlow.

**Mr. John Barlow:** Thanks for the question, Mr. Blois.

You're right. CFIA would be the group that would be enforcing this.

I'm not in government. I'm hoping that if this goes through, the agriculture minister will ensure that the resources are there, because this is an important issue.

I would say that if you were to ask 10 farmers and ranch families about it, this would be in their top ten priorities, if not their number one priority. I'm sure that if this bill passes we will have to ensure that the CFIA has the wherewithal and the resources to enforce this.

**Mr. Kody Blois:** Thank you.

**The Chair:** Thank you, Mr. Barlow, and thank you, Mr. Blois.

[*Translation*]

Mr. Perron, you may go ahead. You have six minutes.

• (1550)

**Mr. Yves Perron (Berthier—Maskinongé, BQ):** Thank you, Mr. Chair.

Mr. Barlow, it's wonderful to see you back here. What a pleasure to have you with us. The committee members all recognize what Bill C-205 aims to do. I, too, had the opportunity to speak in the House to ensure the committee had a chance to study this important piece of legislation.

I'm going to continue along the same lines as Mr. Blois.

When you say the current legislation is not adequately enforced, two things come to mind. Does the bill have a provision to ensure charges are actually laid? I am thinking of someone who isn't really aware of the biosecurity hazards and therefore cannot plead innocence.

Could you comment on that?

**Mr. John Barlow:** Thank you for your question, Mr. Perron.

[*English*]

It's a great question.

Through the chair to you, I guess the focus of this is as a deterrent. It's not that we want activists or protestors coming on to farms and claiming ignorance. We want to have some teeth in this to ensure—in many cases, these organizations are organizing these protests and unwanted behaviour—that there's a deterrent there, that this doesn't become a bit of a game.

There's nothing we can have in the legislation that will prove or guarantee that charges are laid, but I think what this will do is give CFIA the opportunity to see that this is something that the Government of Canada takes seriously, the agriculture sector takes seriously, and should be followed up on.

[*Translation*]

**Mr. Yves Perron:** Could you explain how it works?

Why does the bill focus on animal safety and not on the Criminal Code or criminal penalties? We are talking about trespassing on private property, are we not? Shouldn't the bill reflect that?

[*English*]

**Mr. John Barlow:** Thank you for the question, Mr. Perron.

You're right. We could have gone the route of the Criminal Code, but we felt we needed a national strategy on this, a national vision.

The trespassing laws are a provincial jurisdiction. There are some provinces that have followed through on strengthening their

trespassing and mischief laws around this issue specifically: Alberta and Ontario would be the two. Saskatchewan is going through the process, but it hasn't been enacted yet. Unfortunately, when we were doing work on this, we saw that the vast majority of provinces don't have anything like this in line yet.

We thought that the most efficient way of addressing this was through the Health of Animals Act, focused on the biosecurity issue. Hopefully this will be a learning opportunity for those activist groups or animal welfare groups to have a better understanding that there are some consequences and there is a national standard, or a national level of consequences, let's say, when it comes to protecting biosecurity on farms.

[*Translation*]

**Mr. Yves Perron:** Thank you.

Something else concerns me. I'd like to know your view on the proof requirement in relation to the incident.

Here's an example. Protesters show up on a farm, and livestock subsequently become sick. There was a highly publicized case involving a large hog farm in Quebec. The farm family incurred significant losses because animals fell ill. The protesters reportedly put water in the fuel tanks, causing damage. However, no one was able to prove that the two incidents were related.

Aren't we going to end up with the same problem if the legislation is enforced in a more systematic way?

[*English*]

**Mr. John Barlow:** I think what the law does—to Mr. Perron's question—is to put some pretty serious consequences in the act.

To go quickly back to your previous question, the issue with some of the provincial rules is that the penalties are really insignificant, anywhere from a \$200 fine, up to the max that I've seen, which is \$5,000. We're substantially higher than that.

The second part to Mr. Perron's question is that usually these activists aren't doing this in the dead of night to try to sneak in and sneak out. They want attention. They want to make sure that what they're doing is getting as many eyeballs as possible. That's one of the reasons they targeted Jumbo farm in my riding, which is right on Highway 2—a very prominent farm location. They were just lucky that they had a very understanding farm family who didn't overreact.

I think the essence of your question is that we can never assure that charges are laid or a conviction is found. That process is up to the investigators. I think the most important thing with this legislation and what we're proposing is very significant fines that will hopefully act as a deterrent, rather than the insignificant fines that are rarely laid at the provincial level.

• (1555)

[Translation]

**Mr. Yves Perron:** As I understand it—

Am I out of time, Mr. Chair?

**The Chair:** Unfortunately, yes, you're out of time.

**Mr. Yves Perron:** Very well. I'll follow up later.

Thank you.

**The Chair:** You'll have a chance to pick up where you left off, Mr. Perron.

Thank you.

[English]

We go to Mr. MacGregor for six minutes.

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** Thank you, Chair.

Thank you, Mr. Barlow, for coming here.

As a preliminary question, to your knowledge, has there ever been a documented case of protestors bringing in a disease or spreading it to farms?

**Mr. John Barlow:** Through the chair, yes. As Mr. Perron just mentioned, there was one recently in Saint-Hyacinthe, Quebec, where some protestors came on a hog farm, and now that hog farm is infested with rotavirus, something they haven't seen in more than 40 years. We've now seen that coronavirus can be passed from person to mink. There have been mink farms whose herds have been euthanized.

To your question, Mr. MacGregor, it only takes one. We are still recovering from bovine spongiform encephalopathy in our cattle industry. There was one case on one ranch in Alberta. We still have not recovered from that incident, and that was more than 20 years ago. We lost more than 3,000 ranches in Canada as a result of that one case of BSE. Only this past summer did Canada apply for negligible risk status on BSE. That cost this industry tens of billions of dollars in lost cattle but also lost export markets. We are still just getting back into South Korea and Japan.

There have been cases where this has been identified as an issue, but, I mean, it only takes one. Imagine the impact on our pork industry if we had a case of African swine fever. It would devastate this industry in Canada, as we've seen in nations like China. They've had to euthanize more than one million animals.

**Mr. Alistair MacGregor:** I visited several farms in my day. I referenced them in my speech at second reading. Certainly we know, from Agriculture and Agri-Food Canada, that there are many novel diseases and pests coming across our borders every year.

What I'm trying to dig down to is that federal criminal law power can exist in several forms: to protect public health, to protect autonomy, to protect privacy, and so on.

In in your opening statement, you were talking about the reasoning behind this bill, and I think we're all very sensitive to that. We did the mental health study, as you referenced. In the last Parliament, we also almost concluded a study on public perceptions of agriculture. It seems to me that, in regard to the farmers who were directly impacted in your specific riding case, their first reaction wasn't so much the disease potential to their flock. It was, really, "What are 30 strangers doing on my property, and why do they think they have the right to be here?"

I just want to dig down a bit more. Do you think the Criminal Code, especially its trespass provisions, might also have been a suitable alternative to act as a deterrent in cases like this, if we really are talking about, ultimately, trying to protect the private property of farmers and their right to earn a living in peace?

**Mr. John Barlow:** As you mentioned in your speech during the second reading debate, your area has been devastated by avian flu. You're a chicken farmer yourself, so you know how devastating that can be.

There is a mental health aspect to our farm families, and the impact on them is profound. We cannot underestimate that. I don't think we can put a price tag on that, to be honest with you.

As I said, farmers and ranch families, as you know, face a lot of variables each and every day, a lot of things that are out of their control: commodity prices, weather, and oftentimes transport, all those types of things. I think there are a couple—

• (1600)

**The Chair:** Mr. Barlow, I think we're getting a poor connection, and now the interpreters are not able to.... Apparently, it's weak Internet. I don't know if there's anything you can do. Maybe I'll let the technicians work with you there to see if they can correct that.

**Mr. John Barlow:** Thank you very much, Mr. Chair. I am getting a bit of fuzzy audio as well. Maybe if I just logged out and logged back in, that be a good first step.

**The Chair:** Is that good, Madam Clerk?

**The Clerk of the Committee (Ms. Alexie Labelle):** We're checking if it's just a matter of connection.

Yes, it seems to be just that.



**Mr. John Barlow:** You can't blame rural Alberta Internet because I'm in Ottawa.

**The Chair:** Would that help, Madam Clerk, if he was to log out and log in again?

**The Clerk:** I'll tell you in just two seconds.

**The Chair:** Okay, sure.

**The Clerk:** Mr. Barlow, I don't know if you have other applications that are opened, but if you could close them, since Zoom is taking a lot of the energy, maybe it will be better.

**Mr. John Barlow:** How's that? I closed everything that I had. Does that help at all? It still looks a little bit—

**The Chair:** It seems better, I think.

Okay. We had paused on time.

I don't know if you recall where you were in your reply, Mr. Barlow, or if you need Mr...

**Mr. Alistair MacGregor:** I'll maybe just get my last question in, because I have about a minute and a half left, I think.

**The Chair:** We have a minute and a half, yes, a minute and 50 seconds.

Go ahead.

**Mr. Alistair MacGregor:** Okay.

Thank you. That's great. Technical problems will never cease in this Zoom world.

Mr. Barlow, just with the wording of your bill, what if a savvy protester took steps, understanding what the biosecurity rules were on a farm, to protect against biosecurity risks, such as wearing the proper clothing and taking the proper steps with sanitization? Is there a way for them to get around that and still be on the farm?

We're just trying to find all possibilities and ways your bill might be interpreted.

**Mr. John Barlow:** Sure.

Thank you very much, Mr. MacGregor.

No, because the wording in the bill is "without lawful" entrance, so they are still trespassing on private property. Even though they may have taken all of the precautions, they would still be in contravention of the act, as they're unlawfully on that property.

**Mr. Alistair MacGregor:** I know some cases have been revealed by employees. If employees were on the farm and they noticed something going on, they're there with lawful authority, an excuse, and therefore they could report this and not be touched by the provisions of this act.

• (1605)

**Mr. John Barlow:** Yes, absolutely. I'm glad you raised that.

That whistle-blower element is still there and protected. We wanted to ensure that that was still there. As farm employees, or even members of the farm family, it is their duty in many ways. If they see something that is not meeting CFIA standards, or is endangering the health and welfare of an animal, they should be reporting that.

**Mr. Alistair MacGregor:** Okay.

Thank you.

**The Chair:** Thank you, Mr. MacGregor and Mr. Barlow.

Now we'll go to the second round.

[*Translation*]

Mr. Lehoux, we now go to you for five minutes.

**Mr. Richard Lehoux (Beauce, CPC):** Thank you, Mr. Chair.

Good afternoon, Mr. Barlow. Thank you for being here today.

I have a fairly straightforward question for you.

Bill C-205 is quite significant. My riding is home to a lot of hog farmers, so protecting biosecurity is certainly very important to them. It's one of the worries farmers have, worries that can easily lead to mental health problems.

Mr. Barlow, talk, if you would, about the bill's deterrent effect. When it comes to break-ins, are the fines stiff enough to deter would-be perpetrators?

[*English*]

**Mr. John Barlow:** Thank you very much, Mr. Lehoux. It is so good to see you again. I do miss being able to see many of you in the House.

Really one of the reasons we looked at this bill was that we had met with hog farmers and the processing industry. One of the next big things they are worried about is African swine fever unfortunately planting its roots here in Canada. We have seen the devastation it has had on the Asian hog industry. As I mentioned earlier, more than a million animals have been euthanized in China. Many in the hog industry specifically do not think we are prepared to handle an outbreak of African swine fever here in Canada.

Ironically, we all talk about COVID-19 right now, the impact that has had on our economy and how in many ways we were ill-prepared to deal with the pandemic. One would argue that we are equally as unprepared to deal with an outbreak when it comes to animal viruses and diseases, so the idea behind this was to really, in many ways, raise awareness about the risk that our food supply is at and the very critical role that our farm families play as frontline protectors of our biosecurity, and the idea that this must be taken extremely seriously. That is why we set the fines of \$250,000 for an individual and up to \$500,000 for an organization, because if it is a specific organization that is directing this unlawful behaviour, those protestors may receive a very small fine, but that organization is free to move on with no consequences. In many ways it is using this as a fundraiser, so if anything is benefiting it, we need these harsh consequences in there.

[Translation]

**Mr. Richard Lehoux:** Thank you, Mr. Barlow.

We know CFIA and farmers' associations work together to develop biosecurity standards.

What role should the agency play in all this? What involvement should it have in implementing the bill, if it passes?

[English]

**Mr. John Barlow:** Thank you, Mr. Lehoux.

That was really one of the things I heard about in speaking with the RCMP and CFIA. They're frustrated with this because they don't feel they had the tools previously to really ensure that protestors who did break onto farms were held accountable. It was as frustrating for them as it was for the farm families who wanted to ensure they were protected. Basically, what we are doing is giving CFIA the tools it needs to enforce the biosecurity and protect the mental health of our farm families. This will allow them to lay those consequences at the feet of those who unlawfully protest or trespass on the farms.

• (1610)

[Translation]

**Mr. Richard Lehoux:** I gather, then, that the agency is ready to assume that role.

What additional tools would the agency need to ensure the bill does what it's meant to?

[English]

**Mr. John Barlow:** I think we're seeing some moves in a positive direction when it comes to that, Mr. Lehoux, in that in Alberta specifically—and I believe Ontario has done it as well—you have provincial inspectors training with CFIA inspectors to have a harmonization of qualifications so they can trade off on some of these duties. Obviously, some of these places are in remote and rural communities, so you can have that trade-off with CFIA and provincial inspectors to make sure they have the resources to enforce some of these rules, but if this comes through, we want to ensure that CFIA does have the resources it needs.

**The Chair:** Thank you, Mr. Barlow.

[Translation]

Thank you, Mr. Lehoux.

[English]

Now we will go to Mr. Longfield for five—

[Translation]

**Mr. Richard Lehoux:** Is my time up already, Mr. Chair?

**The Chair:** Yes, you're out of time.

[English]

**Mr. Lloyd Longfield (Guelph, Lib.):** Thank you, Mr. Chair.

Chair, it's great to be back in the ag committee with Mr. Barlow, Mr. MacGregor and you.

I remember the studies, and I remember in particular the mental health study and the impact on mental health of farmers and ranchers when they're not only targeted by people invading their property, but also by being portrayed as murderers, as Mr. Barlow said in his opening statement.

I also remember the safe handling of animals during transport where this was also an issue, where farmers and ranchers are really there to protect and steward the animals that are under their care, and all the protesting goes directly against what the farmers are trying to do to bring animals safely and healthily to market.

The act itself is something that I'm struggling with a bit in terms of the offences. Currently, there are strict liability offences, and I wonder how straightforward it would be for the CFIA to enforce this bill where they would have to show that the intent was for the perpetrators to cause a disease outbreak. It seems that this is a significant piece, because it really changes the way that the CFIA operates.

Mr. Barlow, could you maybe comment on your sense of what additional resources would be needed? You just mentioned that in your closing there. How would this work through the CFIA and the need for them to prove some type of intent under the law?

**Mr. John Barlow:** Thank you very much, Mr. Longfield. I know you have a Cargill meat-processing plant in your riding as well, so you're—

**Mr. Lloyd Longfield:** Yes, it's the second largest. Yours is the largest.

**Mr. John Barlow:** It's no competition.

You are well aware of the issues that this bill is trying to address.

**Mr. Lloyd Longfield:** Yes.

**Mr. John Barlow:** I really want to be clear with the members of the committee that this is a job that CFIA is already doing. This is not something that we are putting on them that they have never done before. That was really one of the reasons we went this route rather than a Criminal Code change, because the CFIA is already doing this job. We're just strengthening the consequences and the deterrents that are there.

For example, I believe there were 12 charges in 2020, two charges in 2019, and 43 charges under the regulations in 2018, so this is something they've already been doing. The issue I am identifying here is that the consequences aren't tough enough to really deter this type of unlawful activity.

As you talked about when you were a member of this committee and the committee did that mental health report, the devastation this has had on Canadian farm families is very real—and that's not even talking about the biosecurity risks that are also just as real.

**Mr. Lloyd Longfield:** Yes, and I remember Mr. Dreesen also making that point during the committee as we looked at how to protect the health of animals primarily from people who are supposedly trying to protect animals, but in doing what they're doing, they're actually putting the animals and the farm families at risk.

That role of the CFIA is one piece that is a bit outstanding for me, because I know that the CFIA's role changed over the years, where they used to also be involved with helping with marketing, but then everything fell under Health Canada.

Part of our frustrations with committees is that sometimes it was something that had to go to the health committee, and this one might be something that has to go to the justice committee. I think there might be some clarification that the committee could look into there.

Also, with the civil rights, the trespass rights that you mentioned as being provincial jurisdiction, we do have the national law enforcement in many cases. In Ontario, we have the OPP.

In terms of how the provinces would see the federal government going into provincial jurisdiction and saying, now we're going to take over this, what would we say to the provinces there?

• (1615)

**Mr. John Barlow:** Again, Mr. Longfield, we're not intruding on provincial jurisdiction, because this is a job that CFIA is already doing. Again, we're just giving them some different tools or some stronger tools for them to do that job.

Sorry. Go ahead.

**Mr. Lloyd Longfield:** I'm sorry to interrupt.

It's more the precedent of our enforcing the trespass laws. I know that CFIA is there for other purposes, but I think this is more of a trespass situation.

**Mr. John Barlow:** That's certainly part of it, but this isn't a Criminal Code trespassing issue. When it comes to protecting biosecurity on farms, this is something that CFIA already has the authority to lay charges on and to enforce. We're just strengthening that part of it.

You're right. CFIA is under the Minister of Health. This is something on which we're going to have to have a discussion with the Minister of Health at a future date, and I've already reached out to the minister to have a discussion on this.

**Mr. Lloyd Longfield:** Thank you for continuing this discussion. It's very important work, Mr. Barlow.

**The Chair:** Thank you, Mr. Longfield and Mr. Barlow.

[Translation]

Mr. Perron, you may go head. You have two and a half minutes.

**Mr. Yves Perron:** I had one question left for Mr. Barlow.

Mr. Barlow, I want to be sure I understand the bill. It will not be necessary to prove that a disease or side effect resulted from the trespassing incident, and the simple act of trespassing onto a farm could be punishable by the penalties set out in the bill. Is that correct?

[English]

**Mr. John Barlow:** That's a great question, Mr. Perron. I appreciate the opportunity to clarify it.

Yes. This is not something that's only enforced if a disease is brought on to the farm. The whole focus of this is to ensure that it does not happen. The charges enforced by the CFIA would happen if a protester unlawfully comes onto that farm or a processing plant, regardless of whether there are unfortunate consequences where they did bring in an animal virus or spread something from one farm to another.

Back to Mr. MacGregor's question on that—

[Translation]

**Mr. Yves Perron:** Thank you.

The Society for the Prevention of Cruelty to Animals, which is responsible for inspections in certain situations in Quebec, and CFIA have expressed concerns about the bill.

Those concerns make me wonder. Would the bill limit the inspection powers of either organization?

[English]

**Mr. John Barlow:** There's nothing in this that would impede lawful inspections by other organizations, whether that's a provincial health authority.... In my riding I have a lot of Hutterite colonies that do commercial butchering, processing and cooking. They have Alberta Health Services come in on a regular basis to inspect facilities and animal health. This would not impede that in any way.

[Translation]

**Mr. Yves Perron:** We have the same read on the situation.

I'd like to give you an opportunity to finish what you were saying earlier in response to Mr. MacGregor's question.

[English]

**Mr. John Barlow:** That does happen. Unfortunately, with the issue in my riding at Jumbo farms in Fort MacLeod, many of those protestors were on a hog farm in Abbotsford, B.C. the week before. They could very easily have been carrying a virus or a disease from one farm to another.

That's really what we're trying to avoid. If they were protesting at a farm in another province or another district and certainly with another breed, we want to ensure that they are caught the first time and consequences are laid there before they have the opportunity to spread that disease to a second operation.

**The Chair:** Thank you, Mr. Barlow.

[Translation]

Thank you, Mr. Perron.

**Mr. Yves Perron:** Thank you.

[English]

**The Chair:** Now we have Mr. MacGregor for two and a half minutes.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Thank you, Mr. Chair.

Mr. Barlow, I'm going to load you up with two questions because there's not a lot of time. The first clause makes reference to entering "a building or other enclosed place" where animals are kept. My first question is, would this law miss out on protestors who maybe entered a farm, but stayed outside of the buildings and protested there? They're nowhere near the animals, but they're still on the property.

Secondly, when you were going back and forth with the drafters for this bill, I'm wondering about that part of the first clause referring to "knowing that or being reckless". Did you ever consider leaving that out and just saying that if a person came on where animals were kept and if entering such a place could spread or expose the animals to disease. Did you consider just getting rid of that? I just wanted to know about your back and forth about why that specific language was used.

• (1620)

**Mr. John Barlow:** Thank you, Mr. MacGregor.

I'll try and be as quick as I can. On your first question, if the farmyard is fenced, even though they may not be breaking into a barn, they would still be contravening the act. Whether they came in the barn door or the gate at the front of the driveway, they would still be contravening the act. There could be a bit of a loophole there if there's no fence around the farm, which I guess could happen, but is extremely rare. If you have livestock animals, you are going to have a barbed wire fence or an enclosure of some type. That would be still part of the act.

On your second question, in all honesty, we wanted to ensure there was that portion in there that ensured that we are highlighting the fact that this was specifically for unlawful behaviour. I'm not sure about the word "reckless". I would have to go back in my memory. We really wanted to make sure that we highlighted the fact that this was focused on unlawful behaviour.

**Mr. Alistair MacGregor:** Okay.

I'm getting close to the end of my time, so thanks for that clarification.

**Mr. John Barlow:** Any time.

**The Chair:** Thank you, Mr. MacGregor.

Now we will hear from Mr. Steinley for five minutes.

**Mr. Warren Steinley (Regina—Lewvan, CPC):** Thank you very much, Mr. Barlow.

I very much appreciate this bill being brought forward. It does a lot for our producers when it comes to having clarity around who can and can't be on their farm. It also really gives producers some peace of mind.

You talked about the viruses and diseases that can be brought on to farms. Would I be right in saying that's one of the reasons there

is a higher fee or bigger penalty for organizations and corporations? The example you gave was of someone protesting on a hog farm in B.C. and then coming to a turkey farm in your riding.

Can you give us your thoughts on that? Why are there higher penalties for corporations and organizations?

**Mr. John Barlow:** As Canadians involved in the agriculture industry in one way or another, I think it's time that we understood the potential very real financial consequences if there were an outbreak of some sort of virus. The highest fine would be \$500,000 for an organization that was planning this type of event.

I'll go back quickly to BSE. That cost our industry more than \$30 billion. Tens of thousands of animals were lost. As I mentioned, 3,000 ranches were closed in Alberta. As you would know, we haven't got our cattle herd back to pre-BSE numbers.

What if we had an outbreak of African swine fever in Canada? That is a \$45 billion industry in Canada. There are very real financial consequences to this that last decades. When we talk about doubling the fines as part of this proposal, that's still a drop in the bucket with respect to the potential financial implications of an outbreak on a farm or at a processing plant.

**Mr. Warren Steinley:** I want to touch on another issue. It's close to my heart.

I grew up on a dairy farm. We had show cattle. We showed them from the World Agricultural Fair in Toronto to the World Dairy Expo in Madison, Wisconsin, to Agribition and to the fall fair in....I don't think people realize how well producers take care of their animals.

This goes to the comments Mr. Blois made about sometimes not knowing what happens on a farm or what could happen.

Could you give us some examples where strangers do actually enter farmyards, do shock the animals and do create a stimulus in the environment that the animals are not used to? If this happens, there could be dire consequences.

Animals are used to people coming into their pens and taking care of them, but having strangers on a farm or in a barn can have a devastating effect on animals and herds, as well as on the people who have taken great care of their animals. The animals just can't recover from that shock.

**Mr. John Barlow:** Thank you for the question, Mr. Steinley. It's an opportunity to talk about our farm families as the ultimate stewards of our land, our water and our soil.

No one cares for their livestock more than farmers do. It is their livelihood. In many cases—again, going back to BSE—we lost generations of genetics. They were building some of those herds for decades.

No one cares for their animals more than they do. I go back to the Tschetter family. They were devastated when they came into that barn because many of their turkeys were dead. As you said, when these strange people had come into the barns, the animals had been shocked. The animals trampled each other running away as quickly as possible in an open pen. They weren't in cages and they weren't being poorly treated in any way.

Another aspect that people don't understand—it's the reason this is so important to me and to many who are involved in the industry—is that, unfortunately, farm families are being depicted in a way that is far from the truth. We've talked about how passionate they are and how important their animals are to them. No one cares for them in a better way than they do. I think that's something we have to get out there.

• (1625)

**Mr. Warren Steinley:** Yes. I appreciate that very much, Mr. Barlow.

I know on our farm—I'm going home this weekend for branding—we treat our animals well because they are our livelihood. I'm looking forward to seeing some family back home and talking about this bill and how we can support our producers and our ranchers.

I'll just talk to my colleagues here. The mental health of our farm families is so important. This is a bill that can really give our farm producers a signal that we're listening to them and what they want.

As an agriculture committee and as legislators, I think it's incumbent upon us to send the right signal to our producers that we do have their backs, that we are there for them and want to make sure they can care for their mental health. We want them to have some security and some stability from knowing we have their backs.

Please, help me and help Mr. Barlow to pass this bill.

Thank you.

**The Chair:** Thank you, Mr. Steinley.

Now we will go to Ms. Bessette for five minutes.

[*Translation*]

**Mrs. Lyne Bessette (Brome—Missisquoi, Lib.):** Thank you, Mr. Chair.

I'll be splitting my time with Mr. Blois.

Mr. Barlow, I'm going to continue in the same vein as Mr. Longfield. Do you anticipate any legal challenges from the provinces, since Bill C-205 interacts with provincial trespassing legislation?

[*English*]

**Mr. John Barlow:** It doesn't interact with provincial legislation. This is a federal animal health act. What you and maybe Mr. Perron are talking about is a Criminal Code issue. Yes, provincial police forces can lay a trespassing charge if there is a protester unlawfully on private property, but the CFIA could also press charges through the Health of Animals Act.

As I said, three provinces, maybe four, are working on similar legislation through the Criminal Code, specifically on trespassing

when it comes to protecting biosecurity on farms, but only Alberta and Ontario now have that legislation. Saskatchewan is going through the process, as is Manitoba, but that still leaves a majority of provinces and territories without anything in place. I think it is important that we show some leadership at the federal level on this.

**Mrs. Lyne Bessette:** Thank you.

[*Translation*]

You said in your opening statement that farmers were being harassed on social media and that it was taking a serious toll on their mental health.

What can be done to help farmers who are subjected to that type of treatment online?

[*English*]

**Mr. John Barlow:** Ms. Bessette, that is an incredible question. I wish I could have the answer to that.

We are seeing groups like Do More Ag and those kinds of social media groups that are really starting to become proactive and standing up for our industry. That is so important.

I hope that as a result of COVID, as a silver lining, people will have much more appreciation for our farmers and where their food comes from. Unfortunately, we have that “cowboy up” mentality, that you just suck it up; you spray some dirt on it and you move on. We have to stop that. We have to start talking about mental health as a real issue and something we can't ignore anymore. Unfortunately, this legislation doesn't address that, but I think all of us can play a role in supporting this bill, showing that we understand that mental health in agriculture is an issue and that we're going to take steps to show them we support them.

**Mrs. Lyne Bessette:** Thank you very much, Mr. Barlow.

[*Translation*]

**Mr. John Barlow:** Thank you.

• (1630)

**Mrs. Lyne Bessette:** Mr. Blois can have the rest of my time.

[*English*]

**Mr. Kody Blois:** Thank you, Ms. Bessette.

Again, Mr. Barlow, thank you for your time here today.

I would agree with the lion's share of what you said today, particularly about mental health.

I had the chance in the House to recognize the Do More Agriculture group last week. You're spot on.

I want to go back to some of the questioning by Mr. Perron and Alistair, because when I read this legislation I looked at the summary, and it says, “exposure of the animals to a disease or toxic substance”, and Mr. MacGregor presented a situation where a protester could come on a farm and take some due diligence to try to avoid the disease or toxic substance. You said that as soon as they walk onto that farm without lawful authority, essentially this is going to trigger them. Do you see that as the only piece? When I look at proposed section 9.1, I read it all the way through to the point where it becomes “could result in the exposure of the animals to a disease or toxic substance that is capable of affecting or contaminating them”.

My worry is that, although the intent of this legislation is strong, I don't know if the CFIA, or whoever would be responsible for administering it, will be able to impose these penalties because there is a strong requirement on someone to not only have shown recklessness, but also a knowing intent to do exactly what they did.

What are your thoughts on this, because you're really just talking about lawful authority and nothing really on the rest of that statement?

**Mr. John Barlow:** Thanks, Mr. Blois. I appreciate your question and your interest in the issue.

Absolutely, we want to make sure that, as part of this legislation, we are protecting the biosecurity of farms. If that protester—and that's the key part of it—is unlawfully on that property and unknowingly or could potentially be passing on a virus or a toxic substance.... We don't know if they are or they aren't, because they aren't a professional and aren't being given guidance on that property by the homeowner or the business owner. I think that's really important. They may think they are doing all the right things. I'm sure when these protestors and activists come onto a property, they are not trying to put animals in harm's way—of course not. That is the complete opposite reason to why they are. However, in most cases, they do not understand the biosecurity protocols or the consequences. That's why I think this legislation is so important.

**Mr. Kody Blois:** Just quickly, if I could continue, Mr. Chair, if indeed they did meet the protocol or standard of care so that they would not pass on a disease or otherwise, would you admit then that this is the type of legislation that might not impugn them because it really deals with biosecurity? If they actually met the standard of care, this wouldn't actually trigger it, or is it triggered if they simply step foot on the property?

**Mr. John Barlow:** I think that would be up to the CFIA inspector who is there. Again, part of this is whether they “could” pass this on. I understand where you're trying to go with this, Mr. Blois, but it will be at the discretion of the CFIA and the potential consequences or potential ramifications that could have resulted from that action.

**The Chair:** Thank you very much, Mr. Barlow.

Thank you, Mr. Blois.

This concludes our first hour. I really want to thank you, Mr. Barlow. It was a very interesting, good conversation about a subject that certainly is of interest to all farmers in the country.

With that, we'll pause to get the panel for the next hour, and we'll see you here very shortly.

● (1630)

(Pause)

● (1635)

**The Chair:** I call the meeting back to order. Welcome back.

For the second hour, from the Canadian Food Inspection Agency, we have back again on our panel Mr. Jaspinder Komal, who has been here many times.

[*Translation*]

He is the vice-president of the science branch and chief veterinary officer at the Canadian Food Inspection Agency, as well as the World Organisation for Animal Health delegate for Canada.

Welcome, Mr. Komal.

We also have Kelvin Mathuik, director general, western area, operations branch, and Mary-Jane Ireland, executive director, animal health directorate, policy and programs branch.

Welcome everyone.

We will start with opening statements.

Mr. Komal, you may go ahead. You have five minutes.

[*English*]

**Dr. Jaspinder Komal (Vice-President, Science Branch, Chief Veterinary Officer and World Organisation for Animal Health Delegate for Canada, Canadian Food Inspection Agency):** Good day, Mr. Chair.

My name is Dr. Jaspinder Komal and I am Canada's chief veterinary officer and the vice-president of science at the Canadian Food Inspection Agency. With me today is Dr. Mary Jane Ireland, who serves as the executive director of animal health, and Mr. Kelvin Mathuik, director general of our operations in the western area.

We are pleased to lend our expertise to assist you in your consideration of private members' Bill C-205, an act to amend the Health of Animals Act.

The CFIA is a science-based regulatory agency, and its broad mandate encompasses animal health, plant health, food safety, and international market access. The proposed bill contains elements that greatly impact how the CFIA currently delivers on its mandated activities due to the bill's proposed changes to the Health of Animals Act.

The CFIA has programs in place that are designed to protect animal health and support biosecurity. In a nutshell, CFIA's animal health program protects Canada's animals from disease, including aquatic animals; manages animal disease events; promotes and regulates certain aspects of animal welfare; verifies that animal feeds and vaccines are safe, effective and of high quality; collaborates to develop voluntary biosecurity standards; and facilitates trade and market access for Canadian animals and products.

The CFIA administers and enforces the Health of Animals Act and regulations, which address diseases and biological, chemical, or physical agents that may affect animals or be transmitted by animals to persons and, in the same vein, to protect animals from these risks. The CFIA takes the lead in responding to reportable diseases, such as avian influenza, African swine fever, and Bovine spongiform encephalopathy, or BSE.

There is also the issue of biosecurity, which is a foundational piece in the proposed legislation. The CFIA has a long history of working closely with industry and producer organizations, provincial and territorial authorities, academia, and consulting with international partners to support biosecurity for the regulated parties we inspect.

Under the Health of Animals Act, in the course of their work, CFIA inspectors and officers may require that animals be presented for inspection, require documents be produced, conduct tests or analysis, as well as enter a dwelling place with a warrant, among other authorities officially granted.

However, CFIA inspectors and officers are public officers. They're not peace officers. Public officers are defined as any officer engaged in enforcing the laws of Canada relating to revenue, customs, excise, trade or navigation. Their powers stem from the acts and regulations they enforce—in this case, the Health of Animals Act—and they are given limited additional powers under the Criminal Code. In contrast, peace officers are generally police officers. Their powers include the ability to detain or arrest individuals. Peace officers may also be armed, whereas public officers such as inspectors may not be.

I would also like to point to the fact that existing legislation already clearly defines and deals with issues related to private property, and its enforcement largely rests with provincial authorities, including peace officers. There are also existing federal provisions under the Criminal Code that deal with trespassing, as well as specific prohibitions on animal cruelty and abuse. What Bill C-205 proposes represents a significant shift from what the CFIA has been mandated to do, and therefore would require an investment of additional inspection resources, further training, and increased legal authorities to assume these additional responsibilities. Given the combination of Criminal Code provisions, provincial trespass and animal health legislation and producers' commitment to on-farm biosecurity that already exist, the proposed amendments would provide limited additional protection to farmers and producers.

However, I feel I can only speak to my expertise in animal health, especially as it pertains to CFIA's mandate and activities. I trust that this testimony can help inform your study of this proposed legislation, and I am very happy to be back at this table, Mr. Chair.

Thank you.

• (1640)

**The Chair:** Thank you very much, Dr. Jaspinder.

Now we'll start our round of questions.

[*Translation*]

Mr. Lehoux, we now go to you for six minutes.

**Mr. Richard Lehoux:** Thank you, Mr. Chair.

Thank you to the witnesses for being here this afternoon. CFIA plays a very important role in protecting animal health.

My question is for whomever would like to answer. It's about biosecurity. You said you work with various organizations and farmers associations to develop biosecurity standards. When people trespass on a property, regardless of how they penetrate the premises or where they come from, there is a risk of contamination. Farmers have to change their clothes and even shower when they enter and exit the building.

Is biosecurity very important in the context of Bill C-205?

• (1645)

[*English*]

**Dr. Jaspinder Komal:** Biosecurity on an animal farm is very important. As I said, biosecurity is a responsibility that is shared. We support the development of standards along with industry, provinces and academia. That's the National Farmed Animal Health and Welfare Council, which actually convenes these stakeholders.

We are there to provide expertise from the scientific perspective and from the international perspective, but it's primarily a provincial responsibility because provinces have jurisdiction on the farm. As well, the producers have a responsibility because it is their farm, so they make sure that, based on risks, they will implement—

[*Translation*]

**Mr. Richard Lehoux:** Sorry to cut you off, but what role, specifically, can the agency play in investigating incidents or administering the penalties in the bill? What will the agency's main role be?

[*English*]

**Dr. Jaspinder Komal:** I was going to come to that, to say that because it is a provincial and a producer's responsibility, our inspectors are not there because of the jurisdiction.

Our inspectors are only there in case there is a drug-related disease, which is regulated under the Health of Animals Act, and then they are called upon to investigate. They are not present in the communities.

It is the provincial government that will implement the biosecurity on the farm and investigate in case there is a breach, unless there is a drug-related disease that is happening on the farm.

[*Translation*]

**Mr. Richard Lehoux:** [*Technical difficulty—Editor*] in connection with that, because, as we know, African swine fever is a concern.

My riding is home to quite a few hog farms. Foot-and-mouth disease has done damage to farms in previous years, and is still a problem. That's what makes biosecurity so important.

Don't you think imposing higher fines on activists who trespass on farms can be a major deterrent?

[English]

**Dr. Jaspinder Komal:** Yes, biosecurity is very important and we actually communicate with stakeholders to implement biosecurity. Especially, you talked about African swine fever, which is a great threat to the Canadian pig population, which is an important economic factor in the Canadian agriculture industry.

Is there a level of risk? We think 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. African swine fever is one of them, which is a very slow disease that actually is transmitted between pigs, unless humans are within the farm, in the pig barn with the pigs for a longer period of time and then transmitting the virus.

[Translation]

**Mr. Richard Lehoux:** I understand what you are saying, but my question had more to do with activists who go from farm to farm.

I'm from an agricultural community and I know that, while activists don't stay long on a farm, they don't have to have prolonged contact in order to spread certain diseases.

Lastly, does the agency have sufficient resources to oversee the biosecurity component set out in Bill C-205?

[English]

**Dr. Jaspinder Komal:** Thank you again.

The current resources that agencies end up deploying are for inspectors to be working under the Health of Animals Act to investigate diseases. The resources are now being deployed to investigate or to enforce regarding trespassing, which will be new work for the inspectors and this will be a game-changer. We'll have to have more resources to actually implement this because it will require training inspectors, developing their skills, equipping them with new instruments or tools. It will require having more inspectors.

● (1650)

[Translation]

**Mr. Richard Lehoux:** In that case, would it not be possible—

**The Chair:** Thank you, Mr. Perron. Unfortunately, you're over time.

**Mr. Richard Lehoux:** Thank you, Mr. Chair.

**The Chair:** My apologies, I meant to say Mr. Lehoux.

[English]

Now we will go to Mr. Ellis for six minutes.

Go ahead, Mr. Ellis.

**Mr. Neil Ellis (Bay of Quinte, Lib.):** Good afternoon. I would like to thank you for coming today. Mr. Barlow's speech touched on

documented cases. Are there documented cases, and how often does trespassing trigger a disease outbreak?

**Dr. Jaspinder Komal:** Thank you for the question.

To our knowledge there are not many documented cases from trespassing or from people demonstrating. The one that I heard about is the one in Quebec, but I'm not sure if there's evidence that there actually was transmission from the activists to the pigs. In scientific literature we haven't seen much evidence of transmission of disease through these activities.

**Mr. Neil Ellis:** Thank you.

What laws are in effect now to handle trespassing on the farms, and how would this bill provide a solution, do you think?

**Dr. Jaspinder Komal:** There is provincial legislation. There's the Criminal Code, and as I said before, the jurisdiction on the farm is a provincial responsibility, and therefore it's pertinent that they and the peace officers will enforce these kind of activities. CFIA is not there on the farms unless there's a regulated disease to be managed. Therefore, having this enacted in the Health of Animals Act will sort of muddle the accountability between provinces and the federal government, because the way the bill is drafted right now, there will have to be evidence beyond any doubt that there was a disease or a biosecurity breach that happened in order to prosecute any perpetrators. In the provincial legislation there are provisions that they can implement and they can enforce the provisions regarding trespassing and the Criminal Code.

**Mr. Neil Ellis:** Do you know how this bill differs from what we spoke about earlier in the testimony, with regard to there already being trespassing laws in, I believe, Alberta and Ontario? How would this bill actually affect those laws if it took effect, and do you know the difference between this bill and the ones that are already in effect?

**Dr. Jaspinder Komal:** For this question maybe I'll ask my colleague Dr. Ireland to explain the differences with regard to how they're implemented.

Over to you, Mary-Jane.

**Dr. Mary-Jane Ireland (Executive Director, Animal Health Directorate, Policy and Programs Branch, Canadian Food Inspection Agency):** Thanks.



Respecting the fact that I'm not a lawyer, I will say that there is existing legislation to deal with these types of incidents. There is existing provincial and territorial jurisdiction over property and civil rights and laws that prohibit trespassing in almost every province. As we heard earlier, Alberta, Ontario, Saskatchewan, and P.E.I. have recently passed enhanced private property legislation as a way to deter animal rights activists from trespassing on farms and in food processing facilities. British Columbia and Manitoba are also considering similar legislation. Federally the Criminal Code also includes provisions that deal with trespassing. We have section 177 which prohibits trespassing at night, section 430 which deals with general acts of mischief, and section 348 which codifies breaking and entering with the intent to commit or committing an indictable offence. These are areas of legislation that are already in existence to deal with and deter trespassing.

Thank you, Mr. Chair.

**Mr. Neil Ellis:** Thank you.

I have just one last question. Are there similar laws in other countries? How do our trading partners handle this?

• (1655)

**Dr. Jaspinder Komal:** With regard to laws that pertain to the health of animals, we know that south of the border, the USDA's health of animals laws are very similar to what we have in the Health of Animals Act.

These laws are made pursuant to the standards developed by the OIE, the World Organisation for Animal Health, so they are very similar to the laws made in other countries because of trade. They are very focused on trade. They are not focused on trespassing activities or things like that.

**Mr. Neil Ellis:** Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Ellis.

[*Translation*]

We now go to Mr. Perron.

Mr. Perron, you may go ahead. You have six minutes.

**Mr. Yves Perron:** Thank you, Mr. Chair.

Thank you to the witnesses for being here. We certainly appreciate it.

I'm not sure which one of you can answer my next question, but someone mentioned that laws are already in place to address this type of activity.

How do you explain that it keeps happening?

Is that a sign that the current legislation is not working?

[*English*]

**Dr. Jaspinder Komal:** Perhaps I can start. I will ask my colleagues to add to this, if they want.

As was mentioned previously, many provinces have implemented legislation for trespassing. Normally, if these things happen, a producer can call peace officers to ensure that they are protected. They can also work with the provinces to ensure that these activi-

ties are not carried out. There are arrangements there that can be enabled by—

[*Translation*]

**Mr. Yves Perron:** Sorry to interrupt you, but I have a limited amount of time.

I know provinces have legislation, but how do you account for the fact that the behaviour persists despite the laws?

I'll rephrase the question, but in a more direct way this time. Mr. Barlow's bill fills a gap, does it not?

[*English*]

**Dr. Jaspinder Komal:** The intent of the bill, as it is, is to protect against trespassing. The second intent is with regard to biosecurity. In our minds, as experts in animal health, it is a little bit difficult to reconcile the one with the other. A breach in biosecurity can be caused by anybody—a farm worker or a trespasser or anybody else—and with this kind of activity, the risk of disease is more on the lower side of the ledger. That's why it is a little bit difficult to see the Health of Animals Act as the right act for this bill to amend.

[*Translation*]

**Mr. Yves Perron:** That's very insightful. You said that the risk for this type of activity could be quite low, that it's not particularly clear. In response to another member's question, you said the offence would be tough to prove.

The very purpose of the bill is to punish trespassers on a preventative basis. The idea is to prevent biosecurity hazards.

Would it not be a good idea, as a precautionary measure—and I know this can be tough to prove scientifically speaking—to raise the penalties to deter the behaviour? Just think about all that's at stake: food safety, farmers' mental health, privacy, and the prevention of unfortunate circumstances resulting from the unwanted presence of individuals on farms, not to mention the fact that the farm owners are very aggrieved by the situation.

[*English*]

**Dr. Jaspinder Komal:** Dr. Ireland wants to respond to this.

**Dr. Mary-Jane Ireland:** I think CFIA acknowledges the potential risks to animals and animal health and welfare, and in fact also the mental stress that trespassing poses to producers and their staff and families. Yes, trespassing is not something that we want to happen, and for a number of reasons. However, in light of considering this particular bill, we contemplate that we need to think about the fact that there are existing legal instruments that are already there to deal with the activity at both the federal and provincial levels.

CFIA staff have neither the legal authority nor the training to perform as peace officers, which would be required with this bill. Nor is the CFIA structured, in fact, in a manner that would allow for the timely response to trespassing incidents.

• (1700)

[Translation]

**Mr. Yves Perron:** Thank you, Ms. Ireland.

Wouldn't it be possible to have the agency partner with police?

The agency would document that someone trespassed on the premises, and police would obviously deal with the home invasion. After all, it is a home invasion—home, in the broad sense, of course.

With this type of partnership, you wouldn't need to serve a police function—which already exists—but you would document the fact that biosecurity was compromised, that a secure workplace was breached.

[English]

**Dr. Mary-Jane Ireland:** Thank you, Mr. Chair.

If I understand the question correctly, I think the member is asking about how CFIA would go about enforcing the bill's provisions. In response to that, the first response to an incident of trespassing would be the police of jurisdiction, including the RCMP in some Canadian locations, or provincial, territorial or municipal police forces, depending on the police in that area. They would be the first to arrive in such a situation. Should there be an indication that a trespasser has exposed an animal to a diseased or toxic substance that is capable of affecting and contaminating them, CFIA would be called in to investigate.

The CFIA employees would not attend any volatile location alone, certainly. They would need to be accompanied by a local peace officer or police officer.

**The Chair:** Thank you, Ms. Ireland.

**Dr. Mary-Jane Ireland:** Thank you.

[Translation]

**The Chair:** Thank you, Mr. Perron.

[English]

Now we have Mr. MacGregor, for six minutes.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Thank you, Chair, and thank you to our witnesses.

The CFIA has very clearly explained that they are not peace officers. They do not have the ability to detain, arrest or carry firearms.

With the existing Health of Animals Act, has the CFIA ever had to have a peace officer accompany them to enforce its currently existing provisions?

**Dr. Jaspinder Komal:** I would pass this question to Mr. Mathuik, because he is on the ground he will be better able to explain.

**Mr. Kelvin Mathuik (Director General, Western Area, Operations Branch, Canadian Food Inspection Agency):** Thank you, Mr. Chair.

To the member's question, the process we would use as public officers in the agency would be to call the local police authority to assist us in a matter. That could range from many factors, such as if

there were a humane transport issue at play. If we moved to actually quarantine a farm and were going to need to detain animals, for example, and we had an uncooperative producer, then we'd need the assistance of the police force to assist us on that matter.

Again that goes to the notion that our staff, inspectors, veterinarians and scientists are not peace officers, as you described in your opener, and don't carry the enforcement authorities and detainment authorities that would be vested with the police authority.

**Mr. Alistair MacGregor:** Thank you.

In his opening remarks, Mr. Barlow explained the situation in his own riding on a turkey farm where the family woke up early in the morning and found 30 protestors on site. If this bill were law right now, how would the CFIA go about investigating such an occurrence?

It seems like you would have to have peace officers on hand to detain everyone and then you'd have to devote some significant resources to conducting an investigation.

Are the standards of proof in this bill...? How would you go about proving that an offence had occurred under the provisions of this bill?

**Mr. Kelvin Mathuik:** Mr. Chair, on the member's question, you ask a very big, loaded question for us. Obviously we are trained on the causal review of cases to really get to a result of what the circumstances were.

To your point, this would represent a very fundamental shift for the agency, its role and its mandate. If this bill were passed, we would be asked to become peace officers with all of the details, training, authorities, policies and procedures that would be needed to actually act as police officers on the detainment of the scene and to conduct the investigative process.

Certainly it adds tremendous complexity. It would fundamentally shift the role of the agency on the health and well-being of animals and its overall disease management that we do within the agency.

• (1705)

**Mr. Alistair MacGregor:** Thank you for that.

Given the CFIA's current resources across Canada, what ability do you have to respond in a timely fashion to some of the most rural farming properties that exist out there?

**Mr. Kelvin Mathuik:** Mr. Chair, this is another excellent question.

When we look at the geography of Canada, a very vast country in which the rural population lives in our most geographically vast area, you are absolutely correct. The agency would have to significantly increase its staff complement and would have to think geographically about where we position our officers, staff and investigators to conduct what this bill is asking of us, if it were passed.

We would therefore have to make a pretty big investment in upping our staff complement, skilling them, and positioning them across the country in order to be very responsive on any one issue that might come to light relative to trespassing and resulting biosecurity issues.

**Mr. Alistair MacGregor:** If Bill C-205 were to become law, is there any other agency that can be tasked with enforcing the Health of Animals Act, or does it always have to be the CFIA?

**Mr. Kelvin Mathuik:** The CFIA is the responsible authority under the Health of Animals Act. If we were to go to the notion of biosecurity, of course we work very closely with our provincial partners and territorial governments around the authorities they have within the context of their health of animals acts and trespassing or other provincial statutes.

We work very collaboratively with them now, because if ultimately there is a disease outbreak, we want to be sure what is really involved, and if there is a federal responsibility on a reportable disease, then of course, under the Health of Animals Act CFIA would have to take responsibility to manage that particular disease outbreak on that particular farm. This would include avian influenza, BSE, or African swine fever.

**Mr. Alistair MacGregor:** Finally, Bill C-205 makes reference to an enclosed place or building in which animals are kept. There's been some talk about what would happen if protesters entered a farm but did not enter the building.

Are there problems, when you try to do your investigations, concerning whether the protesters came anywhere close to animals in order to possibly transfer a disease?

**Mr. Kelvin Mathuik:** Mr. Chair, to the member's question, this is an interesting situation. Of course, timeliness would be important to reaching that conclusion about protesters being outside or inside the barn and whether there was some actual situation of biosecurity issues resulting in a potential spread of disease.

**The Chair:** Thank you, Mr. Mathuik.

Thank you, Mr. MacGregor.

Now, for the five-minute round, we'll go to Mr. Epp.

**Mr. Dave Epp (Chatham-Kent—Leamington, CPC):** Thank you, Mr. Chair.

Thanks for the testimony from the officials.

I'll start with background. We had some material showing that 43 charges were laid under the Health of Animals Act in 2018; two under the act and three under the regulations in 2019; and 12 in 2020. That is a precipitous decline.

Can you comment on the nature of those charges in general and why the decline occurred?

**Dr. Jaspinder Komal:** Thank you, Mr. Chair. I'll try to answer this question.

Those charges would involve, as Kelvin talked about, humane transportation, for example, or cases in which the animal treatment is not being done properly at the slaughter plant. We have provisions in the act for issuing monetary penalties, and most of the 43 will be under those circumstances.

Humane transportation, under health of animals welfare, is a federal responsibility. The on-farm responsibility comes under provincial jurisdiction. The federal abattoirs are also a federal responsibility. It is there that our inspectors can issue the penalties.

• (1710)

**Mr. Dave Epp:** Thank you.

It seems, from the way you answered, that the number of charges does act as a deterrent to bad behaviour. That is the intent, as I understand it, of this bill as well.

Can you talk about farm biosecurity standards? My understanding is that on their own they don't carry the force of law. Would the passage of Bill C-205 not provide the force of law to trespassing with the potential of breaching farm biosecurity standards?

**Dr. Jaspinder Komal:** Thank you, Mr. Chair.

To the question from the member, yes, biosecurity is a strong tool to prevent diseases. As I explained in my answer to the other question, we are there to support the development and implementation of biosecurity measures. It is a provincial producer's responsibility to implement them and enforce them.

We will only go and look at biosecurity issues if there's a regulated disease, because that is under the purview of our federal government. As agriculture is a shared responsibility, many of the diseases are managed by the provincial government. We manage the diseases that are regulated or that are not present in Canada. In other words, we prevent the diseases from entering the national borders. That's where our responsibility for trade comes in. Biosecurity is a good tool, but the implementation and enforcement of them are under provincial and producer responsibility.

**Mr. Dave Epp:** Thank you.

Mr. Chair, I'm going to turn over my remaining time to my colleague Mr. Lehoux.

[*Translation*]

**Mr. Richard Lehoux:** Thank you, Mr. Chair.

I'm going to continue along the same lines as the honourable member.

As far as implementation is concerned, CFIA deals with everything related to food safety, but wouldn't it be possible for provincial authorities and police to work together more closely, including those in Quebec and Ontario but also the RCMP? When authorities are called in to deal with an incident affecting a farm business, the level of co-operation should be greater, to ensure the legislation that is passed is truly worthwhile.

Do you think the level of co-operation between provincial authorities and police should be greater?

[English]

**Dr. Jaspinder Komal:** Thank you, Mr. Chair.

To the member's question, yes, collaboration—co-operation—is a key and the principle that we work under every day when we are working at dealing with any agriculture issues. We do look at what are our responsibilities and how we divide them. As I said, there are certain diseases that provinces are managing and there are other diseases that the federal government is managing.

By enacting this into the Health of Animals Act, I think it is going to confuse the responsibilities that are already clear. Then it will have a bit of a difficulty for people to think where to go. Should they go under provincial legislation to enforce this? Or should they go to the national legislation or to the peace officers?

[Translation]

**Mr. Richard Lehoux:** In that case, Mr. Komal, it would probably be useful to hear your view on what role CFIA should play vis-à-vis existing regulations in each of the provinces and how the various players should coordinate their efforts. Otherwise, we will get nowhere.

**The Chair:** Unfortunately, you're out of time. Perhaps Mr. Komal could answer that later.

**Mr. Richard Lehoux:** Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Lehoux.

[English]

Now we have Mr. Louis for five minutes.

Go ahead, Mr. Louis.

**Mr. Tim Louis (Kitchener—Conestoga, Lib.):** Thank you.

Thank you to all of our panellists and witnesses for being here, and thank you for your work.

I know that we're talking today about the CFIA being responsible for the enforcement of the Health of Animals Act and regulations, and I know we all agree that strong biosecurity measures are essential to protect our farmers, our food supply and our animal health and well-being.

As we've mentioned in the past year and today, protecting animal welfare is a shared responsibility between governments, and I believe you mentioned that provinces have jurisdiction on the farm. Existing legislation, whether it's under the Criminal Code, as we discussed, or provincial law or civil law that already exists for trespassing and unlawful entry.... Laws are usually meant to change things, so I'm not sure how it's clear what gap we're trying to fix, because a number of provinces—including mine, Ontario—have

these laws. Would federal law, in your opinion, then supersede the existing provincial laws and also supersede the local and regional laws that exist?

• (1715)

**Dr. Jaspinder Komal:** Thank you, Mr. Chair.

The federal laws are there when there is an issue of interprovincial or national or international jurisdiction that we need to look at in the context of trade.

When it comes to things within the province, especially in agriculture on the farm, it would be provincial jurisdiction, as you mentioned, and as I mentioned before.

Enacting these provisions in the Health of Animals Act would not supersede the provincial law. I am not a lawyer and I stand to be corrected, but the way it is written, the strength will not be there because we'll have to prove beyond doubt that somebody has committed an activity that caused the disease and breached biosecurity.

In that context I think it's better that the trespassing laws are there from the provincial perspective to protect those kinds of activities.

Thank you.

**Mr. Tim Louis:** Thank you for clearing that up.

Then maybe you, or one of the other panellists, can expand on how a CFIA official would be able to prove an intent to threaten biosecurity in the case of an already unlawful activity, given that they would be called in well afterwards—as we've established—and possibly even accompanied by a local peace officer? How would you be able to prove this intent to threaten biosecurity?

**Dr. Jaspinder Komal:** Thank you, Mr. Chair.

I'll ask if Mary-Jane wants to take this question.

**Dr. Mary-Jane Ireland:** Thank you, Mr. Chair.

I think this is one area where the member's question gives us the concept that it would create some serious enforcement challenges for the CFIA.

The offence would be very difficult to prosecute, we think. The way the proposed amendment is worded would require the Crown to have to prove beyond a reasonable doubt that the trespasser understood the risk of disease transmission resulting from entering the premises, and deliberately acted in disregard of the knowledge, or was reckless in regard to that risk.

It is going to make it exceptionally hard to hold anyone accountable, as merely raising a reasonable doubt that the person knew or even suspected the risk would likely result in an acquittal.

Thank you, Mr. Chair.

**Mr. Tim Louis:** Thank you.

Dr. Ireland, you mentioned the word “reckless”.

How would you interpret that term “reckless”, and could someone else interpret differently the term “reckless” in this bill?

**Dr. Mary-Jane Ireland:** Thank you, Mr. Chair.

That's a great question.

I am going to stay in my lane, here, not being a lawyer. I think it deserves some thought and deliberation on the wording and how it would be enforced and interpreted.

I could see, as a CFIA official—and I can also ask my colleague Mr. Mathuik to add here—it being difficult to define and prove intent in this particular bill.

Mr. Mathuik, do you want to add anything to that?

**Mr. Kelvin Mathuik:** Mr. Chair, and to my colleague and to the member, it is going to be a high burden for us to prove at the moment—with regard to the term “reckless”—that someone willfully or knowingly entered the premises with the outcome of impacting biosecurity and spreading a disease. That whole onus of proof would need a very high legal test from our Department of Justice to prove what we would need to demonstrate, to prove that degree of test.

Again, with respect to having lawyers help us, the Department of Justice would be needed to refine that particular proof of test.

• (1720)

**Mr. Tim Louis:** Thank you.

I believe that's my time, Mr. Chair. Thank you.

**The Chair:** Thank you, Mr. Louis.

Now we'll go to Monsieur Perron for two and a half minutes.

[*Translation*]

**Mr. Yves Perron:** Thank you.

My question is for Mr. Mathuik or Ms. Ireland.

Mr. Mathuik or Ms. Ireland, you talked about the requirements and the significant resources it takes to respond quickly. We also talked about partnering with local law enforcement. Can't we simply count on the police to demonstrate that the individuals in question penetrated the area where the animals were kept?

That's my first question. I think it's possible to do that.

You said it would be very difficult to prove the intent of the individuals. However, John Barlow, the sponsor of Bill C-205, told us such proof would not be necessary, as he understood the bill. He indicated that the individuals could be penalized simply for trespassing.

That brings me to my questions.

What is the real story?

If the offence is very difficult to prove, what changes need to be made to the bill?

The committee has the power to propose amendments to the bill. What changes would you suggest we make to lower the burden of proof?

[*English*]

**Mr. Kelvin Mathuik:** Mary-Jane, do you want to start off, and I will continue?

**Dr. Mary-Jane Ireland:** I will pass it over to you, Kelvin, in a second.

We're trying to describe to the committee today the challenges with the bill as it is written for the CFIA with regard to what we do now, what our authorities are, where our inspectors are and are not, and what some of the enforcement challenges will be for the Canadian Food Inspection Agency with this bill. That is my role, and our role here today is to describe those to you and make sure the committee understands those elements.

Go ahead, Kelvin.

**Mr. Kelvin Mathuik:** To the member's question and to my colleague, we have a very strong collaborative partnership with our provincial and territorial governments that leads to mandates on animal health provincially or federally. That collaboration and partnership is quite active, where we are engaging on all matters that have a question about jurisdictional authority and involvement. There is a very strong relationship in that regard.

To Mary-Jane's comment that this would be a profound transformative change to our mandate as the agency and that, if passed, we would have to reflect on what we would clearly have to put in place to administer this statute and, again, to Dr. Komal's comment about authorities of jurisdiction, this would have to be really articulated.

**The Chair:** Thank you, Mr. Perron.

Now we will go to Mr. MacGregor for two and a half minutes.

**Mr. Alistair MacGregor:** Thank you, Mr. Chair.

The question I have is probably going to be a recap of some of the answers you have given to some of my colleagues.

You've mentioned that some provinces now have these trespass laws in place that are designed specifically for farms. In a hypothetical situation, if we had a trespasser who came onto a farm in one of these provinces and somehow spread a disease that wiped out a large percentage of the existing livestock, under current law, without Bill C-205, what are the applicable federal laws and provincial laws in place right now to help that farmer have accountability against the trespasser, and what kind of recourse does the farmer have in terms of getting financial help to assist with the damages to his or her farm?

**Dr. Jaspinder Komal:** I'll take this question. It is a very good question.

In the current Health of Animals Act, we have these provisions. If there is a disease outbreak on a farm, and CFIA inspectors find out that there is a disease happening, and it's a regulated disease under the Health of Animals Act, they will go and do the investigation. That investigation, under emergency management, would look at how much the disease has spread, what the cause was and where the disease came from. As we did recently with a tuberculosis outbreak and even influenza, we'll investigate. We will take samples. We'll do tests, and we'll go to farms where the animals have come from or the animals were bought, and trace backward and forward to find the cause.

We do everything to look at the cause, and if we know what the cause is, we zero in on it and eliminate that cause, and if there was an illegal activity, we may also have assistance from peace officers to help us.

In order to do this investigation, we have provisions under the Health of Animals Act and regulations to provide compensation to the producers for the destruction of these animals, because we'll have to destroy these animals to stop the spread of the disease.

The Department of Agriculture and Agri-Food also has provisions to help producers if we have put animals under quarantine or if they have to put down healthy animals for some reason. They can also come in and implement some of the provisions of their funding to the producers, so there are provisions in the Health of Animals Act already that enable us to investigate, find the cause and eliminate the cause of disease.

Thank you.

• (1725)

**The Chair:** Thank you, Mr. MacGregor.

That will conclude our second panel and our committee meeting.

I want to thank Dr. Jaspinder Komal, Mr. Kelvin Mathuik, and Ms. Mary-Jane Ireland from the Canadian Food Inspection Agency. Thank you all for being here and answering our questions.

That will conclude our meeting.

I want to wish everyone a good weekend, if we don't see each other before then. We'll see you next week.

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