



THE FEDERATION OF SPCAs AND HUMANE SOCIETIES  
FÉDÉRATION DES SOCIÉTÉS D'ASSISTANCE AUX ANIMAUX

**HUMANE CANADA**

**BRIEF TO THE**

**STANDING SENATE COMMITTEE  
ON AGRICULTURE AND FORESTRY**

**ON**

**BILL C-275: An Act to amend the Health of Animals Act  
(biosecurity on farms)**

**Submitted by:**

**Toolika Rastogi, PhD**

**Senior Manager, Policy & Research**

**To: Members of the Standing Senate Committee on Agriculture and Forestry**

**Re: Bill C-275, An Act to amend the *Health of Animals Act***

## **Introduction**

Humane Canada is the national federation of SPCAs and humane societies. We drive positive, progressive change to end animal cruelty and improve animal protection through the enactment of effective legislation. Our organization has a long history working to advance the welfare of farmed animals through legislation, regulation and standards.

Approximately 25% of Canadian Humane Societies and SPCAs are empowered to enforce provincial and federal legislation pertaining to animal cruelty and abuse. Collectively, these organizations investigate tens of thousands of complaints every year. Humane Canada members have enforced the law for more than a century. This experience provides Humane Canada with a unique perspective into the issue.

Humane Canada does not campaign to end animal agriculture, but we remain very concerned about the welfare of farmed animals. We have actively worked alongside the agriculture industry for the past 40 years to develop Canada's Codes of Practice for the welfare of farmed animals; in the last two decades, under the auspices of the National Farm Animal Care Council (NFACC). As a founding member of NFACC, we advocate for continual improvements to the standards of care for farmed animals that are included in these Codes.

While we value our work at NFACC, it requires significant compromise between the ideologies of industry stakeholders – what they deem practical and economically feasible – and the science and ethics of animal welfare. The requirements set out in the Codes of Practice define reasonable standards of care that are generally accepted industry-wide but are only binding in the two provinces that explicitly name the Codes in their animal welfare legislation as positive duties of care: Newfoundland and Labrador and Prince Edward Island.<sup>1</sup> These Codes represent the minimum – not optimal – standards of care for each species. In provinces that have not adopted them into legislation, they function more like guidelines than rules or regulations, and there is no public oversight for compliance with the Codes.

Protecting the health and well-being of animals being raised for food is paramount. While Bill C-275 states that its primary goal is to protect farmed animals from exposure to a disease or toxic substance that is capable of affecting or contaminating them, its focus is on deterring or punishing

---

<sup>1</sup> Fraser David, Katherine E. Koralesky, Geoff Urton (2018). Review Article: Toward a harmonized approach to animal welfare law in Canada. *Can Vet. J.* 59:293–302; Eugénie Duval (2021). A Summary of the changes in Canadian Federal and Provincial/Territorial Animal Protection Laws since the Publication of Fraser et al., (2018): <https://animalhealthcanada.ca/pdfs/ASUMMA1.PDF>

those who might speak out in defence of those animals who are unable to speak for themselves. We want to be clear that Humane Canada does not support any actions that threaten farmers, their families, the animals on their farms or public safety. Nonetheless, we remain greatly concerned about any measures that reduce transparency and accountability in the farming system because this could so easily allow for situations where farmed animals are even more vulnerable to harm. Furthermore, given the very real and growing threat of Highly Pathogenic Avian Influenza H5N1 (H5N1) among other serious infectious diseases that affect farmed animals, we support robust biosecurity surveillance and measures. However, there is a critical need to address the systemic risks to human and animal health and safety posed by current agricultural practices. The stark potential for the evolution of HPAI H5N1 to another human pandemic, fast on the heels of the COVID-19 pandemic, should serve as a serious wake-up call about how unsustainable our intensive system of animal agriculture is. We need to transform the prevalent intensive agriculture model to a sustainable system that not only provides for good animal health and welfare, but also addresses the significant contribution of agriculture to the climate and ecological crises.

### **Comments on Proposed Private Member's Bill C-275**

As an organization focused on animal advocacy, we are very pleased with the number of studies and bills Senators are dedicating their time to during this Parliamentary Session. Though animals are sentient beings and their protection and freedom from suffering is of the utmost importance, unfortunately, animal-related issues are an often over-looked and under-resourced area of Canada's legislative framework.<sup>2</sup> Legislation related to animal protection needs to be given the appropriate consideration and follow rigorous parliamentary process. It is for this reason that we are concerned Bill C-275 may not have received the full consideration it deserves, as it moved forward for study by this committee without the time for debate typically allocated when bills have their second reading in the Senate Chamber.

With regard to the substance of the bill, the sponsor, MP John Barlow, has indicated that this legislation is intended to address the impact on farmers and biosecurity posed by protesters who trespass onto private farm property. While perceived threats of harm is not something that Humane Canada would wish upon anyone, it is important to note that to date protestors have remained peaceful. Further, it is important for Committee members and government officials to understand why some individuals feel that they have no other options and are therefore compelled to protest.

**Canadians are legitimately concerned about the welfare of farmed animals.**

More than 800 million animals are slaughtered in Canada annually for food. The vast majority of these animals are not being raised on small, family-owned farms with large pastures where they are free to roam, but on large-scale industrialized farms, in conditions of extreme close confinement and

---

<sup>2</sup> Humane Canada (2022). [Toward a Humane Justice System for Animals](#).

using intensive practices, where natural and healthy lives are not possible, and many do not see the light of day until they are sent to their slaughter. Such environments make it extremely difficult to provide the care needed to maintain basic welfare standards, let alone optimal ones. Canadians recognize that we have an ethical obligation to avoid unnecessarily harming these sentient animals and to protect them from undue harm and suffering when we are using them. Less than a third of Canadians believe farms in which animals are kept in large numbers and raised year-round using intensive practices are humane.<sup>3</sup>

### **Biosecurity**

Humane Canada fully believes that biosecurity, disease prevention and risk management are critically important, not just for human health and welfare, but also for animals. The catastrophic impact of H5N1, which has affected more than 11 million poultry bird lives in Canada,<sup>4</sup> in addition to the loss of more than half a billion domestic fowl and an untold number of wild birds worldwide, continues to be felt. It has resulted in harrowing mental health consequences for producers and all those who have participated in depopulation activities.

In April 2024, it was announced that remnants of the H5N1 virus had been found in pasteurized milk and that dairy cattle across the United States have tested positive for the disease.<sup>5</sup> H5N1 has also been detected in additional species, including cats and humans.<sup>6,7</sup> When the World Health Organization (WHO) convened a joint study into the origins of SARS-CoV-2 in 2021, it determined that the virus likely emerged from live animal markets or from an outbreak that had occurred at a farm that provided animals to the market in China.<sup>8</sup> In the wake of the global COVID-19 pandemic that devastated the world economy and led to the tragic suffering and loss of human and animal lives, health officials must continue to be vigilant in their attempts to prevent another zoonotic outbreak. Some epidemiologists and virologists have warned that, with 75% of new infectious diseases being zoonotic, industrialized farming practices that subject animals to high stress levels, cramped conditions and little to no access to fresh air could be the source of future pandemics because those conditions present an ideal opportunity for viruses to spread.<sup>9</sup>

---

<sup>3</sup> Research Co. (2023). <https://thefurbearers.com/wp-content/uploads/Humane-Survey-Factum-28Feb2023.pdf>

<sup>4</sup> Government of Canada. Canadian Food Inspection Agency. <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/avian-influenza/latest-bird-flu-situation/status-of-ongoing-avian-influenza-response/eng/1640207916497/1640207916934>. Published April 12, 2024.

<sup>5</sup> Canadian Food Inspection Agency. [The Government of Canada provides an update on Highly Pathogenic Avian Influenza - Canada.ca](https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/avian-influenza/latest-bird-flu-situation/status-of-ongoing-avian-influenza-response/eng/1640207916497/1640207916934)

<sup>6</sup> [Early Release - Highly Pathogenic Avian Influenza A\(H5N1\) Clade 2.3.4.4b Virus Infection in Domestic Dairy Cattle and Cats, United States, 2024 - Volume 30, Number 7—July 2024 - Emerging Infectious Diseases journal - CDC](https://www.cdc.gov/eid/content/30/7/1245_article.html)

<sup>7</sup> [H5N1 Bird Flu: Current Situation Summary | Avian Influenza \(Flu\) \(cdc.gov\)](https://www.cdc.gov/eid/content/30/7/1245_article.html)

<sup>8</sup> Maxmen, A. (2021). WHO report into COVID pandemic origins zeroes in on animal markets, not labs. *Nature (London)*, 592(7853), 173–174. <https://doi.org/10.1038/d41586-021-00865-8>

<sup>9</sup> [Why industrial farm animals could be the source of the next pandemic | CTV News](https://www.ctvnews.ca/why-industrial-farm-animals-could-be-the-source-of-the-next-pandemic-1.6444444)

CFIA officials who provided testimony to the House of Commons Standing Committee on Agriculture and Agri-food stated that there has been no confirmed case of a disease as a result of trespassers on a farm but conceded that humans are a contributing factor.<sup>10</sup> A 2023 report from Animal Justice<sup>11</sup> examined data obtained from CFIA regarding incidents of reportable disease outbreaks in Canada, which provides evidence that protests or activism on or near farming facilities have never been found to be sources of these outbreaks. The most identified sources in those reports ranged from routine farming practices such as shared equipment, infected trailers and transmission through farm workers.<sup>12</sup> Because Bill C-275 as drafted focuses on targeting and punishing trespassers on farms while excluding farming personnel and practices that have been documented as contributing to outbreaks, the “biosecurity risk” argument is weak, meaning the overall purpose of the bill is to forbid farm trespass.

### **Preventing Trespassing**

If the main concern Bill C-275 seeks to address is trespassing, the *Health of Animals Act*, which is described as “An Act respecting diseases and toxic substances that may affect animals or that may be transmitted by animals to persons, and respecting the protection of animals” is not the appropriate statute. At the federal level, trespass and related offences that protesters could potentially commit are already addressed in the *Criminal Code*, while each province has its own trespass to property legislation as it falls under their jurisdiction per section 92 of the *Constitution Act*,<sup>13</sup> all of which are enforceable by law enforcement officers. Therefore, additional legislation to prevent trespass on farms is redundant.

In recent years, some provinces have amended their previous trespass prohibitions and created new legislation that may not have been necessary to address trespass but was intended to specifically deter protesters at farms. This new legislation has been challenged. On April 2, 2024, an Ontario Superior Court judge found that several provisions in the province’s *Security from Trespass and Protecting Food Safety Act* violated the right to freedom of expression under s. 2(b) of the *Charter of Rights and Freedoms*.<sup>14</sup> The judge found that section 9 of the regulations regarding the giving of false statements<sup>15</sup> was overly broad and disproportionate. Other sections deemed unconstitutional relate to section 12 where, because the provision allows for communication about illegal activity but not legal activity, the whistleblower would have to know in advance whether certain farm activities that

---

<sup>10</sup> Witness testimony: Dr. Mary Jane Ireland (just before 0900) [Evidence - AGRI \(44-1\) - No. 74 - House of Commons of Canada \(ourcommons.ca\)](https://ourcommons.ca/evidence/AGRI-44-1-No-74-House-of-Commons-of-Canada).

<sup>11</sup> Animal Justice (2023). [Animal Advocates, or Poor Farm Practices? Disease Outbreaks & Biosecurity Failures on Canadian Farms 2023 Report](#).

<sup>12</sup> *Ibid.*, p. 7-14

<sup>13</sup> The Constitution Act, 1867, 30 & 31 Vict, c 3, s 92: <https://canlii.ca/t/8q7k#sec92>

<sup>14</sup> Law Times (April 8, 2024). [Court strikes down laws restricting investigations by animal rights activists into animal cruelty](#).

<sup>15</sup> <https://canlii.ca/t/b5b7#sec9>

appear to constitute cruelty are legal or illegal in order to determine if their actions would be protected, which further restricts their freedom of expression.<sup>16</sup>

Constitutionality of such legislation aside, federal government officials are neither authorized nor equipped to address the presence of trespassers on Canadian farms. As explained by CFIA representatives who testified at Committee in the House of Commons, CFIA inspectors do not have the mandate, resources or tools to address the presence of trespassers.<sup>17</sup> Coupled with the jurisdictional issues that currently exist as a result of the patchwork approach to enforcement of federal and provincial animal cruelty-related laws,<sup>18</sup> this would add another layer of confusion to the landscape for those who would be responsible for enforcing a new trespass offence created in the name of biosecurity. Given the absence of evidence of biosecurity risk from potential protestors, the ultimate effect of Bill C-275 would appear to focus on trespassing, which is not only beyond the scope of the Health of Animals Act, but also duplicative and poses jurisdictional issues.

While Humane Canada does not condone illegal acts such as trespass or intimidation, Bill C-275 would reduce transparency and hinder reports of animal cruelty concerns even from those who are not considered trespassers, for fear of repercussions from the harsh penalties it imposes.

### **Transparency**

Canada's animal protection laws are complaint based. For farmed animals, whistleblowers are essential, as the vast majority of farmed animals are kept behind closed doors. Therefore, cruelty incidents on farms are often only revealed when undercover footage is released. Measures that deter or threaten to silence whistleblowers and prevent such evidence from coming to light leave enforcement agencies without an important tool, thereby hindering their work, as complaints and investigations are often only triggered through the provision of footage. Undercover footage has contributed to greater engagement from members of the public, including trespassing to protest, document and raise broader awareness about farmed animal welfare and cruelty, leading to increasing concern about farmed animals among the Canadian public.

Reducing transparency by creating harsh penalties, threats and disincentives will not address these increasing concerns – it will only fuel distrust. A more robust system of oversight of agricultural settings is needed to improve animal treatment, increase transparency and accountability, and

---

<sup>16</sup> [Animal-Justice-et-al-v-Attorney-General-of-Ontario-2024-ONSC-1753.pdf](#) at para. 110-113

<sup>17</sup> Witness testimony: Dr. Mary Jane Ireland (after 0910) [Evidence - AGRI \(44-1\) - No. 74 - House of Commons of Canada \(ourcommons.ca\)](#); Witness testimony: Dr. Jaspinder Komal (after 1645) [Evidence - AGRI \(43-2\) - No. 31 - House of Commons of Canada \(ourcommons.ca\)](#)

<sup>18</sup> Dr. Kendra Coulter (2022) [The Organization of Animal Protection Investigations and the Animal Harm Spectrum: Canadian Data, International Lessons \(mdpi.com\)](#)

ensure farming practices are more humane. Such changes would be far more effective than enacting laws meant to silence those who care about the welfare of animals.

Although the sponsor of Bill C-275 was adamant that whistleblowers and farm workers will not be negatively impacted by this legislation,<sup>19,20</sup> the practical effect may be very different. As demonstrated by a recent Senate Committee report on temporary and migrant labour conditions in Canada, “the existence of something in principle or legislation does not always translate to reality.”<sup>21</sup> A large proportion of farm work is carried out by temporary workers who are reluctant to assert their rights for fear of being fired, deported, or other forms of reprisal, due to the precarious nature of their employment. Work permits are often tied to the employer, leading to vulnerabilities, despite the government stating that these workers have the same protections as Canadians and permanent residents.<sup>22</sup> In addition to the inherent imbalance of power these workers face by being unable to leave to seek new employment, another concern is that they could be accused of being activists themselves if they were to report suspected cruelty on the job, and might therefore feel at risk of being subjected to the associated penalties suggested by this bill. Workplace peer pressure and adherence to culture are also important factors. If behaviours that would qualify as animal cruelty under the law are normalized within a facility’s culture, a new employee might not necessarily know that they should be reported.

Transparency and accountability are core requirements of a strong agriculture sector; they increase public confidence. It is a well understood aspect of human nature that the lack of visibility causes behaviour to deteriorate. Measures that effectively reduce transparency, such as Bill C-275, will only further erode public trust in agriculture. In contrast, increasing transparency and oversight on farms will encourage those working in the agriculture sector to abide by best practices, standards and requirements which will in turn help alleviate public concern.

### **The Role of the Federal Government on Farms**

The prevalent model of intensive farming in Canada keeps massive numbers of animals together in conditions that result in lower immunity and health, thus creating a perfect storm for infectious disease outbreaks, as we have seen in the recent spread of HPAI H5N1 across multiple species. If addressing biosecurity threats is truly the goal, the government and agricultural industry should consider moving toward agricultural systems and practices that better mitigate disease risk, including by recognizing animals as living, sentient beings and providing them with the conditions needed for

---

<sup>19</sup> MP John Barlow (after 1105): [Debates \(Hansard\) No. 188 - May 1, 2023 \(44-1\) - House of Commons of Canada \(ourcommons.ca\)](#)

<sup>20</sup> MP John Barlow (before 1640): [Evidence - AGRI \(44-1\) - No. 75 - House of Commons of Canada \(ourcommons.ca\)](#)

<sup>21</sup> Standing Senate Committee on Social Affairs, Science and Technology: [Act Now: Solutions for temporary and migrant labour in Canada \(sencanada.ca\)](#). p. 49

<sup>22</sup> *Ibid.*, p. 35



their physical and psychological health and well-being. Human arrogance has led to trying to control biology and the natural world on which we depend, with increasingly devastating consequences.

Regarding concerns about protests and biosecurity on farms, efforts would be better focused on improving Canada's system of animal agriculture for the safety and wellbeing of all. Strong animal welfare standards should be created and applied nationally, together with effective, transparent and accountable third-party auditing to ensure compliance by all Canadian industry sectors, which would improve public confidence in the agriculture sector. Overall, we need a system and culture of respect for people, animals and the environment that supports all of us, not just one piece of legislation that seeks to punish those who would speak out.

### **Conclusion**

While Bill C-275 targets the alleged impacts of Canadians taking action and protesting on farms, a more effective solution lies in improving transparency and accountability of those responsible for the welfare of farmed animals – not barring individuals or organizations from raising awareness and voicing concern through the application of harsh penalties. By strengthening the legislative framework and measures to protect animals on farms from potential threats and taking steps toward a more sustainable system of agriculture that addresses the needs of the animals, people on farms and the impacts of agriculture on the environment, the public need to protest would be considerably diminished.

As a vital part of Canada's agricultural production and heritage, and especially as living, sentient beings, farmed animals deserve to be protected from both physical and psychological suffering from their birth to their death. Although Humane Canada understands the perceived need to legislate against possible harms that could result from potential trespassers at farms, the Health of Animals Act is not an appropriate vehicle to do so when trespass laws and penalties already exist, along with the means to enforce them, under the Criminal Code and provincial legislation.

Thank you for considering our submission. We would be pleased to speak with Committee members to further discuss our perspective and are available to testify before the committee, should you find this helpful in your study.

Sincerely,

Toolika Rastogi  
Senior Manager, Policy & Research





THE FEDERATION OF SPCAs AND HUMANE SOCIETIES  
FÉDÉRATION DES SOCIÉTÉS D'ASSISTANCE AUX ANIMAUX

### **About Humane Canada**

Humane Canada, formerly known as the Canadian Federation of Humane Societies, is the only national organization representing humane societies and SPCAs in Canada. We drive positive, progressive change to end animal cruelty, improve animal protection and promote the humane treatment of all animals.

Our 50 member organizations (listed below) include societies in every province and two territories of Canada. These are the very organizations that Canadians have depended upon, not only to care for abused and abandoned animals, but also to advocate for greater care and protection of animals and to provide community resources, research and humane education. Humane Societies and SPCAs are among the oldest and most trusted social institutions in the country.

### Humane Canada Member Organizations

Alberta Animal Rescue Crew Society	Guelph Humane Society	Prince Edward Island Humane Society
Alliston and District Humane Society	Hamilton Burlington SPCA	Regina Cat Rescue
Animatch	Happy Valley Goose Bay SPCA	Regina Humane Society
Association of Animal Shelter Administrators of Ontario	Humane Society Dawson	Saskatchewan SPCA
BC SPCA	Humane Society Hastings Prince Edward	Saskatoon SPCA
Burin Peninsula SPCA	Humane Society Kawartha Lakes	Sault Ste. Marie & District SPCA
Burlington Humane Society	Humane Society London & Middlesex	Société protectrice des animaux de Québec
Calgary Humane Society	Humane Society of Greater Niagara	SPA de l'Estrie
Canadian Association for Humane Trapping	Medicine Hat SPCA	SPCA de L'Outaouais
Central Alberta Humane Society	Miramichi SPCA	St. Johns SPCA
Charlotte County SPCA Inc.	Montreal SPCA	The Humane Society of Kitchener Waterloo & Stratford Perth
Cochrane & Area Humane Society	Moose Jaw Humane Society	Thunder Bay and District Humane Society
Edmonton Humane Society	New Brunswick SPCA	Toronto Humane Society
Exploits Valley SPCA	Northwest Territories SPCA	Victoria Humane Society
Fort McMurray SPCA	Nova Scotia SPCA	Windsor Essex County Humane Society
Fredericton SPCA	Oakville & Milton Humane Society	Winnipeg Humane Society
Gander & Area SPCA	Ontario SPCA & Humane Society	
Georgian Triangle Humane Society	Oromocto & Area SPCA	
	Ottawa Humane Society	