



**HUMANE SOCIETY
INTERNATIONAL**
CANADA

**Briefing Note: Bill C-275, An Act to amend the Health of Animals Act
(biosecurity on farms)**

*Submitted to the Senate Standing Committee on Agriculture and Forestry
by Humane Society International/Canada*

Introduction

Humane Society International/Canada (HSI/Canada) is a leading force for animal protection, with active programs in companion animals, wildlife and habitat protection, marine mammal preservation, farm animal welfare and animals in research. HSI/Canada represents tens of thousands of supporters across the country and is proud to be a part of Humane Society International—one of the largest animal protection organizations in the world.

HSI/Canada shares the committee's pressing concerns regarding biosecurity, and our organization is eager to ensure that legitimate biosecurity risks are adequately addressed. However, the proposed *An Act to amend the Health of Animals Act* will do nothing to address these issues, and in fact it will likely make the problem worse. It is [well documentedⁱ](#) that biosecurity risks within animal agriculture that are within human control are almost exclusively from poor adherence to biosecurity practices by farm owners and employees – according to the CFIA, there have been no documented cases of infectious disease outbreaks in recent history that have been caused by protesters or people who trespass. (As Senator Pate noted on May 30, in the instance of trespassing in the pig farm in Quebec that is often cited as justification for Bill C-275, investigators [concluded](#) that the protestors had not introduced disease.ⁱⁱ)

Meanwhile, we know that the spread of COVID-19 to mink farms in Europe and North America was caused by transmission from [mink farm workersⁱⁱⁱ](#). Fast-spreading highly pathogenic avian influenza (H5N1) has infected 11 million birds in Canada without any transmission from trespassers. Notably, there are currently no federal laws or oversight to ensure sound practices are followed by farm owners and workers, despite what industry representatives claim about being “legally” required to follow biosecurity protocols. There are only recommended standards and practices that are ultimately left to the discretion of individual farms, and compliance is not nearly ensured to the extent that it would need to be for these programs to be meaningful.

With H5N1 still spreading rapidly across Canada, and dozens of cases of deadly transmission to cattle in the United States, scientists are calling for proactive preventative measures, including a “robust national surveillance program” to ensure that Canada is not caught off guard.^{iv} These experts in virology and immunology have correctly identified lack of widespread testing and surveillance as the areas on which we need to focus; they are not wasting precious time calling for meaningless measures to limit protest and trespass.

[Private Member’s Bill C-275](#) will do far more harm than good, jeopardizing animal welfare, workers’ rights, consumer health and safety, and environmental sustainability.



**HUMANE SOCIETY
INTERNATIONAL**
CANADA

Scapegoating demonstrators, whistleblowers and journalists for the very real threat posed by farm owners and employees is a blatant attempt to obscure the truth. The industries supporting this bill already operate with a high degree of secrecy, and they hope to further prevent consumers from accurately understanding where their food comes from. We urge legislators to reject Bill C-275, which is an anti-whistleblower bill that uses animal health as cover for stifling democracy without addressing any actual biosecurity threats.

Overview

Bill C-275 seeks to reduce transparency within Canada's animal agriculture industry and is therefore known as an "agricultural gag" or "ag-gag" law. Ag-gag laws take many forms, but they all make it very difficult to document and expose issues within the food system, infringing upon the freedom of journalists, employees and the public at large to share information about our food system. In the past 5 years, four Canadian provinces have adopted ag-gag laws: Alberta, Ontario, PEI and Manitoba.

In Ontario, courts recently ruled that most of the provincial law was unconstitutional because it violated the right to freedom of expression, and the majority of it has been overturned.^v In the U.S., which has decades of experience with ag-gag, various laws have been struck down on numerous occasions due to their constitutional infringements. The latest example is North Carolina, which spent eight years arguing that it was constitutional to ban employees from recording undercover video at work. After losing in court to animal rights and food safety groups who have argued the videos are key to exposing poor business practices or wrongdoing, the state agreed to pay the organizations' \$885,000 legal bills.^{vi}

While HSI/Canada is gravely concerned about biosecurity risks and does not condone or encourage trespass, our organization unequivocally opposes any efforts to reduce transparency within the animal agriculture industry. Bill C-275 is no exception, and thousands of our members across Canada have signed our action alert calling for the bill's progress to be halted.

Our concerns with the proposed legislation are as follows:

1. **It misplaces the responsibility for biosecurity, detracting attention from the real risk.** As noted by several members of your esteemed committee, Bill C-275 erroneously shifts the focus of biosecurity issues to demonstrators, rather than putting the onus where it belongs: on the owners and operators of farms, slaughterhouses, transport trucks and other places where animals are kept. While the bill's proponents argue that protestors have caused disease outbreaks in multiple instances, no proof of this has been provided for cases within Canada. On the contrary, a [report prepared by Animal Justice^{vii}](#) that analyzes two decades of data concludes that animal advocates or trespassers have not been found to have caused a disease outbreak in in this country, recently or perhaps ever.



**HUMANE SOCIETY
INTERNATIONAL**
CANADA

As discussed during your committee’s meeting on May 30, 2024, those regularly visiting farms (including contractors and employees) present the greatest threat to biosecurity. In fact, studies have revealed that the poor establishment of and adherence to biosecurity protocols by employees and operators are the real issue. Please see [this article](#) summarizing two studies, available [here](#)^{viii} and [here](#)^{ix}, which were conducted on poultry farms by the University of Montréal; [this article](#)^x about poor implementation of biosecurity practices in the Canadian dairy industry; and [this article](#)^{xi} about the need for better on-farm management of pests and pathogens on Canadian rabbit farms. Clearly, animal advocates are not the real threat, and this bill is using biosecurity as a cover, to – in the words of Senator Simons – “hammer legitimate protest and observation”.

Contrary to the testimony of witnesses during the committee’s meetings, farm owners and operators are not *legally* required to follow biosecurity protocols; rather, the CFIA [develops](#) “national biosecurity standards, protocols and strategies in collaboration with producer organizations, provincial/territorial governments, and academia”^{xii} which producers are expected to follow. However, as we heard from Matthew Atkinson, President, Manitoba Beef Producers, Canadian Cattle Association, on May 30, the most the industry can do is educate producers and hope that they follow the recommended practices. Research shows that this is far from adequate, and as Darren Ference, Chair, Turkey Farmers of Canada mentioned on September 19, most barns “have salmonella and other things”.

As Senator McBean has noted, reducing transparency within animal agriculture will undoubtedly diminish the ability of concerned citizens to blow the whistle on practices or bad actors who jeopardize food safety and biosecurity, as well as animal health and welfare, safe working conditions, and environmental sustainability. Further, improper management of animal health could lead to the next pandemic, which may be more dangerous than COVID-19. As demonstrated in [our white paper](#)^{xiii}, intensive animal farming is the perfect breeding ground for future pandemics, because thousands of stressed, genetically similar animals are kept in close proximity where viruses can quickly emerge and spread. A [2023 report](#)^{xiv} issued by the Harvard University Law School arrived at a similar conclusion: our “widespread and underregulated animal industries could lead to new animal-to-human pandemics.” To address biosecurity issues, we need more federal oversight and regulation of animal farming, rather than a bill that will appease farmers while doing nothing to protect food safety and public health.

- 2. It interferes with Canadian rights and freedoms.** Bill C-275 attacks freedom of expression, targeting investigative journalists, distressed employees and concerned members of the public who speak out upon witnessing issues in our food system. Protesting, undercover reporting and whistleblowing are often the only ways for the public to see what happens behind closed barn doors, and they often lead to important reforms for animal welfare, health and safety, working conditions and environmental standards.



Additionally, Bill C-275 would be especially problematic in the provinces of Ontario and Alberta, which both introduced dangerous anti-whistleblower ag-gag laws in recent years. Their laws, respectively called the [*Security from Trespass and Protecting Food Safety Act*](#) and [*Trespass Statutes \(Protecting Law-abiding Property Owners\) Amendment Act*](#), criminalize anyone who gains access to farms, transport trucks, and slaughterhouses under “false pretenses”. Given that these laws strip individuals of their “lawful authority or excuse” to be on a farm premises when access is granted under “false pretenses”, Bill C-275 will further dissuade employees, journalists and others from speaking out against cruel, unethical, or illegal agricultural practices in these jurisdictions, effectively suppressing exposés. This is likely to be especially punitive for foreign temporary workers, who make up a significant portion of Canada’s agricultural labour supply and who are more likely to experience poor working conditions. (The Ontario law does contain exemptions for journalists and employee whistleblowers, but these are narrowly defined and still prevent public whistleblowing.)

- 3. It reduces transparency in an underregulated industry.** Animal agriculture and animal welfare are already underregulated in Canada – the federal government only regulates animal welfare during transport and slaughter, after animals leave the farm. The National Farm Animal Care Council’s Codes of Practice are not legally enforceable and their implementation is handled by the industries they pertain to. There is minimal transparency regarding how the Codes are enforced and what happens in the event of a violation. Moreover, because the Codes must receive unanimous support to be published, they represent a baseline for animal welfare and fall far behind laws in other countries.

Those within the animal farming sector cannot be expected to be the sole source of whistleblowing, for three reasons. First, they may not have the capacity to do so; records from the CFIA regarding have revealed that inspections are [*infrequent and inconsistent*](#)^{xv}, and undercover exposés have even [*documented inspectors*](#)^{xvi} failing to act in the presence of animal abuse. Second, many within the industry seem to recognize that animal cruelty is intrinsic to animal farming (evidenced by the fact that numerous provinces exclude “generally accepted agricultural practices” from their animal cruelty laws) and so they may not be prepared to blow the whistle on practices that would alarm a consumer. Finally, veterinarians, inspectors, neighbours and friends may be reluctant to blow the whistle on a farmer with which they have a personal or professional relationship. A few of the agriculture industry representatives who presented at the AGFO Committee declared that farmers love their animals, and that losing an animal to disease is like losing a member of their family. However, this neglects and obscures the fact that farm animals are legally considered property and are bought, sold and slaughtered for the highest possible profit margin. In fact, factory farms have increasingly become more-and-more automated, while slaughter rates have increased by 14.5% since 2015 (from 750 million land animals to 859 million).



**HUMANE SOCIETY
INTERNATIONAL**
CANADA

Given the highly secretive nature in which industrial animal agriculture operates, the fact that hundreds of millions of animals are raised and slaughtered each year, and the lack of actual laws and oversight to safeguard animal welfare, it is not surprising that many concerned citizens feel they have no alternative but to document and expose on-farm animal mistreatment or threats to public health, worker safety or the environment.

4. **It deals with trespass, which falls within provincial jurisdiction, and is therefore likely unconstitutional.** Bill C-275 is redundant to existing provincial anti-trespassing laws and would likely be challenged as unconstitutional, as some legal scholars believe that it infringes upon provincial jurisdiction.
5. **It will further reduce public trust in Canada's food system.** Laws that restrict access to information about the agriculture industry have already been shown to [erode public confidence](#)^{xvii} in the food system. Bill C-275 suggests that the industry has something to hide, and it therefore serves neither the public nor the industry it intends to protect. At the National Farm Animal Health and Welfare Council's 2020 Forum, several presenters from the agriculture industry spoke about ag-gag laws being bad for their sector, and that it would be better to *increase* public access to information. Indeed, the majority of consumers are [already unsure](#)^{xviii} that animals on Canadian farms are treated humanely. This is increasingly important as younger generations become the largest segments of consumers; Millennials now outnumber Baby Boomers and Generation Z is set to become Canada's third largest generation, and projected to become the largest within the next 30 years. Transparency is incredibly important to these groups, especially Gen Z.^{xix}
6. **It overly broad and proposes very high fines.** Bill C-275 is vaguely worded and very broad, creating an offence for simply entering a place in a way that *could reasonably* introduce a substance that is *capable* of affecting an animal. Further, under Bill C-275, the penalties for individuals could be up to \$100,000 in fines and/or one year in prison. For organizations or companies, it could be up to \$500,000 in fines – the entire operating budget of one of the animal advocacy groups discussed in the committee's meeting on September 19.

Bill C-275's sponsor insists that the fines must be high to act as a deterrent and cited the revenues of American animal protection groups as justification. He neglected to note that these revenues pale in comparison to the revenues of animal agriculture interest groups ([Dairy Farmers of Canada's 2022 financial statements](#) reveal a revenue of \$59,364,570 for their organization alone, in a country ten times smaller than the U.S.) or that animal rights organizations only exist and receive funding because they represent the views of a large segment of the public.

7. **It grants special protections for one industry.** Bill C-275 would set a dangerous precedent – both for this industry, which may seek or expect similar special treatment in



**HUMANE SOCIETY
INTERNATIONAL**
CANADA

the future, and for other industries, like the health-care sector, daycares and oil and gas industries, which might similarly want to reduce the public's access to information. It would be unthinkable for the government to pass legislation preventing patient advocacy groups, children's rights advocates or environmental defence organizations from blowing the whistle on unethical practices.

Recommendations

For the reasons outlined above, **HSI/Canada is urging the Senate AGFO committee to reject Bill C-275.** To adequately safeguard biosecurity, prevent animal cruelty, protect workers and our environment, and ensure food safety, we recommend the following instead:

For biosecurity and farmer mental health: The government should not pass legislation that could prevent whistleblowers from exposing the real and inherent risks that make animal farms hotbeds for infectious disease transmission. Additionally, individual farms should not be responsible for developing their own biosecurity standards, creating an extra burden for farm operators and resulting in a patchwork system. Instead, to truly address biosecurity issues, the federal government should establish much-needed national biosecurity standards that are evidence-based and required to be applied consistently in all provinces and territories. These standards must then be adequately enforced through on-farm inspections and surveillance, ensuring rigorous compliance. In December 2023, the House of Commons Standing Committee on Agriculture and Agri-Food issued a series of [recommendations](#) for improving animal biosecurity in Canada, which, while not comprehensive enough, are a step in the right direction.^{xx}

For animal welfare, public trust and transparency: If the goal is reduce the impetus for protests and public observation in the first place, there should be more laws to protect animals and to increase transparency. The federal government should begin by introducing national, evidence-based animal welfare laws that require high standards of animal care on farms. This should be coupled with consistent enforcement and more open access to information via technologies such as closed-circuit television, as is required in England, Scotland, Spain, and Israel. Finally, animal farming industries should be required to disclose more, easy-to-understand information about their methods of production in product labelling and marketing. It is clear that consumers sometimes find it difficult to know how animals are treated; for example, whether they have access to the outdoors, or are housed in cages or group housing systems, and if they undergo painful physical alterations. Together, such laws and vehicles for enhanced consumer access to information would reduce the reason for protests and whistleblowing while increasing public education about and trust in the food system. We trust that Senator Plett will support these efforts, given his comments at committee on September 19.



**HUMANE SOCIETY
INTERNATIONAL**
CANADA

In the event that Bill C-275 is permitted to advance, **we request that the bill be amended to apply to all persons**, not just those present “without lawful authority or excuse”. This is the only way in which the bill can offer any defense against actual biosecurity threats.

In the event that Bill C-275 is permitted to advance and is not made to apply to anyone who enters a place in which animals are kept, we request that it only apply in cases where a person has actually exposed animals to a disease. We also request that the penalties for “individuals” and “other persons” be significantly reduced. For reference, Ontario’s trespass law limits fines to \$10,000, and Alberta’s does the same (for first offences). We recommend that the penalties in Bill C-275 be no more than \$25,000 and 2 months in prison for individuals (rather than \$100,000 and 1 year), and no more than \$200,000 for other persons (rather than \$500,000).

Thank you for your time and consideration,

Riana Topan
Senior Campaign Manager
HSI/Canada
rtopan@hsi.org

ⁱ Animal Justice. July 5, 2023. “Animal Advocates, or Poor Farm Practices? Disease Outbreaks & Biosecurity Failures on Canadian Farms.” Retrieved from <https://animaljustice.ca/wp-content/uploads/2023/08/Animal-Justice-2023-Biosecurity-Report--Animal-Advocates-or-Poor-Farm-Practices2023.pdf> on October 3, 2023.

ⁱⁱ Hawkes M, Hajek J. October 31, 2023. “Health science must not be co-opted for political gain.” Canada’s National Observer. Retrieved from <https://www.nationalobserver.com/2023/10/31/opinion/health-science-must-not-be-co-opted-political-gain> on September 24, 2024.

ⁱⁱⁱ Strang T, Flockhart L, Thacker C, Schwantje H, Soos C, Dibernardo A, Lindsay LR, Toledo NPL, Beauclerc K, Fraser E, Prystajecky N, Himsforth C. SARS-CoV-2 wildlife surveillance surrounding mink farms in British Columbia, Canada. *Can Commun Dis Rep* 2022;48(6):252–60. <https://doi.org/10.14745/ccdr.v48i06a03>.

^{iv} Pelley L. April 30, 2024. “Scientists warn Canada ‘way behind the virus’ as bird flu explodes among U.S. dairy cattle.” CBC News. Retrieved from <https://www.cbc.ca/news/health/bird-flu-canada-1.7188779> on September 24, 2024.

^v Martin D. April 3, 2024. “Ontario court strikes down portions of ‘ag-gag’ anti-trespass law.” AGCanada. Retrieved from <https://www.agcanada.com/daily/ontario-court-strikes-down-portions-of-ag-gag-anti-trespass-law> on September 24, 2024.

^{vi} Weiner R. May 21, 2024. “N.C. to pay \$885,000 to animal rights groups for undercover-video suit.” The Washington Post. Retrieved from <https://www.washingtonpost.com/dc-md-va/2024/05/21/undercover-video-ban-north-carolina/> on September 24, 2024.

^{vii} Animal Justice. July 5, 2023. “Animal Advocates, or Poor Farm Practices? Disease Outbreaks & Biosecurity Failures on Canadian Farms.” Retrieved from <https://animaljustice.ca/wp-content/uploads/2023/08/Animal-Justice-2023-Biosecurity-Report--Animal-Advocates-or-Poor-Farm-Practices2023.pdf> on October 3, 2023.



-
- ^{viii} Racicot M, Venne D, Durivage A, Vaillancourt JP. Evaluation of strategies to enhance biosecurity compliance on poultry farms in Québec: effect of audits and cameras. *Prev Vet Med.* 2012 Feb 1;103(2-3):208-18. doi: 10.1016/j.prevetmed.2011.08.004. Epub 2011 Sep 13. PMID: 21917344.
- ^{ix} Racicot M, Venne D, Durivage A, Vaillancourt JP. Description of 44 biosecurity errors while entering and exiting poultry barns based on video surveillance in Quebec, Canada. *Prev Vet Med.* 2011 Jul 1;100(3-4):193-9. doi: 10.1016/j.prevetmed.2011.04.011. Epub 2011 May 24. PMID: 21605922.
- ^x Denis-Robichaud, José & Kelton, D.F. & Bauman, Cathy & Keefe, Greg & Dubuc, Jocelyn. (2019). Biosecurity and herd health management practices on Canadian dairy farms. *Journal of Dairy Science.* 102. 10.3168/jds.2018-15921.
- ^{xi} Kylie J, Brash M, Whiteman A, Tapscott B, Slavic D, Weese JS, Turner PV. Biosecurity practices and causes of enteritis on Ontario meat rabbit farms. *Can Vet J.* 2017 Jun;58(6):571-578. PMID: 28588327; PMCID: PMC5432143.
- ^{xii} The Canadian Food Inspection Agency. February 9, 2024. "National Biosecurity Standards and Biosecurity Principles." Retrieved from <https://inspection.canada.ca/en/animal-health/terrestrial-animals/biosecurity/standards-and-principles> on September 24, 2024.
- ^{xiii} Humane Society International. September 2020. "An HSI report: The connection between animal agriculture, viral zoonoses, and global pandemics." Retrieved from <https://blog.humanesociety.org/wp-content/uploads/2020/10/Animal-agriculture-viral-disease-and-pandemics-FINAL-4.pdf> on October 3, 2023.
- ^{xiv} Linder A, Wilson McCarthy V, Green C, Nadzam B, Jamieson D, Stilt K. "Animal Markets and Zoonotic Disease in the United States". Harvard Law School and New York University. Retrieved from <https://animal.law.harvard.edu/wp-content/uploads/Animal-Markets-and-Zoonotic-Disease-in-the-United-States.pdf> on October 3, 2023.
- ^{xv} Hui A. September 16, 2018. "Report reveals inconsistencies in highway inspections of animal transport vehicles." *The Globe and Mail.* Retrieved from <https://www.theglobeandmail.com/canada/article-report-reveals-inconsistencies-in-highway-inspections-of-animal/> on October 3, 2023.
- ^{xvi} Kampf S. October 10, 2014. "Hidden camera investigation reveals abuse in Canadian pork transportation system." *CTV News.* Retrieved from <https://www.ctvnews.ca/w5/hidden-camera-investigation-reveals-abuse-in-canadian-pork-transportation-system-1.2049011> on October 3, 2023.
- ^{xvii} Robbins JA, Franks B, Weary DM, von Keyserlingk MAG. "Awareness of ag-gag laws erodes trust in farmers and increases support for animal welfare regulations." *Food Policy*, Volume 61, 2016, Pages 121-125, ISSN 0306-9192, <https://doi.org/10.1016/j.foodpol.2016.02.008>.
- ^{xviii} The Canadian Centre for Food Integrity. "2018 Public Trust Research: Insights to Actions." Retrieved from <https://www.foodintegrity.ca/wp-content/uploads/2018/11/ENG2018Summit-ResearchBook-LR-single.pdf> on October 3, 2023.
- ^{xix} Charlebois S. February 26, 2024. "Food Preferences in Canada Changing as Millennial and Gen Z Demographics Shift [Op-Ed]." *Retail Insider.* Retrieved from <https://retail-insider.com/retail-insider/2024/02/food-preferences-in-canada-changing-as-millennial-and-gen-z-demographics-shift-op-ed/> on September 24, 2024.
- ^{xx} Blois K. December 2023. "Protecting Against Animal Biosecurity Risks: The State of Canada's Preparedness." Retrieved from https://publications.gc.ca/collections/collection_2023/parl/xc12-1/XC12-1-1-441-15-eng.pdf on September 24, 2024.