



John Barlow

Member of Parliament Foothills

Mr. Raymond St. Martin
Committee Clerk, Senate of Canada
Senate Committee on Agriculture and Forestry
Chambers Building, 40 Elgin Street, Room 1051
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Dear Senators:

I am pleased to provide you with a copy, in both official languages, of my response to questions posed to me on Thursday, October 10, 2024, at the Standing Senate Committee on Agriculture and Forestry as part of its examination of Bill C-275, An Act to amend the Health of Animals Act (biosecurity on farms).

I would like to extend my gratitude to the Senators on the Committee and those who participate in this study for their work and express my appreciation to the witnesses who appeared before the Committee or provided written submissions.

Sincerely,

A handwritten signature in blue ink that reads "John Barlow". The signature is written in a cursive style with a large, looping initial "J".

John Barlow, MP

Question

Senator Simons: I want to come back to something Senator Oudar asked about — and I think Senator McNair asked about it in the spring — and that’s about animals off the farm. Almost all of our testimony has been farm focused, so I wanted to understand if an enclosed space includes a corral. Does it include an open-air barn or a feedlot? What is “enclosed,” legally speaking?

Would this also apply to situations where animals that are not being kept for food — I’m thinking about horses at the Calgary Stampede and people who might want to protest the chuckwagon races, for example — if they go into the barns, would they be covered.

Response

The application of this bill would apply to any enclosed place where animals are kept, including open air enclosures like at rodeos and the Calgary stampede, it would also cover places like feedlots and zoos. Furthermore, the definition of *place* in the Act is interpreted to include *conveyance* which is defined in the Act as:

conveyance means any aircraft, carriage, motor vehicle, trailer, railway car, vessel, cargo container or other contrivance used to move persons, animals or things; (*véhicule*)

Question

Senator Marshall: I think you already answered this with Senator McNair — and I think you said section 7 — but you said that the wording of your amendment is consistent with the bill, so I wanted to know whether there are sections in the Health of Animals Act that apply to people unauthorized to be on the premises but that do not apply to those who are authorized to be there. I think you might have said section 7, but if you can answer in writing, that would be great.

Response

There already exists measures in the *Health of Animals Act* that restrict people from coming onto farms where animals are kept, which do not apply to those who are authorized to be there.

Section 7 of the Act speaks to the “Notice of forbidden entry” and “Notice forbidden entry without permission” in an area where a disease or toxic substance exists that is capable of affecting animals. The prohibition section states:¹

Prohibition

(3) No person shall knowingly enter a building or other enclosed place in contravention of a notice affixed under this section, **unless the person has a right of entry or way into the building or place or any part thereof** or an inspector or officer has authorized the entry.

¹Health of Animals Act: <https://laws.justice.gc.ca/eng/acts/h-3.3/FullText.html#h-253106>

The emphasis here is the *right of entry*, meaning they're authorized to be there, or if an inspector or officer has authorized entry. As one can see the language already exists, this prohibition does not apply to everyone, but its purpose is meant to keep people out who aren't authorized to be there and allow access to people who have a right of entry, the distinction is clear.

It could be said bill C-275 is the proactive measure of this reactive section of the *Health of Animals Act*, where section 7 deals with diseases and toxic substances once they've been identified, and this proposed legislation aims to prevent the introduction of diseases or toxic substances.

Question

Senator Pate: I want to pick up on something other senators, in particular, Senator McBean, raised: What would be the harm in expanding this? Are there some particular reasons why you would see that as harmful?

As part of that, I'd like your comments on — I believe the case you were talking about was the Sonoma Valley one. The report we reviewed showed that it was most likely introduced by wild birds or the wind, or possibly one of two employees who were cohabiting but who worked on different farms. So I don't see how this bill would address either of those issues.

Given some of the expertise we've heard from others about the importance of providing inducements for farmers to report and follow through — you've mentioned there are some of those in terms of marketing — but also, what are some of the other measures that we should be looking at? Thank you.

Response

The push to apply the bill to everyone on farm is less to do about improving biosecurity but more to do with delaying the passage of this legislation that's being asked for by farmers, ranchers, and our food producers.

Let's not pretend it's anything but a delay tactic. Nothing changes on-farm if such an amendment was successful, farmers and their employees would still be mandated to follow their on-farm biosecurity measures, they would still be required to follow regulations under the *Health of Animals Act* and be subject to the existing prohibitions and penalties, they have no choice it's about the welfare of their animals which they care deeply about and their own livelihoods.

As mentioned previously, the only groups who want to apply the bill to everyone on-farm are animal rights groups, such an amendment failed to pass the agriculture committee in the House when it was proposed. In fact, the Parliamentary Secretary of Agriculture, Francis Drouin did not support such an amendment, he said at the time:

“I just have a comment on the overall amendment from my perspective. While we support the objective of what this would do, we don't think that potentially penalizing employees or temporary foreign workers on farms is the right way to go. I will not be

supporting this amendment the way it is written—this includes PV-1, as well—simply because.... You know, during a pandemic, we didn't go and penalize nurses and doctors and say, “You're subject to a fine of up to x amount if you don't respect biosecurity protocols.” This amendment brings a new constituency into the bill. While I respect the fact that we must do everything we can to promote biosecurity, I don't think that touching the employer-employee relationship is the way to go with this particular amendment, so I will not be supporting NDP-1 as written.”²

My colleague the Parliamentary Secretary would not have come up with these comments in a vacuum, he has at his disposal departmental experts he can draw from in various ministries. As you know almost 90% of the House supported this bill in its current form, including the former and current Ministers of Agriculture.

It is important we understand the knowledge and endgame of those who are lobbying for this amendment to be made in C-275. For example, as you commented in your previous question, migratory birds are a significant factor in spreading diseases like Avian Flu. This is absolutely true, this is why poultry barns use state-of-the-art technology to ensure they are sealed and strict biosecurity protocol is mandatory to limit access to prevent diseases from entering barns.

Ironically, animal activists are pushing for “free range” open poultry operations, which will put the health of these animals and our food supply at substantially greater risk because they will not be protected from infected migratory birds. Migratory birds will be free to mingle with livestock and protecting animals – and our food security - from devastating outbreaks and pandemics would be impossible. So, it is ironic the protestors profess to want to improve animal husbandry, but in fact what they are pushing for will actually do exponentially more damage to animal welfare and food security in Canada.

I will add that applying this bill to everyone would also target whistleblowers. Whistleblowers as you know are lawfully allowed on farms and like any employee are obligated to report breaches to authorities.

Question

Senator Pate: As part of that, I'd like your comments on — I believe the case you were talking about was the Sonoma Valley one. The report we reviewed showed that it was most likely introduced by wild birds or the wind, or possibly one of two employees who were cohabiting but who worked on different farms. So I don't see how this bill would address either of those issues.

Response

² Evidence, AGRI: <https://www.ourcommons.ca/DocumentViewer/en/44-1/AGRI/meeting-75/evidence#Int-12365461>

In terms of the incident in California, it was in reference to a news report by ABC 7 News titled “State investigation finds activists may have spread avian flu in Sonoma County last year.”³

Still, opponents of this bill will claim that this legislation is not necessary because there’s no proof of the introduction of disease by trespassers.

I believe this thinking misses the point completely and it’s a short-sighted argument to justify unlawful behaviour which could lead to unimaginable consequences. One of the main goals of bill C-275 is to deter unlawful behaviour, the bill aims to address similar incidents, like the one in California, here in Canada by preventing them from occurring in the first place. If perpetrators and organizations faced potential penalties high enough to discourage this type of behaviour then that is how we know the bill is successful. We address the issue with prevention, a legislative prophylaxis if you will, with less frequent and fewer reported incidents of illegal farm incursions as a measure of success.

Question

Given some of the expertise we’ve heard from others about the importance of providing inducements for farmers to report and follow through — you’ve mentioned there are some of those in terms of marketing — but also, what are some of the other measures that we should be looking at? Thank you.

Response

Collaborative engagement and continual education for all parties involved. We recently discovered when investigating the H5N1 situation with dairy cows in the United States that the Public Health Agency of Canada (PHAC) pulled their membership from Animal Health Canada⁴ due to departmental budget cuts, a shocking revelation considering the membership fee with Animal Health Canada (AHC) is approximately \$30,000.

Facilitating partnerships between farmers, industry stakeholders, health experts, and government agencies to create a unified approach to biosecurity will undoubtedly lead to better health outcomes for people and the animals in their care. When trust is built and fostered through these types of engagements and continual education, individuals will feel more confident in spotting potential biosecurity risks which should encourage more proactive reporting of biosecurity concerns. Especially when farmers feel involved in the decision-making process and have access to leading experts and research in the latest evolving best management practices.

However, when agencies like PHAC decide to withdraw from these types of forums, one can’t help but feel disappointed with decision makers given the leading role PHAC is expected take in areas of disease surveillance, health promotion and policy development, research, data analysis

³ ABC 7 News, State investigation finds activists may have spread avian flu in Sonoma County last year: <https://abc7news.com/california-state-department-of-food-and-agriculture-investigation-finds-activists-may-have-spread-avian-flu-sonoma-county-2023/14738288/>

⁴ Animal Health Canada: <https://animalhealthcanada.ca/ahc-members>

and emergency preparedness. I would encourage Senators to speak to the government and insist that PHAC return as a participating member of AHC.

Question

Senator Richards: I think you answered this for Senator Petitclerc, but if the provincial governments and law enforcement enforce the trespassing laws that are already in place and did it with more consistency, would this bill be necessary — if the trespassing laws were themselves taken as being serious and done properly?

Response

I believe that would help but it wouldn't be enough. As I mentioned in my testimony, not all provinces have strict prohibitions when it comes to trespassing laws on farms. A few provinces like Alberta, Saskatchewan, Manitoba, Ontario and PEI have followed through to increase penalties but not all provinces have done so, and even in the ones that have we still see incidents occur. L'Union des producteurs agricoles in Quebec believes similar farm-specific trespass legislation should be passed but in absence of adequate legislative measures they were able to obtain from the Quebec Superior Court a temporary injunction to prevent any further illegal intrusions on farms after the incident in Saint-Hyacinthe.

For organizations that encourage the type of unlawful behaviour we're trying to prevent, the fines to individuals are a cost of doing business. When they're able to leverage media coverage of break-ins into donations⁵ that far exceed maximum fine amounts of \$115 in places like British Columbia, the ROI or return on incident in this case, is justified in their eyes.

⁵ National Hog Farmer, Animal rights groups bring in more than \$800M in income annually:
<https://www.nationalhogfarmer.com/livestock-management/animal-rights-groups-bring-in-more-than-800m-in-income-annually>