



DELIVERED VIA EMAIL: AGRI@parl.gc.ca

September 27, 2023

Standing Committee on Agriculture and Agri-Food
Sixth Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6

Dear Standing Committee Members,

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

Please accept this letter on behalf of Animal Environmental Legal Advocacy (“AEL Advocacy”) to express our strong opposition to Bill C-275, *An Act to amend the Health of Animals Act (biosecurity on farms)*. We have serious concerns regarding the potential negative impacts of this bill on transparency, animal welfare, environmental sustainability, human and animal health, and constitutional rights.

Based on our comments below, we strongly urge the Committee to abandon Bill C-275 in its entirety.

A. About AEL Advocacy

AEL Advocacy is a public interest law practice and not-for-profit organization based in Ontario. As Canada’s first and only intersectional animal and environmental law organization, our lawyers recognize the important connection between humans, animals, and the natural environment.

AEL Advocacy is dedicated to promoting progressive and intersectional laws and policies for the protection of animals and the environment in Ontario and throughout Canada. We strive to provide easily accessible public legal education and support services to individuals, communities, and organizations who share this vision. AEL Advocacy actively engages in educating the public about how to exercise their legal rights in exposing animal and environmental abuses, including those that take place on farms and other properties housing farm animals.

Animal Environmental Legal Advocacy

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B. Bill C-275 Threatens Transparency in the Canadian Food System

Bill C-275, if passed in its current form, poses a serious threat to transparency within the Canadian food system. As explained in further detail below, the language used in the bill is overly broad, containing provisions that impede undercover investigations and whistleblowing efforts. These measures effectively establish a veil of secrecy, allowing for the concealment of animal cruelty, environmental damage, and concerns regarding workers' rights and public health within the agriculture industry.

I. The Language in Bill C-275 is Overly Broad and Punitive

The overly broad language used in Bill C-275 restricts the freedom of journalists, employees, and the general public to gather and share information about the Canadian food system. AEL Advocacy is particularly concerned about section 9.1 of the Bill, which reads as follows:

9.1 No person shall, **without lawful authority or excuse**, enter a building or other enclosed place in which animals are kept, or take in any animal or thing, knowing that or being reckless as to whether entering such a place or taking in the animal or thing **could result** in the exposure of the animals to a disease or toxic substance that is **capable of affecting or contaminating them**.

This provision could potentially capture a wide range of people, including investigative journalists and employee whistleblowers, especially in provinces that already have agricultural gag, or “ag-gag,” laws in place.

The purpose of ag-gag laws is to create obstacles for individuals seeking to document and publicly reveal conditions in farms, slaughterhouses, and transportation vehicles. Over the past few years, several provinces have enacted such laws. For instance, provinces like Alberta and Ontario have ag-gag laws that prohibit undercover investigations at agricultural facilities by criminalizing entry under “false pretenses.”¹

In those provinces, employees, journalists, and others can be charged if they enter a facility with permission, but document conditions inside *without* permission (e.g. under false pretenses).² In these two provinces, not only could individuals be charged under provincial laws, but since Bill C-275 applies to any persons who enter a facility “without lawful authority,” they could be further charged under Bill C-275, putting them at risk of additional fines and lengthy jail time.³ The same would apply in any

¹ See: <https://www.ontario.ca/laws/statute/20s09>;
<https://www.canlii.org/en/ab/laws/astat/sa-2019-c-23/latest/sa-2019-c-23.html>

² See: <https://drive.google.com/file/d/1XqSgkw-g5eJV8CHRSdhBukCV2L94n0wx/view>

³ *Ibid.*

other province that implements comparable ag-gag laws in the future. As such, AEL Advocacy emphasizes the need for the Committee to carefully consider the interaction between Bill C-275 and provincial ag-gag laws.

Bill C-275 is also excessively punitive, imposing harsh penalties on individuals and organizations without requiring actual harm to animals or food security. Under the Bill, persons who enter a building housing farmed animals without lawful authority may be charged with an indictable offense, potentially resulting in a fine of up to \$250,000 or imprisonment for up to two years. Organizations could face fines of up to \$500,000. These penalties can be imposed merely when persons are “reckless as to whether entering [...] **could** result in the exposure of the animals to a disease or toxic substance” that is “**capable of** affecting or contaminating.”⁴

Despite the claims that Bill C-275 aims to protect biosecurity, the language used in the bill has implications far beyond addressing actual biosecurity threats. AEL Advocacy highlights that the overly broad and punitive nature of the bill poses a significant risk to persons who seek to document and expose instances of animal abuse or environmental degradation on farms and slaughterhouses, and who pose no risk to the biosecurity of a facility.

Whistleblowers and undercover investigators have played a vital role in uncovering the realities of farming practices in Canada.⁵ Typically, these investigations are employment-based, where investigators seek employment opportunities at farms and slaughterhouses using their real identities and qualifications but concealing their journalistic or investigative motives. Once employed, these investigators document the activities within the facility while also safely carrying out the tasks required of them by law.

A recent undercover investigation of Meadow Valley Meats in British Columbia, for example, revealed repeated instances of cruel and inhumane treatment of animals.⁶ The footage depicted terrified sheep, cows, goats, and llamas being subjected to physical abuse, violent throws, and attempts to escape.⁷ Workers also consistently failed to properly stun animals before slaughter and cut into animals that were still conscious.⁸ Despite no biosecurity failures resulting from the investigation, Bill C-275

⁴ See section 9.1.

⁵ See for example:

<https://animaljustice.ca/media-releases/hidden-camera-investigation-at-ontario-farm-reveals-pigs-violently-beaten-by-workers-and-caged-in-filthy-tiny-crates>;

<https://animaljustice.ca/exposes/stop-ag-gag-laws-canada>;

<https://animaljustice.ca/exposes/quebec-fur-farm-photos-show-suffering-foxes-mink>.

⁶ <https://animaljustice.ca/blog/meadow-valley-meats-still-licensed>

⁷ *Ibid.*

⁸ *Ibid.*

could potentially criminalize individuals who exposed such illegal animal suffering without causing any harm to animals or biosecurity.

In June 2021, The Standing Committee on Agriculture and Agri-Food amended the previous version of this bill⁹ to address these concerns and apply instead to anyone whose actions “could **reasonably result** in exposing animals to diseases or toxic substances, including farm owners and operators.”¹⁰

AEL Advocacy submits that, at the very least, the wording used in Bill C-275 should be amended in a similar fashion.

II. **Bill C-275 Conceals Animal and Environmental Harms**

AEL Advocacy submits that, by using overly broad and punitive language, Bill C-275 jeopardizes the public's right to know about and expose these animal abuse and environmental harms occurring on farms and other properties where farm animals are located.

The animal agriculture sector in Canada is responsible for a staggering number of animal deaths and suffering, with 841 million land animals slaughtered for food in the past year alone.¹¹ Unfortunately, the absence of federal or provincial laws regulating on-farm animal welfare, coupled with insufficient government inspections, creates an environment where animals confined on Canadian farms often endure deplorable conditions and appalling mistreatment.¹²

Intensive farming practices also have significant environmental consequences, including air pollution, water pollution, deforestation, and greenhouse gas emissions, which contribute to climate change, habitat destruction, biodiversity loss, and ecosystem degradation.¹³

Whistleblowers and undercover investigators have played a crucial role in exposing these conditions to the public, providing a glimpse into the reality of farming practices in Canada.¹⁴ By imposing restrictions on undercover investigations and

⁹ <https://www.parl.ca/LegisInfo/en/bill/43-2/C-205>

¹⁰ <https://www.ourcommons.ca/DocumentViewer/en/43-2/AGRI/report-7>

¹¹ See: <https://animaljustice.ca/blog/2022-canada-slaughter-statistics>

¹² *Ibid.*

¹³ See: https://www.aeladvocacy.ca/files/ugd/c883e8_a881e24cba2a444b8a2f2ccedd78a03f.pdf;
<https://animaljustice.ca/wp-content/uploads/2023/06/2023-05-31-House-of-Commons-Standing-Committee-report-Environmental-Impacts-of-Agriculture.pdf>

¹⁴ See for example:

<https://animaljustice.ca/media-releases/hidden-camera-investigation-at-ontario-farm-reveals-pigs-violently-beaten-by-workers-and-caged-in-filthy-tiny-crates>;

<https://animaljustice.ca/exposes/stop-ag-gag-laws-canada>;

<https://animaljustice.ca/exposes/quebec-fur-farm-photos-show-suffering-foxes-mink>.

whistleblowing activities, the legislation shields the agricultural industry from public scrutiny and accountability. AEL Advocacy submits that Bill C-275 will have a chilling effect on undercover exposés that uncover instances of animal cruelty and prevent the public from understanding the true environmental impact of farming practices, such as pollution, nutrient management issues, and soil degradation. Furthermore, it will restrict the public's ability to take legal action to address these harms.

C. Bill C-275 Increases Human and Animal Health Risks

Bill C-275 purportedly aims to protect biosecurity and the health of both humans and animals. However, implementing this bill would only amplify the industry's self-regulation, perpetuating unsanitary conditions that pose health risks. It may even exacerbate biosecurity concerns by targeting journalists and news organizations that expose the very conditions that contribute to the transmission of infectious diseases in industrial farms.

The prevalence of substandard animal welfare practices and environmental violations within the industry poses significant health risks. As such, journalists, animal and environmental advocates, and whistleblowers play a vital role in holding the industry accountable by exposing the conditions of their facilities to the public. For instance, an investigation of Paragon Farms in Ontario uncovered severely unhygienic conditions with maggots and mold present.¹⁵ Regrettably, these conditions are not isolated incidents but rather a recurring reality within the industry. Photojournalists, such as those at We Animals Media, have documented the grotesque conditions prevalent in numerous Canadian facilities that exploit animals for various purposes, including farms and slaughterhouses.¹⁶

Moreover, the conditions on farms have led to several disease outbreaks, including SARS-CoV-2, Infectious Laryngeotracheitis (ILT), and COVID-19.¹⁷ A 2021 report by Animal Justice highlighted hundreds of biosecurity failures caused by authorized personnel on farms, contrasting with the absence of disease outbreaks caused by animal advocates and protesters.¹⁸

By creating an environment of opacity and shielding the industry from public scrutiny, Bill C-275 would only exacerbate unsanitary conditions and the subsequent health concerns they pose. Rather than addressing the underlying issues and

¹⁵

<https://www.ctvnews.ca/w5/undercover-footage-from-ontario-pig-farm-shows-alleged-abuse-but-new-laws-mayban-future-probes-1.5207579>

¹⁶ <https://weanimalsmedia.org/>

¹⁷ <https://animaljustice.ca/wp-content/uploads/2022/06/Disease-Outbreaks-Biosecurity-Failures-on-Canadian-Farms-May-202021.pdf>

¹⁸ *Ibid.*

working towards genuine solutions, the bill perpetuates a system that prioritizes secrecy over the health and well-being of both humans and animals.

D. Bill C-275 Restricts the Ability of Consumers to Make Informed Choices and Advocate for Change in the Food System

Bill C-275 not only undermines transparency but hinders the public's ability to make informed consumer decisions regarding the food they consume and advocate for more compassionate and sustainable farming practices.

As outlined above, the legislation denies the public the right to be fully aware of the practices they support through their consumption choices. This lack of transparency obstructs efforts to raise awareness about the realities of farming in Canada, unethical treatment of animals, and the extensive environmental damage caused by unsustainable agricultural practices. Consequently, consumers are deprived of the opportunity to align their values with their purchasing decisions and support ethical, environmentally conscious alternatives. Moreover, the legislation hampers advancements in animal welfare and environmental protection by hindering public discourse and impeding the development of compassionate, sustainable solutions.

In the best interest of the public, it is crucial to maintain transparency in the Canadian food system, allowing for informed choices, ethical practices, and the preservation of animal well-being and the environment.

E. Bill C-275 is Likely Unconstitutional

Bill C-275 likely interferes with section 2(b) freedom of expression provisions in the *Canadian Charter of Rights and Freedoms* (the “*Charter*”).¹⁹

Similar ag-gag laws have already been challenged and struck down in several US states (e.g. Idaho, Wyoming, Utah, Iowa, North Carolina, and Kansas) for violating the right to free speech.²⁰ A constitutional challenge has also been brought against Ontario's ag-gag law within the *Security from Trespass and Protecting Food Safety Act*, claiming a violation of section 2(b) of the *Charter*.²¹

¹⁹ See:

<https://animaljustice.ca/wp-content/uploads/2022/12/2020-05-09-Animal-Justice-Submission-to-General-Government-Committee.pdf>

²⁰

<https://animaljustice.ca/blog/fighting-canadas-dangerous-ag-gag-laws#:~:text=Keeping%20the%20public%20in%20the,irresponsible%E2%80%94it's%20also%20likely%20unconstitutional.&text=Courts%20in%20Idaho%2C%20Wyoming%2C%20Utah.the%20right%20to%20free%20speech>

²¹

<https://www.newswire.ca/news-releases/animal-justice-files-legal-challenge-to-ontario-ag-gag-law-835348460.html>

Bill C-275 also likely encroaches upon provincial jurisdiction under the *Charter*, as it establishes an additional legal mechanism, alongside existing provincial laws, to prosecute individuals who trespass on farms. Traditionally, provinces in Canada have been responsible for implementing trespass laws, with each province having existing laws that prohibit trespassing on private property.

With this in mind, Bill C-275 should proactively be stopped in its tracks, saving the courts from a lengthy constitutional challenge, further consuming our scarce judicial resources.

F. Conclusion

AEL Advocacy firmly opposes Bill C-275 due to its potential to hide animal cruelty and environmental harms happening on farms and other properties where farm animals are located. We urge you to reconsider your support for this legislation and instead prioritize the values of transparency, animal welfare, and environmental sustainability.

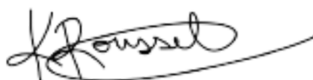
Thank you for your time and consideration. We would welcome the opportunity to discuss our concerns further and explore potential alternative solutions. Please do not hesitate to contact us at kira@aeladvocacy.ca or krystal@aeladvocacy.ca.

Sincerely,

AEL Advocacy



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