



June 10, 2024

Ministry of Farming, Agriculture and Agribusiness
Economic Development Policy Branch
1 Stone Road West Guelph

To whom it may concern,

Re: 24-OMAFRA011 Proposed Amendments to Ontario Regulation 701/20 - General, made under the Security from Trespass and Protecting Food Safety Act, 2020

Beef Farmers of Ontario (BFO) appreciates the opportunity to comment on 24-OMAFRA011 *Proposed Amendments to Ontario Regulation 701/20 - General, made under the Security from Trespass and Protecting Food Safety Act, 2020*. BFO represents the 19,000 beef farmers in Ontario by advocating in the areas of sustainability, animal health and care, environment, food safety, and domestic and export market development.

BFO was pleased to hear that the Ontario Superior Court of Justice upheld the *Security from Trespass and Protecting Food Safety Act, 2020*, and intent of the Act. We understand that while the Act has been upheld, some components of Regulation passed under it have been flagged for further clarification.

The *Security from Trespass and Protecting Food Safety Act* is a critical safeguard to protect farm animals, the food supply, farmers and others from risks that are created when trespassers enter places where farm animals live or when persons engage in unauthorized interactions with farm animals. The repercussions include the risk of exposing farm animals to disease and stress, as well as the risk of introducing contaminants into the food supply.

Animal neglect, abuse and cruelty is never acceptable, and animal welfare is of the utmost importance to BFO and its members.

BFO respects the right of individuals to peacefully protest and the Act does not interfere with the right of people to participate in legal protests on public property, but these individuals do not have the right to trespass on private property or to threaten farmers, their animals, or their livelihood. Trespassing, and even the threat of trespassing on farms, is detrimental to the mental health and well-being of our farmers. Everyone has the right to feel safe in their homes and their places of work.

In regards to the regulatory posting and proposed changes to *O. Reg. 701/20* listed below, BFO understands the need to bring in such changes as they relate to the Court's decision and we support the changes and the clarity they will bring.

- Clarify that the definition of "harm to a farm animal" does not include anything arising from the handling of those farm animals done in accordance with what the individual reasonably believes to be generally accepted agricultural practices.

- Add a section to the regulation which clarifies that animals used in petting zoos or circuses are not farm animals.
- Add a section to the regulation which would set out consent is obtained under false pretences if the person falsely represents: (a) they have a legal right to be on the property or to stop a motor vehicle transporting farm animals by virtue of their employment, a contract or their status; (b) their willingness to abide by the owner, occupier or driver's directions with respect to biosecurity, animal health and safety, human health and safety or food safety; or (c) in the case of a contractor or service provider, that they possess qualifications necessary to carry out their tasks on premises or in relation to farm animals being transported by motor vehicles in a manner that would not cause harm to farm animals, harm to an individual or harm with respect to food safety.
- Clarify that "harm to an individual" under s. 11(1)(d) does not include a journalist's publication of the story or their mere presence on the premises or with the motor vehicle transporting farm animals because of the false pretences.
- Clarify under s. 11(1)(e) that a journalist must leave the property when asked to do so and will not lose their exception if they leave when asked to do so.
- Clarify under s. 12(1)(c) a whistleblower only needs to find some type of "harm" or illegal activity, including any pattern thereof, while operating under false pretences.
- Clarify under s. 12(1)(d) the requirement for a whistleblower to report harm as soon as practicable includes a reasonable amount of time before having to report any "harms" to an authority as well as make it clear whistleblowers can report any "harms" anonymously.
- Clarify under s. 12(2)(c) that a whistleblower must leave the property when asked to do so and will not lose their exception if they leave when asked to do so.
- Clarify that "harm to an individual" under ss. 12(2)(a)(i) and 12(2)(a)(ii) does not include any harm from a whistleblower's reporting of what they found or their mere presence on the premises or with the motor vehicle transporting farm animals because of the false pretences.

We greatly appreciate the Government of Ontario's engagement and consultation on this issue. On behalf of BFO and our members, we thank you for the opportunity to provide our perspective and feedback on the *Proposed Amendments to Ontario Regulation 701/20 - General, made under the Security from Trespass and Protecting Food Safety Act, 2020*.

Sincerely,



Craig McLaughlin
President