



November 29, 2019

Roman Baber, Chair
Standing Committee on Justice Policy
Government of Ontario
17th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Mr. Baber,

Re: Bill 136, Provincial Animal Welfare Services Act, 2019

Beef Farmers of Ontario (BFO) appreciates the opportunity to provide comments on Bill 136, the *Provincial Animal Welfare Services Act, 2019*. BFO represents the 19,000 beef farmers of Ontario by advocating in the areas of policy planning, industry development and research, environment, animal health and welfare, and domestic and export market development.

Animal welfare is of the upmost importance to BFO and its members. Ontario beef farmers follow high standards of animal care, which include biosecurity, husbandry and animal handling protocols designed to protect animals from disease and maltreatment. Ensuring farm animals are healthy and safe is not only important for farmers and their animals, but also for all Ontarians. We provide resources and support to our members to ensure they have the necessary tools to optimize the welfare of cattle on their farms.

BFO was an active participant in discussions with government over the past several months as this proposed legislation was in development. We are pleased that many of the principles brought forward through these discussions is reflected in the proposed *Provincial Animal Welfare Services Act*, including improvement in public accountability, transparency, reporting, and funding, as well as preservation of the Animal Care Review Board (ACRB) and a spirit of collaboration with the agriculture sector. We look forward to providing input on the forthcoming regulations.

After reviewing the proposed *Provincial Animal Welfare Services Act*, there are several areas that BFO would like to draw attention to:

- There is no definition of farm animals. Separating farm animals from other types of animals allows for standards of care for farm animals to be referred to in regulation, and BFO strongly recommends including a farm animal definition in the legislation.
- The definition of distress includes the term “psychological”. This is a very subjective term that we would like to see further defined or removed. While BFO recognizes that psychological well-being is part of an animal's welfare, we are concerned that it is not appropriate for inclusion within animal

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welfare legislation because it risks establishing a "one size fits all" approach that could lead to inconsistent application and enforcement.

- Section 2 (3) speaks to required training of inspectors, but this is qualified by the words "if any". BFO believes consistent training of inspectors is required in all cases, and specific training on agricultural operations and species should be developed and conducted in collaboration with industry.
- Section 14 includes provisions around the obligation to report on issues of animal welfare. It is unclear whether these provisions include animal rights activists who view an animal in distress but fail to report it. Furthermore, it is not clear if there is any limitation on the obligation to report. BFO requests clarity on the provisions in Section 14 regarding obligation to report.
- Radical animal rights activism continues to be a concern for our industry, with activists increasingly putting animal and food safety at risk by stepping in front of transport trucks and ignoring biosecurity practices at plants and farms. BFO would like to see the legislation directly address distress or injury to animals caused by animal rights activists.
- Section 23 (c) speaks to inspections for "entertainment, commercial, educational or charitable purposes". Clarification is needed as to whether farms are considered commercial activities that will be subject to proactive risk-based inspections. BFO strongly recommends exempting farms from the definition of commercial establishments to be subject to proactive risk-based inspections.
- Sections 23 through 26 are related to powers to inspect. It is unclear if and/or how a farm's biosecurity protocols will be complied with by inspectors. In the case of livestock barns where there is no dwelling, BFO also requests clarity on whether a farmer will be notified and/or whether the inspector will wait for the farmer to be present before entering the livestock barn.
- Under section 34, regarding an owner's liability for expenses, BFO requests that there be a requirement for statements of accounts to be itemized and reasonable.
- Section 48 lays out higher fines to be imposed on corporations. As many farms are incorporated, BFO is concerned that this provision may subject a farmer to an unreasonably high fine. We do not believe that farms should be included in the "corporate" category.
- Section 65 discusses the potential for conflict between the proposed *Provincial Animal Welfare Services Act* and municipal by-laws, and sets out that in such a conflict, municipal by-laws would take precedence. This has the likelihood of creating a patchwork of animal welfare by-laws, which does not serve the agricultural sector or Ontarians in general. Provincial law should take precedence in situations when there is discrepancy between it and municipal by-laws.
- The seizure provisions laid out in the *Provincial Animal Welfare Services Act* do not require a veterinarian to confirm the decision to remove or keep an animal for medical reasons. The same is true for compliance orders. In both cases, veterinary sanctioning would not only better serve a person subject to a seizure or order, it would also save the ACRB time by eliminating at least some cases that are not supported medically by a vet. BFO recommends that veterinary confirmation/sanctioning be required for these decisions.

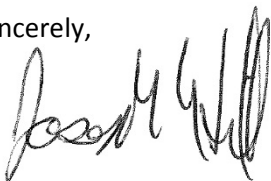


- There is no provision to automatically revoke a compliance order after a specified period of time, e.g. if an inspector fails to follow up on the order. This means that a compliance order can potentially last in perpetuity. BFO recommends that a provision to automatically revoke a compliance order after a specified period of time be included.
- There is a section in the proposed legislation related to critical distress in a motor vehicle. This section is conceivably directed towards animals left in hot personal vehicles, however BFO has concerns that this could be interpreted as applying to livestock transport, as well. Livestock transport is regulated by the Canadian Food Inspection Agency at the federal level, and BFO requests that clarity be added to *Provincial Animal Welfare Services Act* that this section regarding critical distress in a motor vehicle does not apply to livestock.
- The *Provincial Animal Welfare Services Act* has a “prevention” category, which includes providing information on animal care to producers and the public. It will be important that the provincial government works with the agriculture sector to develop and distribute any information pertaining to livestock and animal agriculture.
- BFO supports the National Farm Animal Care Council’s *Code of Practice for the Care and Handling of Beef Cattle* as the minimum acceptable standard of animal care for beef cattle in Ontario, and we would like to see this living document referenced in Ontario’s legislation and/or regulation.
- The proposed legislation does not mention a review of the Act. BFO asks that there be a review of the *Provincial Animal Welfare Services Act* within the first five years after it comes into force to ensure that it is operating appropriately.
- BFO requests that the Crown Prosecution Manual be updated accordingly, in order to be consistent with the *Provincial Animal Welfare Services Act* and to ensure that the legislation is properly understood by prosecutors.

In summary, BFO asks for clarity and further consultation on our concerns and questions, as laid out above. It is critical that agriculture be closely involved with further development of the *Provincial Animal Welfare Services Act* and the forthcoming regulations.

We are eager to work together to ensure protection of animals across Ontario, and we thank the Standing Committee on Justice Policy for the opportunity to provide comments.

Sincerely,



Joe Hill
President

cc: BFO Board of Directors
Christopher Tyrell, Clerk, Standing Committee on Justice Policy

