



LONG-TERM THINKING FOR TODAY'S ISSUES

October 15, 2020

Ministry of Agriculture, Food and Rural Affairs  
1 Stone Road West  
Guelph, ON N1G 4Y2  
Delivered via email: SecurityFromTrespass.OMAFRA@ontario.ca

## RE: Proposed Minister's Regulation Under the *Security from Trespass and Protecting Food Safety Act, 2020* - Discussion Paper

Dear Minister,

The Christian Farmers Federation of Ontario (CFFO) is an Accredited Farm Organization representing the interests of over 4,000 farm families in Ontario who are called to the vocation of farming. CFFO policy promotes economically, socially, and environmentally sustainable farming, advocating that farmers receive fair return for their production and stewardship efforts.

The CFFO is supportive of many of the regulation details proposed in the Discussion Paper. Our remarks and feedback are intended to help clarify and thus strengthen the regulations to ensure the *Act* will be practical and enforceable once it is proclaimed into force in its entirety.

### Recommendations

The CFFO raises the following for consideration in the definitions, regulations and exemptions proposed in the Discussion Paper, outlined according to corresponding headings:

**1.2. Definition for "Farm Animal Harm"** – This definition should more clearly state that the requirement for veterinary care will not be the sole or primary measure for determining farm animal harm. There may be instances where harm, as described in the definition, is evident without veterinary care being necessary to demonstrate the harm done.

**1.7. Definition of Financial Injury** – This definition should further clarify what is included in "direct losses" respecting farm animals, and how losses, not only of the animal but also of what the animal produces (e.g. milk, eggs) will be considered respecting direct losses for a farmer.

**4. Definition for "Farm Animals"** – The CFFO recommends that a more detailed definition be included for farm animals. This should include animals raised as work animals on farms as well as a broad range of animals raised for sale, for processing, or for producing a commodity. It should also include farm animals that are used primarily for education purposes. We recommend drawing on existing definitions which may also need to be expanded to more clearly include work animals. *The Farming and Food*

*Production Protection Act, 1998*, and *The Nutrient Management Act, 2002*, list the following in defining farm animals:

- (i) livestock, including poultry and ratites,
- (ii) fur-bearing animals,
- (iii) bees,
- (iv) cultured fish,
- (v) deer and elk,
- (vi) game animals and birds, or
- (vii) any additional animals, birds or fish prescribed by the Minister/regulations.

**5. Establishment of Additional Animal Protection Zones on Farms** – The regulations need to more clearly define what constitutes “prescribed premises” as part of the definition of animal protection zones discussed under Section 5(3) of the *Act*. Outside of the already described farms and animal processing facilities, these “prescribed premises” should include places where animals are commonly housed and handled, even temporarily, as part of normal practices for transportation, exhibition and sale of animals. These include but are not limited to sales barns, consolidation points, auction yards, rest stops (including temporary rest stops), and community pastures.

The definition of animal protection zones needs to more clearly outline what types of enclosures are meant to be included in definition (a) “an enclosure for farm animals, whether or not it is marked as an animal protection zone” and therefore do not require signage as an animal protection zone. For example, a barn and a fenced pasture should both be included in this definition.

CFFO supports the introduction of a perimeter around buildings containing animals. We recommend a distance of 15 metres around buildings containing animals be included in animal protection zones.

The regulations also need to make clear when animal protection zones do not need to be marked and when they do need to be marked to qualify as animal protection zones under the *Act*. We recommend that those enclosures or areas requiring signs be limited to places where it may not otherwise be clear to expect that animals are present or to situations where animals are temporarily housed or handled in a location not normally used for animals.

**6. Dealing with Interfering and Interacting with Farm Animals** – The proposed definitions will need to clarify what it means to “indirectly” have contact with a farm animal.

**8. Exemptions Under Section 7(g) of the Act** – The CFFO recognizes the importance of bringing animal abusers to account as quickly as possible. It is important that any instances of animal harm are reported immediately to the appropriate authority.

We do not see the need for exemptions to section 7(g) of the *Act* for any profession other than those with inspection or enforcement authority. This bill focuses on the issue of trespassing, which should not be allowed on private property.

Should the regulations include exemptions, we recommend that the requirement to “promptly report the issue [animal harm] to the appropriate authorities” appears under all exemptions.

Furthermore, it is important that any exemptions for obtaining consent under false pretenses do not put humans, animals, or food safety at risk. Any exemptions for obtaining consent under false pretences

must not permit falsely representing job qualifications for any reason. Lives may be put at risk if a person falsifies his/her qualifications regarding safe animal handling or familiarity with food safety or biosecurity protocols.

**10. Increased Penalties for Presence of One or More Aggravating Factors** – Farms are not only places of work and homes to animals but are often homes to farming families as well, potentially including family members of all ages. We ask that, in cases where human harm has occurred or residences have been entered or damaged, impact statements from farm family members and employees be considered when determining penalties for aggravating factors.

## Summary

The CFFO supports the intention behind the *Security from Trespass and Protecting Food Safety Act, 2020*. We strongly encourage the regulations to be clear and enforceable to ensure this *Act* will be effective for its intended purpose to protect farm animals, farm families and the safety of our food supply system.

Thank you for your consideration of our input.

Sincerely,



Ed Scharringa, President  
Christian Farmers Federation of Ontario