

Ontario Federation of Agriculture
Submission to Standing Committee on
Finance and Economic Affairs

Regarding Consideration of
Bill 46, *Less Red Tape, Stronger Ontario Act*,
2022

February 8, 2023

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Standing Committee Chair Ernie Hardeman, MPP
Standing Committee on Finance and Economic Affairs
Whitney Block, Room 1405,
99 Wellesley Street W
Toronto, ON

Submitted online and via scfea@ola.org

Dear Standing Committee Chair and Members:

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

Ontario's agri-food sector is an economic powerhouse – producing more than 200 farm and food products, fuelling rural communities, generating nearly 750,000 jobs, and contributing over \$47 billion to Ontario's annual GDP. The province's agri-food strategy, Grow Ontario, aims to strengthen the agri-food sector, support economic growth, and ensure an efficient, reliable and responsible food supply. By removing barriers, unnecessary costs and red tape, Ontario farmers will be positioned to seize opportunities and rise to the challenge of an ambitious growth strategy, allowing the agri-food sector to drive the economy forward.

OFA supports the Ontario government's efforts to increase competitiveness and build a stronger supply chain by removing unnecessary and burdensome red tape. OFA is pleased to provide comments on Schedules 1, 4, and 7 of Bill 46, *Less Red Tape, Stronger Ontario Act, 2022*.

Schedule 1: *Animal Health Act, 2009*

The health and safety of livestock and poultry is of the utmost importance for Ontario's farmers. The livestock industry in Ontario can face significant threats due to the incursion of foreign animal diseases, such as Highly Pathogenic Avian Influenza or African Swine Fever. Foreign animal diseases have the potential to decimate entire flocks and herds if found in the livestock population. If found in local flocks or herds, such diseases could lead to animal losses, border closures and disruption or loss of markets, and significant impacts on Ontario farm families, agri-food businesses, and the economy. Mental health for farmers would be impacted, due to the massive loss of animals, income, and livelihood.

The Animal Health Act (AHA) provides important tools to detect and respond to significant animal health hazards or animal-related threats to human and animal health in Ontario. If they arise, an

effective and timely response is critical when responding to animal health emergencies to ensure humans, animals, and the provincial food supply chain remain protected.

The proposed amendments would:

- Allow the Minister to issue a temporary response order, effective for a period of up to 72 hours, after receiving the advice of the Chief Veterinarian for Ontario, in situations where the Minister is of the opinion that any delay in implementing the measures authorized or required by the order will, or be likely to, increase substantially the risk to animal or human health and immediate measures are necessary to mitigate the possibility of that risk increasing. In forming this opinion, the Minister would be required to consider the principle that the absence of scientific consensus should not be used as a reason for postponing measures to avoid or minimize the risk to animal or human health;
- Allow the Minister to extend the order once, before it expires, for a further period of up to 72 hours, if the Chief Veterinarian for Ontario recommends that the order be extended and if, in the Minister's opinion, the criteria for issuing the order continue to exist;
- Amend section 18 of the AHA to achieve greater consistency in setting out an inspector's authority to conduct an inspection to check for compliance with an existing order, including an animal health control area order, a temporary response order, and a surveillance zone order;
- Clarify that Part III of the *Legislation Act, 2006* does not apply to a temporary response order or an animal health control area order; and
- Amend section 24 of the AHA to allow more flexibility on the appropriate method for the Minister being required to post notice of an animal health control area on a government website and in any other appropriate manner.

OFA supports the proposed amendments to the AHA which includes allowing the Ontario Minister of Agriculture, Food and Rural Affairs to issue a temporary response order respecting specific hazards, including animal health emergencies, upon advice from the Chief Veterinarian for Ontario. A temporary response order, effective for up to 72 hours, would work to protect human and animal well-being in a timely and effective manner when faced with a potential animal health crisis, especially in the initial phases of an emerging animal health event. OFA supports enabling the Minister to extend the temporary response order for an additional 72 hours upon the recommendation of the Chief Veterinarian for Ontario, should the criteria for issuing the order continue to exist.

In the event of such an animal health emergency, OFA recommends that the compensation provisions outlined in section 26 of the AHA also apply to temporary response orders. Compensation would support producers across the value chain and help protect the agri-food sector, should an animal health crisis arise.

OFA wholeheartedly supports measures that enhance emergency preparedness to ensure that humans, animals, and Ontario's food supply remains protected in the event of animal health emergencies.

Schedule 4: Ministry of Agriculture, Food and Rural Affairs Act

Section 3 of the *Innkeepers Act* provides a simple and effective remedy for farmers and stable owners to resolve situations where money has not been paid after care and management to those animals has been provided, or when livestock has been abandoned by their owners. This section provides a custom livestock feeder or a horse boarder the right to obtain payment through a possessory lien.

Section 3(1) of the *Innkeepers Act* states:

3. (1) *The keeper of a livery stable or a boarding stable has a lien on every horse or other animal boarded at or carriage left in the livery stable or boarding stable for reasonable charges for boarding and caring for the horse, animal or carriage. R.S.O. 1990, c. 1.7,*

OFA is supportive of granting lenders, holding Feeder Cattle Loan Guarantee Program (FCLGP)-supported loans, a priority security position ahead of custom feeders who may rely on the *Innkeepers Act* provisions with respect to cattle enrolled in the Ontario FCLGP. However, we do not support the proposed amendment to the *Ministry of Agriculture, Food and Rural Affairs Act* to exempt cattle enrolled in the FCLGP from section 3 of the *Innkeepers Act*. Such an exemption would prevent custom feeders from having any such lien on the cattle as well as preventing custom feeders from being able to seize and sell the cattle for unpaid services. Instead, OFA recommends that provisions in the *Innkeepers Act* continue to apply, albeit subordinate to lenders with respect to FCLGP-supported loans.

OFA maintains that it would be more appropriate to have a new section in the *Farm Products Payment Act* that sets out the possessory rights of unpaid custom livestock feeders and horse borders to hold animals until payment is received or to sell at public auction to recover payment. OFA recommends that the key protections contained in the *Innkeepers Act* with respect to livestock and horses be transferred to the more appropriate *Farm Products Payments Act*. The consolidation of all legislation governing farm financial protection programming into a single Act would streamline the regulatory framework, and provide for clear understanding of authorities, responsibilities, and obligations.

Schedule 7: Ontario Society for the Prevention of Cruelty to Animals Corporation Act, 2022

OFA supports the new *Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Corporation Act, 2022*, which would clarify the corporate status of the OSPCA. Previously, the OSPCA provided animal welfare enforcement for the province; The *Provincial Animal Welfare Services (PAWS) Act* was enacted in 2019, which enabled a new provincial enforcement model for animal welfare. Since the enactment of the *PAWS Act*, the OSPCA has delivered community support services across Ontario for animals in need. OFA supports the Act which provides for regulations respecting governance of the OSPCA, and other transitional matters, and clarifies the corporate status of the society.



OFA appreciates the opportunity to provide our feedback and agricultural perspectives on Bill 46, *Less Red Tape, Stronger Ontario Act, 2022*.

Sincerely,

A handwritten signature in black ink that reads 'Peggy Brekveld' followed by a period. The signature is written in a cursive, flowing style.

Peggy Brekveld
President