



CHRISTIAN FARMERS FEDERATION OF ONTARIO

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The Role of the OSPCA in Agriculture

CFFO Position Statement March 2012

Introduction:

The Christian Farmers Federation of Ontario (CFFO) recognizes that there is a role for the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) in Ontario agriculture. However, the proper execution of that role is not being fulfilled due to a number of factors related to the mandate and structure of the organization as it exists today.

Principles

1. The CFFO endorses proper treatment of animals on farms, during transport or at any other stage of production.
2. The CFFO recognizes that animal agriculture is based on producing a product for consumption or use by humans.
3. It is appropriate that there be an agency in existence that specializes in the proper treatment of animals on farms, in transport and during processing in Ontario. The vast majority of farmers treat their animals with the kindness and respect they deserve, but the possibility of irresponsible action on the part of a few must be acknowledged and dealt with for the good of the industry.
4. The majority of farmers are professionals that are willing to manage the actions of their industry in a responsible manner.
5. Production livestock and companion¹ animals are fundamentally different in terms of their purpose and the requirements surrounding their care.

Issues

1. It is not appropriate that the current agency that fulfills the role of monitoring (the OSPCA) is given powers that rival those of police law enforcement, yet are required to fundraise to maintain their existence.

This creates a situation where the organization must be “in the news” seeking out and sensationalizing issues in order to ensure that a steady flow of funding continues to be attracted to the organization. This is not acceptable.

¹ By companion, the CFFO means an animal that a person has largely for sentimental or emotional reasons.

Furthermore, this creates a situation of blurred accountability. Is the charity responsible to its donors, or to the government that has invested them with power?

2. There are wide knowledge gaps for farmers concerning their rights and the powers of inspectors.

Farmers Contend that:

1. It is not appropriate that the OSPCA makes recommendations that exceed established industry codes of practice.
2. There are strong assertions in the agricultural community that the OSPCA is placing charges on producers that exceed industry codes of practice.
3. Challenging the OSPCA through the Animal Care Review Board is such a costly proposition that fighting an order from the organization is simply not feasible for most people.

The OSPCA Contends that:

1. The OSPCA is strictly bound by law to follow the rules laid out in the Codes of Practice that are largely developed by industry.
2. The Animal Care Review Board is a very quick process. An appeal must be filed within 5 days of a charge being laid. A hearing is scheduled within 10 days of an appeal and a ruling is administered within 10 days of the hearing.

Other Concerns:

1. Farmers are having business efficiencies eroded by arbitrary rulings made by OMAFRA inspectors at slaughter plants or stockyards. An animal with a minor injury is (usually) fit for slaughter. It is also unclear what constitutes a minor or major injury.
2. The method of dealing with anonymous complaints needs to be adjusted in a way that reduces the likelihood of repeated complaints over non-issues.
3. There is a misunderstanding of veterinarian requirements under the OSPCA Act. Some believe that the veterinarian can speak with the farmer about the concern first, while others believe that the veterinarian must report without consulting with the farmer.

Proposed Solutions

There are two potential solutions that could be pursued. A cost-benefit analysis would need to be done to determine which is more appropriate.

Option 1: Divide the Responsibility of Production Livestock and Companion Animals into two organizations.

1. The fundamental structure and mandate of the OSPCA would be re-structured. The organization would be severed and turned into two distinct organizations.
2. The OSPCA would continue to exist and maintain its current functions within the urban sphere regarding companion animals.

3. A new organization would be established under the powers of the OSPCA Act to govern issues related to production livestock. It would be responsible for inspection and enforcement.²
4. This organization would be funded by the various animal agricultural organizations in the province.
5. The inspectors of the production livestock organization would be required to have formal training in the standard Codes of Practice for agricultural animals. Furthermore, inspectors must have at least 10 years of experience working with production livestock. Finally, it is critical that inspectors understand what constitutes an animal in distress.

Option 2: Increase Commodity Organization Involvement and Financial Support for Training of OSPCA Specialists in Production Livestock.

1. Livestock commodity organizations provide financial support for the training of specialists on OSPCA staff. Furthermore, specialists must have at least 10 years of experience working with production livestock. Finally, it is critical that all inspectors understand what constitutes an animal in distress.
2. Livestock commodity organizations become actively involved in improving producer awareness of the role of the OSPCA, the rights of farmers, and the rights of inspectors.

Other necessary changes:

1. Comprehensive guidelines regarding the powers of the regulating organization would be developed for farmers so that they know their rights when dealing with animal cruelty concerns.
2. Two well-trained experts (a combination of veterinarians and/or inspectors) need to come out on the initial visit to a farm.
3. In situations of immediate distress, an inspector must summon a veterinarian and wait for the veterinarian to arrive before proceeding.
4. It must be firmly established that the Codes of Practice are the appropriate standards for farmers to strive for in their production practices. Furthermore, federal and provincial differences in standards must be harmonized.
5. The rate at which a Code of Practice is reviewed may need to be accelerated if substantial changes are required, provided it is done on scientifically proven grounds.
6. There is the need for government to establish reasonable maximum fines and costs passed to farmers that are associated with seizing animals.
7. The right to appeal to the Animal Care Review (ACR) Board must apply at all times, including under section 14 (Taking possession of an animal).
8. Informing farmers of their opportunity to appeal to the Animal Care Review Board must be part of the process when inspectors become involved on the farm. The time and cost commitment must be included in this information.
9. An accountability process must be put in place for inspectors surrounding their actions on farm.

² Self-policing is done regularly in other professions, such as nursing.

10. The composition of the ACR Board for production animals needs to include: farmers, veterinarians, government representatives.
11. It must be made clear to farmers and veterinarians that veterinarians have some flexibility and discretion to first inform a farmer of their concern prior to reporting to the OSPCA (or the new organization that is established) (section 11.3).³
12. Throughout this entire process, farmers and farm organizations must be firmly committed to properly disciplining those responsible for irresponsible action within the sector, and proceed with honesty and integrity.
13. Those who lodge complaints need to have the rationale for dismissals explained to them.
14. Farmers who are proven innocent need a certificate to use to deflect future concerns on their farm over the same issue. This should be subject to inspection. Farmers should have the option for this to be done proactively as well.
15. Animals brought to market with minor injuries should be considered fit for processing.
16. Consistent, reasonable standards are needed surrounding what constitutes minor (acceptable) or major (unacceptable) injuries for animals fit for processing. Farmers need to know where these lines are drawn.

Removed as an Item of Concern

1. The Animal Care Review Board process must be streamlined to be both affordable in terms of both cost and time to farmers. *The process appears to be quite reasonable for a legal action – 25 days from start to finish is reasonable.*

Adopted by

CFFO Provincial Council

March 28, 2012

³ Farmers are exempt under the regulation if following the orders of a vet. Therefore a vet can first recommend a farmer take action prior to filing a report.