

**Third Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Mr. Dave Gaudreau*  
*Constituency of St. Norbert*

**Vol. LXVI No. 6 - 6 p.m., Tuesday, September 23, 2014**

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**Fortieth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Tuesday, September 23, 2014**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Dave Gaudreau (St. Norbert)**

**VICE-CHAIRPERSON – Mr. Mohinder Saran (The Maples)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Ms. Braun, Hon. Mr. Kostyshyn*

*Messrs. Altemeyer, Dewar, Gaudreau, Helwer, Marcelino, Piwniuk, Saran, Smook, Wishart*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Bill 71–The Animal Diseases Amendment Act*

*Mr. Karl Kynoch, Manitoba Pork Council*

*Mr. Randy Aitken, Manitoba Veterinary Medical Association*

*Mr. Cory Rybuck, Manitoba Egg Farmers*

*Mr. James Battershill, Keystone Agricultural Producers*

*Bill 69–The Technical Safety Act*

*Ms. Betty McInerney, Mechanical Contractors Association of Manitoba*

*Mr. Scott McFadyen, Canadian Propane Association–Manitoba Propane Committee*

**WRITTEN SUBMISSIONS:**

*Bill 71–The Animal Diseases Amendment Act*

*Heinz Reimer and Melinda German, Manitoba Beef Producers*

*Brent Achtemichuk, Dairy Farmers of Manitoba*

**MATTERS UNDER CONSIDERATION:**

*Bill 69–The Technical Safety Act*

*Bill 71–The Animal Diseases Amendment Act*

**Mr. Chairperson:** Good evening. Will the Standing Committee on Social and Economic Development please come to order.

This meeting has been called to consider the following bills: Bill 69, The Technical Safety Act; Bill 71, The Animal Diseases Amendment Act.

How late does the committee wish to sit this evening?

**Mr. Ian Wishart (Portage la Prairie):** 'Til the work is done.

**Mr. Chairperson:** Does the committee agree? [Agreed]

We have a number of presenters registered to speak tonight, as noted on the list of the presenters before you. On the topic of determining the order of public presentations, I will note that we have one out-of-town presenter in attendance, marked with an asterisk on the list. With this consideration in mind, what order does the committee wish to hear the presentations?

**Mr. Wishart:** We would like to hear the out-of-town presenters first.

**Mr. Chairperson:** Very well. We will like to—we will have the out-of-town presenters present first. Is that agreed? [Agreed]

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there's anyone in the audience who would like to make a presentation this evening, please register with the staff at the back of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask you provide 20 copies. If you need help photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from the committee members.

\* \* \*

Also, in accordance with our rules, if the presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

The following written submissions have been received on Bill 71 and copies have been distributed to committee members: Heinz Reimer and Melinda German, Manitoba Beef Producers; Brent Achemichuk of dairy farms of Manitoba.

Does the committee agree to have these submissions appear in Hansard transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I'd like to advise the members of the public regarding to the process of speaking in committee. The proceedings of our meeting are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say that person's name. This is a signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience. We will now proceed with public presentations.

#### **Bill 71—The Animal Diseases Amendment Act**

**Mr. Chairperson:** I will now call on Karl Kynoch.

**Floor Comment:** Kynoch.

**Mr. Chairperson:** Kynoch? Kynoch.

I will now call Karl Kynoch from the Manitoba Pork Council.

Good evening. Do you have written materials?

**Mr. Karl Kynoch (Manitoba Pork Council):** Yes.

**Mr. Chairperson:** All right, you may proceed when ready.

**Mr. Kynoch:** Good evening. My name is Karl Kynoch. I am the chair of the Manitoba Pork Council and a farmer in south-central Manitoba.

Thank you for allowing me to speak to this bill.

First of all, to summarize my overall comments, I am here to conditionally speak in favour of these amendments. We believe that the amendments are reasonable and necessary to update The Animal Diseases Act. We also believe that the proposed amendments will allow the industry to identify and respond to serious disease threats in a more timely

and effective manner by creating a new designation for reportable diseases, giving the minister the authority to declare reportable diseases and hazards, making sure reportable diseases and hazards are reported immediately, and allowing the CVO to inspect conveyances as well as farm premises without the need for a warrant only if they suspect that a reportable disease or a hazard is present. Included in the list of potential orders that the CVO can apply, the CVO will now have the ability to insist that biosecurity measures be put in place on farm, quarantine conveyances as well as premises and carry out an order if the owner refuses to do so.

Our producer group supports these proposals, and we are willing to assist the CVO wherever we reasonably can. We realize reportable hazards such as unwashed trailers that are intended to pick up pigs—and that can be just as much of a threat to the industry as diseased animals. But we are supportive as long as people are only obligated to report these hazards in the event that they might put healthy animals at risk.

Giving the minister the authority to declare reportable diseases and hazards should accelerate the process of clarifying serious animal health risk as provincially reportable. For example, in the case of PED it took several weeks to classify it as reportable, where this proposed amendment would, hopefully, cut this time down significantly. This should also allow the industry to identify and respond to diseases faster. We continue to support the obligation for producers, veterinarians and other industry participants to immediately report reportable diseases, and we support this approach for reportable hazards also within reason.

Allowing inspectors to enter farm premises and equipment such as trucks and trailers without a warrant allows them to investigate, identify and respond to potential disease situations that may require urgent intervention such as when a unco-operative owner might be attempting to move diseased animals off site. However, this should only be necessary for unco-operative premise owners and should be a power only used rarely and judiciously. We are conditionally supportive of this provision as long as inspectors are required to show identification and make it clear to the owner their purpose for entry, entry into an owner's dwelling continues to be protected by the warrant process and the CVO inspectors entering the premise follows strict biosecurity protocols for entering and exiting the premise.

In the case of PEDV, we identified earlier—and to the North American outbreak—that unwashed trailers that are livestock trailers play a major role in the spread of disease, and so it makes sense to treat conveyances the same as we would treat farm premises. We already support the existing list of orders that the CVO is able to implement such as the ability to examine and treat animals and the ability to quarantine premises, and we are appreciative of the discretion by the—which the CVO has been implementing these powers. However, we ask that the CVO continue to use its power and authority with discretion as it has to date. We also believe the ability to insist that biosecurity measures be put in place at premises and the ability to quarantine conveyances will further strengthen our ability to biocontain a disease. As long as an order is reasonable, considers the owner's economic livelihood and is necessary for disease control we are supportive.

\*(18:10)

We also appreciate that the amendments formalize the use of disease surveillance information. Surveillance activities, in the case of PED, have allowed us to identify disease occurrences and perform tracebacks to biocontain the disease. This has been an important activity, which we will continue to support with staff resources when we can. As long as individual farmers' and businesses' information is kept confidential and the release of the information does not have the potential to economically harm these individuals or the industry, we are supportive of this clarifying amendment.

To conclude, we are conditionally in favour of the amendments proposed to The Animal Diseases Act.

I would, however, just like to add that, while we are supportive of this bill, we continue to remain frustrated with the government's seeming inability to correct our stalled barn-building situation, one that this government created and puts the industry at as much or even more risk than diseases.

Thank you. If there is time, Mr. Chairman, I am willing to answer questions.

**Mr. Chairperson:** Thank you for your presentation.

Does anyone from the committee have questions for the presenter?

**Hon. Jon Gerrard (River Heights):** Sure. Thank you for your presentation and the—I think it's really

important that we have the protection from animal diseases and the ability to make sure that producers are protected.

I think it's in your caveat right at the end. You talked about the problem with barn buildings, and one of the concerns has been that, in the conditions that the Province has put on, it's difficult to upgrade buildings so that the livestock are better looked after and there's less likelihood of disease. Could you comment on that?

**Mr. Kynoch:** Yes, there's been a number of challenges imposed on the industry basically due to building manure structures, but we—producers need to be able to allow—to expand their operations and rebuild them and bring them up to today's standards, and if they are not of significant size to do that, then it prevents a challenge on actually improving the operations to help better control diseases.

**Mr. Ian Wishart (Portage la Prairie):** Thank you for your presentation, Mr. Kynoch. I appreciate the comments. I know you and your industry have been on the front line of many of these issues with the PED problem, and so far we have managed to escape any major problems here in Manitoba.

But I wondered—the relationship between the CVO and your commodity association. Have you been adequately informed of problems as they arose? This working well? *[interjection]*

**Mr. Chairperson:** Mr. Kynoch. Oh, just—sorry. Mr. Kynoch, go ahead.

**Mr. Kynoch:** Yes, our working relationship for the Manitoba Pork Council and the CVO have been excellent. We've been working trying to assist the CVO and working hand in hand to try to contain the PED to the sites that it has already shown up on. So, yes, at this time we'd like to see continued positive working relationships like we've had in the past. It's been very good.

**Hon. Ron Kostyshyn (Minister of Agriculture, Food and Rural Development):** Good evening, Karl, and it's a great pleasure to have you and your organization come forward in the importance of Bill 71. I think today's discussion regarding the Bill 71 kind of truly 'resignates' the importance of the disease amendment act and how historical agriculture is changing and how we need to be proactive.

I'd like to acknowledge staff, the CVO and the staff that have been quite diligent in dealing with

today's emerging issue in the pork industry, the PED. And I think we can be somewhat comfortable in saying the numbers today are somewhat appreciative of sustaining the importance of the PED spread and using the US model as the risks that could have developed. And it's never a sure thing that we don't stop giving up on preventing the disease spread, but I do want to just compliment the staff.

But I also want to compliment Manitoba pork industry in your continuing partnership of working in preventing the spread of this disease for the betterment of the pork industry and agriculture in the province of Manitoba. So thank you for being here tonight, and appreciate your comments, Karl.

**Mr. Chairperson:** Thank you very much for your presentation. Oh, do—would you like to respond, Mr. Kynoch? Go ahead.

**Mr. Kynoch:** Yes, I just want to say, yes, we are supportive of Bill 17 with the conditions. As you've seen with the PED, it took us a while to get the—to get some of the powers off the start. But there's other things that we need to do. This is a step in the right direction, but there is other things.

There's a—there's unwashed trucks moving around the province. We need powers to be able to inspect those trucks and force them to wash. There's still trucks returning from the United States, where they have PED running rampant. We need more powers to be able to have the ability to implement and force procedures on being able to wash those trucks.

So I would say that this is definitely a step in the right direction, but there is still a lot more that we can do to protect Manitoba hog producers. As you see, is today, we only have three sites. We had the third one confirmed today.

But, due to these type of regulations, it does help us to contain that disease and just keep doing the good things that the hog industry does for this province.

**Mr. Chairperson:** Thank you very much for your presentation.

I will now call—there—actually, at No. 1 is a substitute. Instead of Andrea—yes, there's going to be a substitution on No. 1 on Bill 71. It's going to be Dr. Randy Aitken instead.

### **Bill 69—The Technical Safety Act**

**Mr. Chairperson:** But we're going to be going back to Bill 69.

And I will call on Betty McInerney?

**Floor Comment:** McInerney.

**Mr. Chairperson:** McInerney?

**Ms. Betty McInerney (Mechanical Contractors Association of Manitoba):** McInerney, like Bert and Ernie.

**Mr. Chairperson:** Okay, McInerney, from the medical—Mechanical Contractors Association of Manitoba.

Do you have any printed information? No?

**Ms. McInerney:** No, I don't.

**Mr. Chairperson:** Okay, please proceed when you're ready.

**Ms. McInerney:** Okay. The Mechanical Contractors Association of Manitoba is in agreement and we support the overall intent of Bill 69. As technologies change quickly in this industry, it makes sense to address required changes to technical safety more efficiently and quickly, rather than going through the arduous process of amending the act. Having said that, we will be ever vigilant in ensuring that the relevant regulations make sense to our industry. That's all.

**Mr. Chairperson:** Thank you very much for your presentation.

Is there any questions from the committee?

**Hon. Erna Braun (Minister of Labour and Immigration):** Thank you very much for coming, and I appreciate seeing you again and having earlier conversations about this. And I know that the regulations will be really important, and the consultations that go along to come up with those. So thank you again very much for coming today.

**Mr. Chairperson:** Oh, one more—Mr. Smook, go ahead.

**Mr. Dennis Smook (La Verendrye):** I'd like to thank you, as well, for your comments. And you bring up some good ideas to—legislation is one thing, but regulations are another thing to keep an eye on exactly what's going to come about to—just to make sure that the industry has the proper tools to work with. I want to thank you for your presentation.

**Mr. Chairperson:** Thank you, Ms. McInerney.

I will now call Scott McFadyen from the Canadian Propane Association—Manitoba Propane Committee.

Do you have any written materials?

**Mr. Scott McFadyen (Canadian Propane Association—Manitoba Propane Committee):** No, kidding. I'll be submitting tomorrow. Just due to the last minute nature of the request to appear before the committee, I'll—I've made arrangements to submit my presentation tomorrow.

**Mr. Chairperson:** Okay, so go ahead with your presentation.

**Mr. McFadyen:** Okay, thank you, Mr. Chair, honourable members. I'd like to thank you for being here tonight and listening to me. And, definitely, Betty is a tough act to follow, given the brevity of her presentation.

I'd like to thank Inspection and Technical Services Manitoba for including us in the consultation process which led up to Bill 69. And our industry certainly supports the spirit of this act, Bill 69.

Firstly—and I'll probably be closer to 10 minutes, so I apologize for that in advance—but firstly, who we are, who the Canadian Propane Association is, just so you get a sense as to where I'm coming from, there's three main pillars to the Propane Association: (1) is advocacy, so government relations, regulatory affairs; (2) is the Propane Training Institute, which obviously specializes in the training of our people in the handling of propane; and the LPG Emergency Response Corporation, the Liquefied Petroleum Gas Emergency Response Corporation. Those are the three pillars of our organization.

Just to quickly just go over my agenda, I'll be touching on challenges, opportunities that our industry faces in Manitoba, touching on the technical safety legislation and touching on a safer Manitoba, which, I believe, is the spirit of this act today, and, finally, our ask of the committee and of the government.

\* (18:20)

Just in terms of who we are, we have 380 members from coast to coast to coast. We represent the full stream of propane in six primary categories: the producers, so pulling the propane out of the ground; the wholesalers, the people that move it; the retailers; the transporters, the people who have the difficult job in transporting the hazardous good;

manufacturers of appliances, cylinders and equipment; and we have a number of associates, so consultants to the industry.

Our mission is to facilitate the growth of the industry, but, most importantly, the best practices of the industry, by acting as a unified champion regardless of geography or place on the propane value chain.

So, just in terms of the three pillars of the association, No. 1, if you recall, was advocacy, and that's government and regulatory affairs, and the CPA is committed to—the Propane Association is committed to staying ahead of the curve in terms of any legislative and regulatory changes that impact the industry. Nationally, we're represented on over 30 national codes and standards committees working to ensure that Canada from coast to coast maintains an industry that operates safely and responsibly. We have provincial committees in each region of the country which work with our provincial regulators and legislators on a formal and informal basis, including, in Manitoba, the gas advisory board, the gas notices board and, informally, the propane advisory committee. And we're committed to working with all levels of government to build bridges and enhance safety.

The Propane Training Institute, the second pillar of the Propane Association, certifies over 24,000 students annually on the safe handling of propane. We offer courses online. We try to find the best avenue in order to reach our audience, and our courses have been designed to provide basic instruction on the safe handling of propane and propane-powered equipment.

What I will just say is many of you may be confused about what propane is. Propane is also known as liquefied natural gas. We're also natural gas liquid. Propane—85 per cent of propane is derived from natural gas. So we're seeing more and more natural gas coming online. As a consequence, we're going to be seeing more and more propane coming online.

In terms of the emergency response corporation, the second pillar of—pardon me, the third pillar of the propane associations, this is a network that we have set up across Canada of consultants that work with emergency respondents to ensure that emergency response deals with propane emergencies effectively. We're approved by Transport Canada, and we, you know, we're not first respondents, but we do work very closely with first respondents just to ensure that

incidents are handled appropriately when they happen.

**Challenges:** The challenges that our industry faces, and this needs to be taken in the context of Bill 69, but we are heavily regulated—we are heavily regulated. There are multiple levels of government that regulate us, and this requires significant paperwork and permitting. Not—it's not necessarily an issue for us.

**Change:** Change is always a challenge. Change takes time for people to absorb, so a new act will require some time for people to absorb. Higher fees certainly are a challenge because they potentially detract from safety by adding costs to operations. Again, we don't object to higher fines because we plan on being compliant with the law, so we have no objection to higher fines or anything of that sort.

A lack of a level playing field with, to be honest, the natural gas utilities, in—which in this case is Manitoba Hydro, which have a distinct regulatory marketing advantage in that everything falls under The Manitoba Hydro Act: inspection, services, et cetera.

And, certainly, right now as the case is, without Bill 69 there's no formal dispute mechanism in place, so that results in an inconsistent application of gas codes and regulations making Manitoba a difficult place to do business, especially when there's no means to appeal decisions.

That's—shouldn't be—the opportunities should not be lost in terms of what this legislation means for our industry. And, certainly, who our industry is we've got an established infrastructure. The industry has an established network of pipelines, rail and trucking. You rarely hear about propane in the news, which is a good thing, because, generally, when you hear about propane, it's involving an incident. I like to think that that's because of our strong safety record and I would say that's also an opportunity here.

We operate in an environment which, by law, requires our industry to meet rigorous training and safety standards. As well, I would say that our industry has worked very hard to establish strong relationships with the Office of the Fire Commissioner and ITSM, and we both share the mutual goal of advancing best practices and advancing safety. And, really, for our industry in Manitoba, the single greatest opportunity is the

technical safety legislation, Bill 69, so we're pleased to be here.

Just in terms of the specifics of the legislation, Bill 69 has a number of positive aspects including bringing six acts into one, causing less confusion. Right now we're subject to the boiler's act and the gas act. There is some confusion between the two: the formal dispute mechanism which I mentioned earlier and the formal consultations process which do not exist right now under the current legislation.

An alternative safety method is another opportunity for our industry or a variance. This allows our industry to author our own safety management plans which far exceed any existing code or regulations.

In terms of the fines and subsequent regulatory review, while the legislation will increase fines—potentially significantly—and boost inspection powers, for us, as the Manitoba general contractors association spoke to, the meat and potatoes of the legislation will come in the subsequent regulatory review. And I understand that the gas regulations are first up with that review and we ask to be also included in those regulation—in the regulatory review.

**Mr. Chairperson:** Just a two-minute warning.

**Mr. McFadyen:** Just in terms of just wrapping up, our ask from the committee and the government is—No. 1 is consistency. We want consistent application of regulations across the province. We want an equal treatment of propane with other fuels and energy sources. This includes biofuels which have not been subject to the same strict regulatory regime that we have. Number 2, partnership and co-operation. We want to work together to enhance safety through measures such as training, public awareness campaigns, regulatory discussions and just having an open-door policy.

In conclusion, I think the bill is a positive move. We support it. We want to be involved in the meat and potatoes of it which is the regulatory process following.

As I stated earlier, I will make a written submission tomorrow just outlining this in a little bit more detail.

Mr. Chair, questions?

**Mr. Chairperson:** Yes, thank you for your presentation.



Just to be clear, the written material will be provided tomorrow to the Clerk's office, and the Clerk will distribute it to the committee.

**Ms. Braun:** Thank you very, very much for coming this evening. I really appreciate your presentation and suggestions that you've made this evening, and given that some of this started well before I became minister, I appreciate the chance that we had to meet and that you made a point of making sure that I was up to speed on what your issues were and concerns that you had. So I really appreciate coming tonight, Scott.

**Mr. McFadyen:** Thank you, Minister.

**Mr. Smook:** Thank you for coming, Mr. McFadyen, it's interesting to listen to what you have to say.

Now, because you work on a national level, does this piece of legislation bring Manitoba very similar to other provinces or is there still some room to grow? *[interjection]*

**Mr. Chairperson:** Oh sorry. Just—sorry, I have to recognize you first, Mr. McFadyen. I know it's the weirdest process. Go ahead, Mr. McFadyen.

**Mr. McFadyen:** Mr. Chair, as I understand that the legislation was modelled after what's occurred in Nova Scotia as well as taking parts of what's occurred in British Columbia, again, the meat and potatoes for our industry is in the regulations that follow. Again, the spirit of this legislation is a vast improvement over the current legislative environment in which we operate.

**Mr. Chairperson:** Thank you very much, Mr. McFadyen, for your presentation tonight.

#### **Bill 71—The Animal Diseases Amendment Act** *(Continued)*

**Mr. Chairperson:** We're now going to move over to Bill 71 and Dr. Randy Aitkin.

Your written materials are being distributed. You can proceed when you're ready.

**Mr. Randy Aitken (Manitoba Veterinary Medical Association):** Good evening. I'm here to represent my profession in the province, the Manitoba Veterinary Medical Association. We would like to thank you for this opportunity to speak this evening and congratulate you on what in our view is a significant improvement to animal agriculture in the province. So thank you for that.

At the same time, we're somewhat disappointed that you haven't chosen to use this opportunity to resolve some other ongoing problems that would fall within this act.

For some time the Veterinary Medical Association of Manitoba has been in dialogue with both MAFRI and government regarding the safe and prudent use of pharmaceutical agents in animals. In our view, the current set of controls in place for the use of drugs in animals have three broad problems. Those problems present risks of public health, risks to the environment and, quite possibly, risks to the safety of agricultural workers.

\* (18:30)

It's a sad fact that antibiotic resistance will kill some Manitobans this year and make others sick. Some of this could be diminished with some very simple solutions. Other jurisdictions in Canada and around the world have found the courage and technical expertise to address these things. We'd encourage Manitoba follow those leads.

While MVMA has proposed a solution to these issues, we're not here tonight to put any particular viewpoint forward. We're here to remind government that these problems persist and, I guess, not to prescribe the solution, pun intended.

And, before I depart, my executive director has asked me to remind government that we're hoping to see a resolution on incorporation of veterinary practices in the province. That was something that was, I think, promised long ago when I was a young, keen, new graduate, and clearly I'm not a young, new graduate. I hope I'm still keen, but, anyway, thank you, Mr. Chair.

**Mr. Chairperson:** Thank you, Dr. Aitken, for your presentation.

Questions from the committee?

**Mr. Ian Wishart (Portage la Prairie):** Well, and thank you, Randy, for your presentation. We certainly appreciate that you came out tonight. We'll have a look at your suggestions regarding the pharmaceutical. Maybe there is a more appropriate time and place to bring that forward, but certainly appreciate you coming forward tonight with that thought, and the professional standards that you want to see some changes to, we'll have a look at that as well. So thank you for being here.

**Hon. Ron Kostyshyn (Minister of Agriculture, Food and Rural Development):** Good evening, Randy, and thank you for being here today, and I do want to emphasize first and foremost the importance of veterinarians in the province of Manitoba, Canada, worldwide.

Obviously, part of the partnership that we see building with commodity groups, Bill 71, the veterinarians play a key role in helping us to minimize the risk as we move forward in biosecurity and in emerging diseases. So I want to thank yourself, and I still consider you looking relatively young yet, regardless what your comment may be, but I still consider you looking very young and healthy.

But I do appreciate your comments as we talked about the moving forward on the corporation idea and the other one regarding the prescription drug scenario. That has been drawn to my attention, and we'd had—we've been having some discussions regarding those two items, so I want to assure you that the discussions continue to happen and—but I just want to emphasize the importance of you supporting Bill 71. I appreciate that, and for the betterment of agriculture and for the betterment of the animal disease amendment, I thank you for being here today and look forward to further discussions in the near future regarding your other issues in hand.

Thank you.

**Mr. Chairperson:** Thank you very much, Dr. Aitken, for your presentation.

I will now call Cory Rybuck from Manitoba egg producers.

Do you have any written materials for the committee?

**Mr. Cory Rybuck (Manitoba Egg Farmers):** I do not.

**Mr. Chairperson:** No? Please proceed with your presentation.

**Mr. Rybuck:** Well, good evening, and thank you for the opportunity to present our thoughts this evening. In matters as critical as this, we—I really appreciate a co-ordinated, collaborative approach.

Our understanding is that this bill amends the act to give the Minister of Agriculture and officials broader authority to make regulations designating reportable diseases and hazards, and to issue orders

such as quarantine and surveillance to prevent the spread of disease and threats to public health.

Manitoba Egg Farmers is supportive in principle of the bill. During our internal review and discussions with other commodity associations, the following comments and questions arose, which are presented for your consideration: What are the costs associated with an order issued to a farmer, if any? If there are costs associated with inspections and surveillance activities, is there an expectation that a farmer will share in or bear the full cost? If there are such expectations, we would like to see references to the same within the act.

With respect to surveillance, the current framework functions pretty much on a volunteer basis. Therefore it is critical that co-operation, clear expectations and trust be established between officials and farmers to make surveillance work. We also wonder whether surveillance will be conducted on reportable diseases only.

Inspectors appointed by the director should have some commercial animal agriculture experience at minimum and, ideally, be experienced with the species they are asked to deal with. With respect to entry powers in general, when enforcing an order, we would encourage provisions requiring the inspector to automatically identify themselves, produce a copy of the order and clearly explain what they intend or need to do on farm.

Understanding that due to the level of detail required, subjects like reportable diseases, reportable hazards and the provisions around quarantine are difficult to include within the act, we look forward to future consultations on future regulations.

In conclusion, we wish to re-emphasize the importance of all stakeholders, including the farmer, working together and communicating openly to solve disease issues. In our experience, this co-ordinated approach has been successful in dealing with past outbreaks and investigations, and I'd like to take this opportunity to echo the comments of Mr. Kynoch with respect to our working relationship and the working relationship our farmers have with the CVO. Having been through a few disease events, the collaboration has been outstanding. Thank you.

**Mr. Chairperson:** Thank you for your presentation.

Any questions from the committee?

**Mr. Wishart:** Well, thank you, Cory, and thank you for your presentation today, and I'm pleased to hear

that your working relationship continues to be good with the CVO and that you have not had any major problems. But your questions regarding commercial costs and business interruption are legitimate, and I would hope that you would be part of the consultation process that would lead to regulations. So, certainly, we'll be bringing that forward as an issue to be watched. Thank you. *[interjection]*

**Mr. Chairperson:** Mr. Rybuck. Go ahead. Sorry, I have to recognize you first. Go ahead, Mr. Rybuck.

**Mr. Rybuck:** Sorry. I say thank you, we'd welcome that opportunity.

**Mr. Kostyshyn:** Good evening, Cory, and thank you for being here. I appreciate the opportunity you take out of your busy schedule to attend this event tonight, and I do want to also congratulate your organization and all the other organizations that we have an open dialogue of the importance of communicating when we come to a situation such as this Bill 71, of the importance and how we work together collaborately with the Department of Agriculture and much of your organization. We appreciate the openness of discussing the importance of the disease amendment act, and I want to assure you that the questions that you have brought forward today, we will—we'll be able to get back to you with some documentation after we've had a chance to discuss it with staff and give you a clear opinion on the questions you brought forward.

So thank you for being here, Cory, and I also want to be repetitious of thanking your organization of being one of the many great working relationships we have with the department and staff that represent my department in agriculture.

**Mr. Rybuck:** Thank you.

**Mr. Chairperson:** All right, thank you very much for your presentation.

I will now call James Battershill from Keystone Agricultural Producers.

Do you have any written material for the committee?

**Mr. James Battershill (Keystone Agricultural Producers):** I do.

**Mr. Chairperson:** While they're handing it out, please feel free to proceed when you're ready.

**Mr. Battershill:** Good evening, honourable members of the Legislative Assembly, ladies and gentlemen. My name is James Battershill, and I'm

general manager of Keystone Agricultural Producers, commonly known as KAP.

On behalf of KAP, I would like to share our organization's position with respect to Bill 71, The Animal Diseases Amendment Act. KAP is Manitoba's general farm policy organization, representing and promoting the interest of thousands of agriculture producers in Manitoba. Our membership consists of farmers and commodity associations throughout the province who set our organization's policy through a grassroots governance structure.

An animal disease outbreak in Manitoba would have critical, immediate and long-lasting impacts on our agriculture industry. We must plan for such events to manage and mitigate the impacts on farmers and their livestock, the environment and the provincial economy as a whole. KAP commends the provincial government for continuing to plan and prepare for these scenarios via necessary legislative changes and other actions. KAP is committed, through policy developed by farmers, to protect the interests of agriculture from the spread of animal and plant disease. We do this through encouraging the strict adherence to biosecurity protocols, information sharing and supporting our commodity group members as they educate specific commodity producers on biosecurity protocols.

\* (18:40)

These biosecurity measures are intended to stop the spread and introduction of harmful organisms to humans, animals and plant life. The aim of a biosecurity protocol is to protect agricultural operations—both crops and livestock—through prevention, control and management of biological risk.

Because of the work that has already been done, Manitoba's farmers have many of the necessary tools to deal with the spread of foreign animal disease. We recognize that there are several legislative gaps that the government is trying to address through Bill 71 that will improve the tools available both to the Chief Veterinary Officer and to the provincial livestock associations in their efforts to prevent and control animal disease outbreaks.

KAP acknowledges that the government of Manitoba are introducing changes to help control the spread of disease through Bill 71 at this time. However, as with any piece of legislation that allows for broad access to private property, it is important

that the government remain attentive to the rights of farmers while maintaining a positive working relationship and ensuring public safety.

There are several sections of the act that we would like to comment on that will require government to balance the rights and interests of farmers in Manitoba with the needs for legislative authority to take actions to reduce the risk associated with animal disease.

The first section we would like to bring to your attention is section 2.1, Animal health surveillance. Animal disease spreads rapidly and ongoing surveillance will assist to promptly identify disease outbreaks and quickly put preventative measures in place. Our concern lies with the potential publication of any of this information as per section 2.1(c) which states that the director may, subject to regulations, conduct ongoing animal health surveillance for potential publication and produce animal health advisory reports and other notices. Our concern is that the publication of information may be misconstrued and misunderstood by the general public, potentially damaging the industry as a whole. We understand that the public must remain informed, but there should be a limit on information sharing, balancing the safety of the public with the rights of the producer. As an example, in 2009 H1N1 spread in Canada and was widely covered by the media. To the detriment of pork producers in Manitoba, H1N1 was often referred to as swine flu, and despite the fact that the disease presented no food safety risk to consumers, pork consumption suffered as a result. We recommend that any health advisories, reports or notices that are made public should be evaluated by the affected industry association.

The second section we would like to comment on is section 5–6.5(1), Entry powers in general. We do understand, as had been mentioned previously, that this power exists in many pieces of legislation and is necessary to provide the appropriate enforcement mechanisms behind the act. When creating regulations that are promoting this change to the public, government must be aware that these powers cannot trump the producers' right to be secure against unreasonable search and seizure. We do not foresee it—this being a problem as the vast majority of producers are willing to accommodate any orders or directives from the government relating to the health of their animals. It must be made clear to any inspectors, however, that producers do have rights, including the right to ask for identification, and those rights must be upheld at all times.

KAP requests clear, identifiable guidelines and expectations for inspectors in relation to coming onto a farmer's property. This includes, of course, adherence to the individual producer's biosecurity protocols and respect for the farmer's property. Our intention is to mitigate any potential for disagreement or conflict between the farmer and the inspector.

The third section we would like to comment on is section 3.1, Examination, quarantine, treatment and disposal of animals. In this section the director is given broad powers to make orders in the public interest at the expense of the owner to seize, remove, examine or quarantine animals. Section 3.1(6) of The Animal Diseases Act states unequivocally that a person who receives a notice of a quarantine order must comply with it. This provision we recognize is necessary to provide the government and industry associations with clear practices to respond to instances of animal disease, and we have no reason, again, to expect that the director would use any of these provisions unnecessarily. We would, however, like the government to publish well-defined guidelines regarding the examination, quarantine and treatment and disposal of an animal which is suspected of having a disease or have been exposed to a hazard.

As this section sets requirement for producers that could potentially be costly, it is important for industry to be aware and accept the policies and procedures being followed. We suggest that by making farmers and industry associations aware of all the implications of complying with an order, including financial commitments, it will alleviate the hesitation a farmer may feel in taking actions on his or her farm. Regulations relating to compensation for compliance to an order should be created using a practical, farmer-driven approach and should be clear and concise in laying out the framework that will be undertaken.

Section 16 of The Animal Diseases Act deals with payment or compensation but is unclear what criteria the government uses in determining whether or not compensation should be paid to affected producers. This information should be developed from—with input from industry associations and be made readily available to producers.

It is critical that producers have the confidence to be able to act quickly and without fear of repercussion. Producers in Manitoba will respond positively to the outlined amendment if they feel that

they can act and be in contact with government without the risk of significant financial loss.

And, finally, it has been stated here previously, KAP would like to thank the Chief Veterinary Officer, including Glen Duizer, and MAFRD staff, including Natasha Hohol, for consulting very extensively with stakeholders during this process. That said, we do expect that government will continue to connect with industry associations as the regulations are developed for this bill.

We appreciate being included in this important discussion today and look forward to our continued role as the voice of Manitoba farmers. Thank you.

**Mr. Chairperson:** Thank you, Mr. Battershill.

Questions from the committee?

**Mr. Wishart:** Thank you for your presentation, James.

Your points are very good, especially when you make the point that if you want producers to take the right action, you have to make sure that they are adequately compensated, that they are not negatively impacted by the change—or the steps that they need to take.

One other point I wanted your response on. As whole-farm operations, they are often mixed operations, and you're dealing with multiple biosecurity protocols, and I think it's very important that the CVO be made aware that, though he's certainly up to speed on livestock-related biosecurity protocols, there are plant biosecurity protocols as well, and you made reference to some of them earlier on and the fact that perhaps we're not at the same place with them that we are with livestock.

So I think it's very important that the CVO office become familiar with the biosecurity protocols related to plant production in this province as well.

**Mr. Chairperson:** The honourable minister—or did you want to respond, Mr. Battershill? Sorry. Mr. Battershill, go ahead.

**Mr. Battershill:** Thank you, Mr. Wishart, for your comments.

I think that it is absolutely critical that if you want to encourage farmers to do the right thing and be productive in reporting instances of animal diseases, they have to be assured that their financial losses are reduced by taking a proactive action as opposed to waiting for the disease to multiply in effect.

In relation to plant biosecurity, I think that it's, as we have said in the past, that it's not nearly as well developed as animal livestock biosecurity measures. We see the economic degradation and damage that's done in the province of Alberta associated with the single disease of clubroot.

And certainly, that—the education on plant biosecurity should not just be limited to the CVO. Certainly, we were surprised that even MASC does not have a full biosecurity protocol for many of their adjusters. Manitoba Hydro, we've had ongoing discussions and had some success in assisting them to develop their own biosecurity policies with considerable commitment and contribution from the department's—or from MAFRD staff.

So we're moving in that direction, but certainly it's something that everyone should be aware of, just due to the significant financial implications.

**Mr. Kostyshyn:** Thank you so much, Mr. Battershill, for being here today.

And let me start off by saying thank you for KAP, Keystone Agricultural Producers, to be kind of the message, along with a number of other commodity groups. And I want to acknowledge in your professionalism of your organization, working in one direction with government in broadcasting the importance of agriculture in the province of Manitoba and how we as a department, along with the government, work together.

As your indication was today, is that biosecurity is kind of the—a continuing—and whether we talk about the PED or we talk about clubroot, this is an opportune time where we work with commodity groups, we work with the canola growers, we work with KAP. KAP, being a broad spectrum of an organization, is kind of a opportunity for government and our department to talk to KAP and relay that through a media, such as the KAP organizations, whether it's the pork industry or a number of other industries.

But I do appreciate the comments that you've brought forward and points of discussion. And I want to assure you that these will be discussed with staff, and in due time we will respond to the points brought forward to give you clear directions of the points as you've brought forward.

\* (18:50)

So I—again, I want to thank you for being here, Mr. Battersfield, and keep up the great work and let's

keep up the great communication we have between the department and the Keystone Agricultural Producers. Thanks again.

**Mr. Battershill:** Thank you, Minister.

**Mr. Chairperson:** Thank you very much for your presentation.

This concludes the list of presenters I have before me. Are there any other persons in attendance wishing to make a presentation?

Seeing none, that concludes public presentations.

\* \* \*

**Mr. Chairperson:** In what order does the committee wish to proceed with clause-by-clause considerations of this bill?

**An Honourable Member:** As listed, Mr. Chair.

**Mr. Chairperson:** As listed. Is everybody agreed? *[Agreed]*

During the consideration of the bill the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee the Chair will call clause by-clauses in blocks that conform to pages with the understanding that we stop at any particular clause or clauses where members have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

We will now proceed with clause-by-clause consideration of the bills.

### **Bill 69—The Technical Safety Act** *(Continued)*

**Mr. Chairperson:** Does the minister responsible for Bill 69 have an opening statement?

**Hon. Erna Braun (Minister of Labour and Immigration):** As I've mentioned during the first and second readings of this bill, this legislation is a consolidation of six existing acts each of which regulate a separate type of technical equipment. The acts being consolidated include the amusement park—pardon me, The Amusements Act, The Electricians' Licence Act, The Elevator Act, The Gas and Oil Burner Act, The Power Engineers Act and The Steam and Pressure Plants Act. None of these acts have undergone a comprehensive review in over 20 years, leaving them badly in need of an update. Several other jurisdictions including Alberta, British Columbia, Ontario, Nova Scotia

and Newfoundland and Labrador have already implemented consolidated legislative models similar to what's contained in this bill. The central purpose of this new act will be to protect public safety by ensuring that equipment is regulated by this act and it's safe for use and those working with such equipment have the appropriate qualifications.

To ensure that enforcement of this legislation is carried out in an accountable manner, comprehensive review and appeal provisions have been included for those affected by decision involving licences, permits, orders and penalties. The new legislation will also provide for a streamlined advisory process by combining four legislated advisory boards under the existing acts into a single board under the new act. Significant stakeholder consultations have been undertaken in the development of this legislation including soliciting feedback through the issue of a public discussion paper and the formation of a technical safety legislation review committee which provided us recommendations in the summer of 2013.

We believe that the—pardon me—the proposed legislation will provide a modernized legislative framework that is more understandable for users, more consistent, more accountable and easier to enforce than the legislation it is replacing. Once this act has been passed new regulations under the act will also need to be developed and stakeholder consultations will again play an important role in this process.

Thank you.

**Mr. Chairperson:** Thank the minister.

Does the critic from the official opposition have an opening statement?

**Mr. Dennis Smook (La Verendrye):** I'd just like to mention that in listening and consulting with groups that are involved in this in the different technical aspects of it, it's going in the right direction which is long overdue, and I just hope that during the regulation part of it that the consultations continue with the different associations so that we can continue to have a good piece of legislation.

Thank you.

**Mr. Chairperson:** Thank the member.

Due to the structure of this bill, I would like to propose the following order of consideration for the committee's consideration. For your reference we will provide copies of the outline to the committee

members with the understanding we may stop at any point where members have questions or wish to propose amendments. I propose that we call the bill in the following order: parts 1 through 15, which is pages 1 through 60, called in blocks conforming to the parts; the table of contents, pages 1 through 5; the enacting clause, page 1; the bill title.

Is it agreed as an appropriate order of consideration for Bill 69? *[Agreed]*

We will begin with parts 1 through 15, pages 1 through 60.

Part 1, pages 1 through 6, I show clauses 1 through 5—pass; part 2, pages 7 through 11, clauses 6 through 27—pass; part 3, pages 12 through 18, clauses 28 through 48—pass; part 4, pages 19 through 22, clauses 49 through 56—pass; part 5, pages 23 through 25, clauses 57 through 63—pass; part 6, pages 26 through 30, clauses 64 through 68—pass; part 7, pages 31 through 34, clauses 69 through 73—pass; part 8, pages 35 through 38, clauses 74 through 78—pass; part 9, pages 39 and 40, clauses 79 through 83—pass; part 10, pages 41 and 42, clauses 84 through 88—pass; part 11, pages 43 through 45, clauses 89 through 96—pass; part 12, pages 46 and 47, clauses 97 through 102—pass; part 13, pages 48 through 54, clauses 103 to 105—pass; part 14, pages 55 through 59, clauses 106 through 111—pass; part 15, page 60, clauses 112 through 114—pass.

We shall now consider the table of contents, pages 1 through 5.

Table of contents—pass.

We will now consider the remaining items in the bill, page 1.

Enacting clause—pass; title—pass. Bill be reported.

**Bill 71—The Animal Diseases Amendment Act**  
(Continued)

**Mr. Chairperson:** We will now move to Bill 71 clause by clause.

Does the minister responsible for Bill 71 have an opening statement?

**Hon. Ron Kostyshyn (Minister of Agriculture, Food and Rural Development):** I do.

**Mr. Chairperson:** Go ahead, honourable minister.

**Mr. Kostyshyn:** Just a short commentary. I think it's pretty evident in our presentation today from different presenters the importance of the Bill 71

being brought forward, of new emerging diseases and biosecurity overall.

So my open comment is prevention and control of diseases constitutes a public good. Benefits drawn from these activities are considerable for agriculture production and food security and safety, public health, animal welfare and access to markets. To address increased risks of disease outbreaks and to provide protection to the sectors of the economy that depends on the healthy animal population, this bill amends the act to give officials increased flexibility to take timely action and a better source of information which is on a base decision. Amendments are responding to the needs for early detection and rapid response to outbreaks of emergency and re-emerging animal diseases. That is my 'opentary' comment, Mr. Chair.

**Mr. Chairperson:** Thank the minister.

Does the critic from the official opposition have an opening statement?

\* (19:00)

**Mr. Ian Wishart (Portage la Prairie):** Just a few comments as well.

I think it is very important, as this industry moves forward, both the livestock and the plant industry, that biosecurity protocols that work are put in place, and accordingly I think it's very important that continued consultation be done and attempts, serious attempts, be made to keep them up to date. There has been examples in the past when the federal named diseases act got out of date and the values of compensation to producers was very much out of line with the marketplace, where there was a huge reluctance to report diseases like TB and it led to much larger problems because no one wanted to report the situation. So it is very important that the values be kept current, and the only way to do that is continued consultation with the commodity groups and putting the values in regulation and getting them updated on a regular basis.

So I would certainly encourage the minister, with this bill, to make a very concerted effort not only to do it now, but to put in place a regular review of these values so that they don't get stale and generate these types of problems in the future.

**Mr. Chairperson:** We thank the member.

We'll now move on to clause by clause.

Clause 1 and 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; clauses 8 and 9—pass; clause 10—pass; clauses 11 and 12—pass; clauses 13 and 14—pass; clause 15—pass; clause 16—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 7 o'clock, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT:** 7:02 p.m.

### WRITTEN SUBMISSIONS

Re: Bill 71

Manitoba Beef Producers' Submission re: Bill 71 – The Animal Diseases Amendment Act

Who is Manitoba Beef Producers?

- MBP is a non-profit organization with a producer-elected board consisting of 14 directors, each representing cattle producers in a specific region or district.
- MBP represents approximately 8,000 individual cattle producers involved in various aspects of the beef cattle industry in Manitoba, including the cow-calf, backgrounding and finishing sectors.

The importance of the agriculture industry to Manitoba's economy

- Agriculture drives a significant portion of Manitoba's GDP and is one of the largest wealth-generating activities in the province.
- Beef production represents Manitoba's single largest agricultural sector in terms of the number of individual farm operations. Our industry plays a vital role in the maintenance of Manitoba's economic and environmental sustainability.
- On an annual basis Manitoba's beef cattle industry purchases more than \$300 million in feed. Beyond feed, beef producers purchase \$225 million in operating inputs each and every year. The value of goods and services demanded by Manitoba's beef operations is about \$635 million annually.

MBP's Comments in Relation to Bill 71

MBP appreciates the opportunity to provide comments on Bill 71 – The Animal Diseases Act.

Unfortunately, MBP was unable to have representatives available in person to appear before the Standing Committee today. However, we would be pleased to answer any follow-up questions you may have about our written submission.

In introducing Bill 71, the Manitoba government is attempting to strengthen various provisions related to the management of animal diseases, with the aim of reducing the likelihood of their introduction and spread. This includes using a "one health" approach that takes into account the interconnectedness between animal health, human health and environmental health.

MBP is generally supportive of the amendments being proposed in Bill 71, but is seeking clarification about some aspects of the proposed changes and how they could affect the province's cattle industry.

MBP strongly recognizes the importance of effective management of animal diseases, be that locally, nationally or internationally. Outbreaks of highly contagious foreign animal diseases (FAD), such as Foot and Mouth Disease (FMD), can have devastating economic consequences for affected nations due to the accompanying trade restrictions. The impact of a disease such as FMD on animal health is also severe. Some have estimated that the economic impact of a FMD outbreak in Canada could be as high as \$48 billion unless a series of strategies were immediately implemented to contain its spread.

At the local level, MBP notes the serious implications for this province's beef industry associated with the presence of another disease, bovine tuberculosis. Cattle producers in the Riding Mountain Eradication Area (RMEA) have been part of a multi-decade, multi-stakeholder effort aimed at stemming the spread of this disease between wildlife and livestock, with the ultimate aim of eradicating it. In the past, some producers whose herds were found to have an infected animal faced outright herd destruction, which was extremely difficult for the affected producers. MBP recognizes the ongoing collaborative efforts by producers, the provincial and federal governments and other stakeholders to stem the spread of this disease and to reach a state where the disease is eradicated in Manitoba.

Federally-mandated herd surveillance for bovine TB has become an ongoing cost of doing business for cattle producers in the RMEA. The affected producers bear considerable costs associated with this surveillance, from the labor associated with



providing their cattle for testing, to the potential risk of injury to their animals during this process. While in the past some limited financial assistance has been provided to help offset these costs, it has by no means covered all the costs, thereby affecting producers' livelihoods. The result is that some producers in the RMEA have exited the industry outright, which not only affects the health of Manitoba's beef industry, but also the local and provincial economies.

A key component of Bill 71 is Section 2.1, which deals with animal health surveillance. If passed, this provision will allow the provincial government to conduct animal health surveillance programs for a variety of purposes, such as gaining an overall understanding of the health status of animal populations in the province. Manitoba Beef Producers understands the provincial government's rationale in seeking this provision. However, MBP has several questions about how such surveillance programs will work.

First, will producer participation in these animal health surveillance programs be mandatory or voluntary? The proposed legislation is not clear. If the surveillance programs are mandatory, what are the consequences should a producer decline to participate? If the surveillance programs are mandatory, will there be some type of appeal mechanism whereby a producer could advance an argument as to why their operation should potentially be excluded from the program?

Second, will producers be required to bear all costs associated with making their animals available for surveillance testing or will those costs be assumed by the provincial government? Similarly, if an animal is injured during the surveillance process, will the provincial government assume the cost of all veterinary bills? Or, if a cow suffers a miscarriage due to the stress associated with this process, will the provincial government reimburse the cattle producer at fair market value for the cost of the calf, whether it is a commercial or a purebred animal? It is MBP's position that compensation should be based on fair market value, and that any questions around liability need to be resolved before surveillance is implemented.

MBP is requesting that the provincial government consult with affected cattle producers well in advance of surveillance activities to ensure that reasonable efforts are made to accommodate the farm or ranch's annual management plan, such as the

calving season. This would help minimize potential disruptions.

With respect to the proposed surveillance programs, MBP is seeking clarification as to whether these will apply only to reportable diseases. If not, what criteria will be used to determine which diseases will be subject to surveillance programs, and will consultations be undertaken with the affected sectors prior to their rollout? MBP is also seeking assurances that any officials involved in animal health surveillance programs on beef operations are well versed in beef husbandry practices.

MBP requests that any information collected as part of an animal health surveillance program be strictly related to the disease in question, and that clear provisions be established about who has access to this information and for what purposes. It is MBP's position that information about the day-to-day business and financial operations of the farm should not be collected during this process as it should have no relevance to disease management.

Bill 71 gives the provincial government enhanced regulation-making powers. One of these will provide ministerial authority to make regulations designating areas of Manitoba as animal disease prevention, management or control areas and regulating activities in relation to animals in those areas.

MBP is seeking clarification as to whether the provincial government had any discussions with its federal counterparts to ensure that provisions of its own Animal Diseases Act complement similar provisions under the federal Health of Animals Act? The federal legislation already contains provisions with respect to the establishment of control zones and outlining specific conditions that apply in these zones. MBP wants assurances that there is no duplication in this area, and that there are clear lines of authority.

Bill 71 will allow for the Minister to be able to use a regulation to declare a reportable disease, as opposed to having to open up the legislation to do that. MBP supports this process, recognizing the importance of government officials and producers to be able to swiftly respond to emerging disease threats.

MBP welcomes the clarification that Bill 71 provides with respect to definitions contained in The Animal Diseases Act, including the addition of definitions such as "reportable disease," "reportable hazard," "premises," "risk factor," as well as what constitutes a "vehicle." Further, the meaning of "disease" is

more clearly set out. This clarity will be useful to both those affected by the legislation and those required to enforce it.

Bill 71 also includes a definition of what biosecurity measures entail. MBP believes this is an important addition to the Act. It is in all livestock producers' best interests to adhere to strict biosecurity practices to limit the potential spread of diseases from one operation to another.

To that end, the Canadian Food Inspection Agency and the Canadian Cattlemen's Association worked collaboratively to develop the Canadian Beef Cattle On-Farm Biosecurity Standard. The Standard offers Canadian cattle producers a practical guide to implementing biosecurity practices on their farms and ranches. MBP appreciates governments' support for the Biosecurity GAP Program: Beef under the Growing Assurance component of Growing Forward 2. Examples of eligible expenses under the program include the purchase of quarantine pens for incoming or returning animals, and cleaning or disinfection stations for fomites, among others.

Manitoba's cattle producers are doing their best to ensure that biosecurity is not compromised on their livestock operations. However, MBP believes it also takes a collective societal effort to ensure that animal diseases are not inadvertently allowed to spread. MBP strongly encourages governments to take this factor into account when they are developing public policies that may have unintended consequences.

As a case in point, MBP points to policies around public access to agricultural Crown lands in Manitoba. Current policy allows anyone to access agricultural Crown lands, even if livestock are present. MBP is very concerned that a member of the public who travels from one livestock operation on agricultural Crown land where there is an infected animal to another operation where livestock are also present could unintentionally transfer an animal disease. Alternatively, a person who has traveled to another country where a contagious foreign animal disease was present might unwittingly transfer said disease to a Manitoba herd via infected footwear or clothing when entering agricultural Crown land where livestock are present.

Either of these scenarios could have very serious implications from a disease management perspective, and in turn have severe economic consequences not only for the producer, but also the larger provincial or national economies, depending on the nature of the disease. MBP has raised this concern with the

provincial government in the past and looks forward to a further discussion around the concept of informed access, whereby visitors to agricultural Crown land would be required to inform the person leasing that land that they intend to enter it. MBP believes this would help ensure that sound biosecurity practices are being utilized.

Further, MBP has and will continue to request that provincial departments, Crown corporations and other similar entities undertaking work on agricultural land adhere to the strict biosecurity policies that have been adopted in the cattle sector. This should apply to private land, as well as to Crown lands utilized by cattle producers.

MBP is seeking clarification about several other aspects of Bill 71.

Among the proposed amendments is the creation of a system for reporting hazards that may threaten animal or public health. Under the proposed changes, the Director will be able to issue an order seeking that action is taken around a hazard that may pose a threat to animals. This could require that biosecurity measures be implemented or require that animals be tested. MBP notes that Section 2.3 states that the costs of orders re: hazards or other potential causes of disease will be assessed against the owner of the place, area or vehicle.

Similarly, under Sections 3(1) and 3(1.1), it states that costs may be assessed at the expense of the owner for examination, quarantine, treatment and disposal expenses related to either animals or other things.

MBP has questions about how these costs will be assessed and where liability stops and starts. For example, should a producer whose biosecurity practices were breached by a third party entering the farm, thereby introducing a disease, be held liable for costs when the problem was not caused by the producer? Or, will there be a mechanism available to help the producer recover these costs? As well, will there be an appeal mechanism available to producers who have questions about the costs and measures being required of them under an order?

With respect to entry powers, Section 6.5(2) states that identification will only be shown if there is a request for it to be shown. MBP requests that anyone authorized to enact or enforce provisions under The Animal Diseases Act be required to show proper identification at all times and to show documentation

authorizing that certain activities be undertaken. This will help engender trust in the process.

MBP also requests that any authorized personnel visiting cattle operations, auction marts or other sites associated with beef production to enact or enforce provisions of the Act be well versed in both beef husbandry practices and biosecurity practices, and skilled in handling livestock. It is MBP's position that the desired outcomes under the Act will be more readily achieved if all stakeholders are able to operate from a position of trust in the processes and procedures being used.

Looking ahead, MBP requests that there be thorough stakeholder consultation into the development of new regulations being developed under the Act, such as those dealing with reportable hazards, biosecurity practices, or others. MBP also requests input in the creation of any fees associated with various provisions of this Act.

MBP recognizes the tremendous efforts and investments being made by members of the beef value chain and governments to stem the potential spread of animal diseases. This important work must continue.

In closing, MBP offers a few general comments about the development of public policies. First, MBP supports legislation and regulations that are grounded in science.

Second, MBP strongly supports the beef industry and governments working together to develop public policy initiatives that can be embraced by all sectors of our industry without harming the producers' ability to earn a living.

Third, MBP believes that co-operation between producers and government, as opposed to excessive regulation, will always lead to more effective results and to programs that are flexible enough to meet challenges and changes over time.

MBP believes that thorough stakeholder consultation is essential to the creation of effective public policies. MBP would welcome the opportunity to

provide feedback into any proposed amendments to this legislation, as well as any regulatory changes that will accompany its implementation.

MBP appreciates the opportunity to have provided feedback on Bill 71 – The Animal Diseases Amendment Act. Thank you for your thoughtful consideration of the analysis we have provided. If you have any questions or concerns, please contact our office.

Respectfully submitted,

Heinz Reimer, President  
Melinda German, General Manager  
Manitoba Beef Producers

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Re: Bill 71

DFM appreciates the work done on amending the Animal Disease Act and we support the amendments with the following comments:

- The inspectors need to follow the bio-security protocols as per our national standards when entering our farms. Here is the CFIA website re: Biosecurity for Canadian Dairy Farms: National Standard.  
[http://www.inspection.gc.ca/DAM/DAM-animals-animaux/STAGING/text-texte/terr\\_biosec\\_dairy\\_standards\\_13601695472\\_74\\_eng.pdf](http://www.inspection.gc.ca/DAM/DAM-animals-animaux/STAGING/text-texte/terr_biosec_dairy_standards_13601695472_74_eng.pdf)
- The DFM organization should be notified before the inspector goes on the farm so that we can best support our member(s) during this issue.

Regards,

Brent Achtemichuk  
General Manager  
Dairy Farmers of Manitoba

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/business/hansard.html>**