

Farm Animal Welfare Policies:
Comparing Quebec, British Columbia and Ontario

Soheyla Salari

A Thesis
In
The Department of Political Science

Presented in Partial Fulfillment of the Requirements
for the Degree of Master of Arts (Political Science) at
Concordia University
Montreal, Quebec, Canada

September 2020
© Soheyla Salari, 2020

CONCORDIA UNIVERSITY

School of Graduate Studies

This is to certify that the thesis prepared

By: Soheyla Salari

Entitled: Farm Animal Welfare Policies: Comparing Quebec, British Columbia and Ontario

and submitted in partial fulfillment of the requirements for the degree of

Master of Arts (Political Science)

complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

_____ Chair
Dr. Daniel Salée

_____ Examiner
Dr. Marlene Sokolon

_____ Supervisor
Dr. Mireille Paquet

Approved by _____
Dr. Elizabeth Bloodgood, Chair of the Department of Political Science

_____ 2020

Dr. Pascale Sicotte
Dean of the Faculty of Arts and Science

ABSTRACT

Farm Animal Welfare Policies: Comparing Quebec, Ontario and British Columbia

Soheyla Salari
Concordia University, 2020

This thesis explores animal welfare policies that impact farm animals in the provinces of Quebec, Ontario, and British Columbia. It crafts the Animal Welfare Policy (AWP) concept and uses three provincial policy cases to conduct a comparative exercise and identify patterns. These cases are the *Stratégie québécoise de santé et de bien-être des animaux*, the 2012 voluntary collaboration agreement between the Ontario Society for the Prevention of Cruelty to Animals and the Dairy Farmers of Ontario, and British Columbia's 2015 integration of the Dairy Code of Practice as regulation under the provincial Prevention of Cruelty to Animals Act. Differences are observed in some characteristics mostly related to policy implementation, and it is proposed that distinct historical provincial development can lend explanatory weight in this area. It is also proposed that the similarities observed in all three provinces, namely the dominance of vested producer interests in policy-making, a lack of accountability by these interests, and a general policy approach of marginal incrementalism, can be at least partially explained by the pervasive phenomena of agricultural exceptionalism and corporatism in Canada. Access to information challenges are also highlighted and inform potential avenues for future research.

Pour mon Ming, mon Peech, mon Chatlâ

ss, fdbd, meta, mea

~ ~ ~ ~

I would like to thank my mama and baba for always valuing my education, believing that I can do anything if I put my mind to it, and keeping our home “quiet” when I was younger. That foundation brought me to where I am today. You are my life.

I would also like to thank my supervisor, Dr. Mireille Paquet, for providing me with unwavering support during this adventure and being my guiding light. You never doubted for a minute that studying animal welfare was a legitimate and worthwhile endeavour, even when most did. And for that, I will be forever thankful.

Table of Contents

<i>List of Acronyms and Abbreviations</i>	<i>vi</i>
<i>List of Tables, Figures, and Graphs</i>	<i>viii</i>
<i>Introduction</i>	<i>1</i>
<i>Chapter I: Animal Welfare in Political Science and Public Policy</i>	<i>4</i>
<i>Chapter II: The Research, The Methodology, And the Case Studies</i>	<i>14</i>
<i>Chapter III: Corporate Captured AWP – The Case of Quebec: The Stratégie québécoise de santé et de bien-être des animaux</i>	<i>22</i>
<i>Chapter IV: Co-opted AWP – The Case of Ontario’s 2012 Voluntary Collaboration Agreement Between the OSPCA and The Dairy Farmers of Ontario</i>	<i>34</i>
<i>Chapter V: Judicialized AWP – The British Columbia Case: The 2015 Integration of the Dairy Code of Practice Into Legal Regulation Under the Prevention of Cruelty to Animals Act</i>	<i>43</i>
<i>Chapter VI: Findings</i>	<i>52</i>
<i>Chapter VII: Implications & Conclusion</i>	<i>67</i>
<i>Postscript: Information Availability – Impact on Mapping and Insight Into Dynamics</i>	<i>72</i>
<i>Bibliography</i>	<i>80</i>
<i>Appendix A: Canadian Farm Production Statistics</i>	<i>97</i>
<i>Appendix B: Canadian Farm Animal Numbers</i>	<i>100</i>
<i>Appendix C: Response to the British Columbia Information Access Operations Team to Validate that the Request for Information is in the Public Interest for Fee Waiver</i>	<i>102</i>

List of Acronyms and Abbreviations

AAFC	Agriculture and Agri-Food Canada
AIC	Animal-Industrial Complex
AMVPQ	Association des médecins vétérinaires praticiens du Québec
AQINAC	Association québécoise des industries de nutrition animale et céréalière
AVIA	Association des vétérinaires en industrie animale du Québec
AWP	Animal Welfare Policy
BC	British Columbia
BCMMB	British Columbia Milk Marketing Board
BCSPCA	British Columbia Society for the Prevention of Cruelty to Animals
CAS	Critical Animal Studies
CBC	Canadian Broadcasting Corporation
CDPQ	Centre de développement du porc du Québec
CEPOQ	Centre d'expertise en production ovine du Québec
CFIA	Canada Food Inspection Agency
DFO	Dairy Farmers of Ontario
FOIPPA	Freedom of Information and Protection of Privacy Act
GATT	General Agreement on Tariffs and Trades
MAPAQ	Ministère de l'Agriculture, des Pêcheries et de l'Alimentation
MOA	Memorandum of Agreement
NFACC	National Farm Animal Care Council
NGO	Non-governmental organization
ON	Ontario

OSPCA	Ontario Society for the Prevention of Cruelty to Animals
PCAA	Prevention of Cruelty to Animals Act
PETA	People For the Ethical Treatment of Animals
PIPA	Personal Information Protection Act
SPCA	Société pour la prévention de la cruauté envers les animaux
UEP	United Egg Producers
UPA	Union des producteurs agricoles

List of Tables, Figures, and Graphs

Tables

Table 1	Constitutive Elements of Public Policy according to Hall, Howlett, and Cashore
Table 2	Animal Welfare Policy Indicators
Table 3	Summary of Quebec’s Animal Welfare Policy
Table 4	Summary of Ontario’s Animal Welfare Policy
Table 5	Summary of British Columbia’s Animal Welfare Policy
Table 6	Provincial Animal Welfare Policies and Their Characteristics
Table 7	Canadian Farms by Farm Type, 2006 and 2001
Table 8	Egg and Other Avian-related Production Statistics by Province, Canada, 2017

Figures

Figure 1	Recommendations from the 2011 Consultative Process Regarding How to Achieve the Objectives of the <i>Stratégie québécoise de santé et de bien-être des animaux</i>
Figure 2	The Governance Structure of the <i>Stratégie québécoise de santé et de bien-être des animaux</i>
Figure 3	Number of Dairy Farms, Cows, and Heifers by Province, Canada, 2017

Graphs

Graph 1	Number of Agricultural Operations by Operation Type, Canada, 2016
Graph 2	Proportion of All Farms by Farm Type, Canada, 2006 and 2011

Introduction

In Canada, the well-being of animals is a matter of provincial jurisdiction. While criminal prosecution for animal abuse and neglect has traditionally taken place at the federal level and in accordance with the *Criminal Code*, the provinces are mandated to cover all other considerations pertaining to their well-being and do so through legislation, regulation policy, declarations of guiding principles, strategies, and so on.

Livestock is a subset group of non-human animals, and the way that public policies address them is, for the most part, distinct. Animal welfare policies and/or policies that contain an animal welfare component sometimes apply to farm animals. Overall, though, they are typically exempted, presumably so that welfare standards do not interfere with factory farming practices. Agricultural production indeed carries considerable weight in provincial politics in Canada. Agri-business lobbies are strong and typically advocate for the facilitation of the production, exportation, and marketization of their constituents' products. While those interests are not antithetical to animal welfare by definition, the primary concern for producers is to ensure profitability and their business's livelihood, often over other considerations. Similarly, governmental regulation of animal treatment is frequently carried out under the auspices of food and transportation safety rather than animal welfare itself. In this sense, power seems to rest with the producers while farm animals are considered means to achieve agri-business ends.

The conceptual link between animals and exploitation, and why we should pay attention to it, is not always obvious. Western societies do not clearly associate domestic animals with "use" or "enslavement". Generally, we believe that our relationship with them is a mutually beneficial one based on companionship. Full-fledged industries like pet care (including grooming, health foods, and toys) have developed as a result. The resonance of exploitation in this type of animal-human relationship, as with other relationships such as traditional husbandry, shepherding, and so on, is challenging to argue.

A quick look at a variety of factory farming video infiltrations around the world demonstrates, however, that animals living in facilities dedicated to food, labour, or materials production are being directly utilized for human ends. The dynamic of exploitation is far clearer here. Even if we as the general population do not usually visit such facilities, and even if we are largely removed from the production process, we nonetheless pay for the finished product and interact with it on a daily basis. The connection, once explained, is undeniable. The issue of farm animal well-being is relevant to our way of life because we use animals daily to respond to our needs and comforts, and to uphold our position as the ruling species in today's world. Even if we had little interest for their well-being, we are nonetheless actors who continuously affect it.

This thesis conducts a comparative analysis of provincial animal welfare policies in Canada to account for differences and similarities in how they manage the treatment of farm animals used in agricultural production. Within a general approach aimed at questioning the place of animals in modern political theory and their absence from democratic representation, this work focuses on public policy as a primary site of analysis. It will contribute to the Canadian literature by identifying commonalities and variations that could help highlight patterns of policymaking, while also starting a conversation about what might be possible explanations for such patterns.

As well, it will explore theories useful for the study of animals in public policy in the future. The research question this thesis seeks to answer is twofold, namely:

Are there observable similarities and/or differences between animal welfare policies in the Canadian provinces of Quebec, Ontario and British Columbia pertaining to farm animals? And what factors could explain such commonalities and variations?

This research will demonstrate that there are indeed both observable similarities and differences in these provinces. It identifies three different models of animal welfare policy in Canadian provinces: corporate capture (Quebec), co-optation (Ontario) and judicialization (British Columbia). These models draw their distinction from the operational aspects of policy e.g. the mechanisms used for policy implementation. It is proposed that these differences are likely attributable to, namely, historical developments impacting the way political culture evolves in each province, which in turn influences preferences for policy instruments and modes of regulation.

Yet, while distinct in operational terms, these models share three common features: the dominance of producer interests over others, a lack of accountability from producers and government entities, and an approach of marginal incrementalism vis-à-vis animal welfare improvement. It is argued that these similarities are likely driven by two phenomena. One is exceptionalism, a common ideational framework that characterizes the agricultural sector in Canada. The other is a corporatist political dynamic between state and producer groups that actualizes the exceptionalist framework. Some of the features that flow from these characterizing phenomena include a privileged relationship between the state and agricultural producers that generates an exclusive policy community closed to most other actors, and this in turn leads to vested agri-food interests exerting deep-seated influence on animal welfare policy content. In the end, other actors who have animal welfare interests might have to cater to producer interests in order to get any minor progress on the welfare front.

The integration of farm animal welfare as a legitimate topic of study in public policy is pertinent and timely for several reasons. First, there has been an increase in societal concern for better treatment of animals in intensive agricultural production. (see for example Atkins, 2015; Francois, 2014; Kohut, 2016; St. Pierre, 2017) Correspondingly, there has been an ensuing societal shift observed in North-American and European markets in how consumers approach farm animal products, choosing to increasingly select food that has been granted certification for humane treatment and moving away from animal-based products towards plant-based alternatives. (Ibid) Furthermore, livestock farming is the domain where human intervention directly affects the largest number of animals (Vogeler, 2017). The starting premise of this research is that, similar to how other policies are studied (such as economic policy, social policy, etc.), the same consideration should be given to those that govern and affect non-human animals because of how impactful they are. Specifically within the agri-food sector, policies affect us as consumers, animals as producers, and the human-animal relationship.

This thesis is structured in the following way. The first chapter provides a literature review. It explores the role of political theory vis-à-vis animal welfare and animal studies, the absence of interest in animal welfare from public policy scholarship, and other relevant themes in animal welfare research. The second chapter addresses the research question and methodology,

including a presentation of the three provincial case studies chosen and the rationale for their selection, as well as the conceptualization and operationalization of the Animal Welfare Policy concept. One chapter is then dedicated to each case study and seeks to describe the selected case based on the indicators developed in Chapter 2. The sixth chapter discusses the findings. Chapter seven addresses implications pertaining to the aforementioned findings and proposes further avenues for research. Finally, a postscript is made available to provide insight into the challenges of information-gathering for this exercise, which is closely linked to the contentious nature of the topic itself.

To begin, the use of terms such as “livestock” and “animals” must be qualified. The first term conveys the commodification of animals as normal and neutral. This research considers, however, that the treatment of animals as products is in fact a value statement, which has become a widely accepted societal norm. The term “animals”, for its part, conveys an understanding that humans are a unique specie distinct from all other animals, and that these animals are indistinct enough that they are used in a binary formula of human/animal differentiation. This also is a subjective assumption. It is important to note for the purposes of this study that the common understanding of animals in our current time is a conceptual lens in itself. While this thesis does not entirely agree with and subscribe to the above assumptions, it nonetheless utilizes the terminology for practical purposes. Still, it operates based on the position that such frames should be re-evaluated and challenged.

Chapter I: Animal Welfare in Political Science and Public Policy

Animal welfare is not a significant theme of contemporary political science. As a result, the concepts for comparing the policies of Quebec, Ontario and British Columbia are not evident, from the onset. Lately, in the hallways of what can be termed “progressive” or “new” scholarship, Animal Studies is gaining recognition as a multidisciplinary stream of academic inquiry. Animal Studies encompass research from a range of domains like Sociology, English Literature, Geography, Economics, and Biology, and includes a limitless amount of themes ranging from the social significance of pet ownership to animal representation in poetry. It is also intersectional as it addresses a diversity of relational configurations between animals and other groups. However, political science is also absent from this conversation for the most part.

This chapter reviews how segments of the political science discipline, mainly political theory, have in part engaged with animals and their welfare, and it outlines the assumptions underlying this. While political theory’s engagement with animals is varied and nuanced, the scope of this review does not allow to cover all its ground. Rather, it wishes to emphasize the human/animal dichotomy that has been perpetuated as a longstanding tradition in theory. Ultimately, what can be observed is the dominance of a speciesist and anthropocentric undercurrent in the western philosophical tradition. This has been the foundation upon which our social order and economic system are based on, characterized by the exploitation of powerless animals and their ensuing general absence from the political and policy landscape, both in practice and in academia. Additionally, the review looks into the currents of animal protection literature that challenge the conventional ways in which we have considered animals so far. Finally, the chapter touches upon potential factors that might contribute to the low level of interest in policy for animal welfare and what it means for this research.

Based on an exploration of some of the literature available on animals and welfare, it is proposed that the inclusion of animals as valid subjects of study in political science and (more specifically) in public policy would be favourable to animal protection studies.

Western Philosophical Foundations and Boundaries for Animal Welfare

It is important to first address where our reflections on animals come from, and what they are rooted in. Anthropocentrism and Speciesism are philosophical assumptions about human-animal dynamics that precede any modern field of study and which for centuries have shaped the way we view and operate within the world. They are indeed the two mainstream and complementary assumptions that drive the conventional global approach to animals. Anthropocentrism is the focus on human beings as the pinnacle of nature. It considers humans as the central element of existence and confers to non-humans the instrumental role of serving human needs and interests. (Garner, 2013) Speciesism, for its part, embodies a bias or prejudice in favour of the interests of one’s species against others. (Singer, 1976; Corman, 2011; Donaldson and Kymlicka, 2011; Dunayer, 2014). These two concepts are a reflection of societal power structures and the pre-eminence of humans. Animal subordination is considered as an inherent truth and not a social construct. (Garner, 2003) Consequently, while we humans remain today the centre of politics and policy, animals are attributed no agency and are absent from the public sphere (Singer, 1976;

Garner, 2003; Garner, 2013; Donaldson & Kymlicka, 2011; Nibert, 2013; Adams, 2012; Corman, 2011). It is possible that the reason why animal welfare is so neglected in policy and political studies is because of the way we have historically conceptualized how we govern animals. Today, the speciest and anthropocentric interpretation of animals permeates all spheres of life and how we perceive and practice the global system, may it be through the lens of economy, food production, transport, entertainment, academia, scientific advancement, healthcare, or how we study politics and policy.

These outlooks permeated western thought long ago. Prior to the calendar era, pre-Christian Hebrew thought conveyed that Man was made in the likeness of God and animals existed to serve humans. (Singer, 1976) Similarly, Aristotle also claimed that nature had made all animals for the sake of Man. (Leder, 2012) Christian ideology then emerged against the backdrop of the Roman Empire and taught that every human life, and only human life, was sacred. (Singer, 1976) In a way, this notion expanded the moral sphere for humans, extending value to the poor and the sickly, among others. It also did, however, further suppress nonhuman animals into even lower moral consideration. Thomas Aquinas confirmed, as a source of both Roman and Christian thinking, that sacred writings only proscribed cruelty to animals to prevent the “[...] cultivation of mental states or actions that may lead us to harm other men.” (Singer, 1976, 213). Indeed, Christianity was not meant to encompass animal considerations, but rather brought them into the discourse in order to use them as a point of reference for what humans were not.

During the Renaissance period, the rise of humanism took place. It is important to note that humanism is not the same as humanitarianism i.e. the tendency to act humanely. Rather, it insists on the value and dignity of human beings as well as their free will, contrary to an earlier focus on original sin and the weakness of man in the face of God. (Ibid, 1976 and DeKoven and Lundblad, 2012) In parallel, modernism emerged and argued for the securing of human dominion over nature, a philosophical current that articulated a world at the service of the human enterprise. (Cavalieri, 2012; Garner, 2003; Wolfe, 2012) Modernism was influential on Western faith and theories of liberalism, positivism, and scientific fundamentalism.

Subsequently, “modern” philosophy surfaced and a particular focus on animals began to develop. René Descartes was a strong advocate of *in vivo* scientific experimentation on animals, and this practice became widespread in Europe. He contended that animals did not suffer since they were governed by mechanistic principles i.e. animals as automata. (Garner, 2003, 234) He argued that they did not have a soul nor a consciousness, and that what we might perceive as animal suffering was in fact physical reflexes to stimuli. (Garner, 2003, Singer 1976) Further, the Enlightenment period saw Immanuel Kant elaborate the rationale that man had no direct duties to animals as they were not self-conscious and merely a means to an end. (Leder, 2012; Garner, 2013; Singer, 1976) Consequently, animal experimentation became even more widespread, and gave rise to an opposing movement: a gradual recognition that animals and humans are physiologically similar and that animal suffering is real. Although it did not translate into protection for animal well-being at the time, it did generate arguments from thinkers such as David Hume about the consideration of the more gentle use of animals. (Ibid)

During the 18th century, Jeremy Bentham’s utilitarianism brought to question not whether animals could reason or speak, but whether they could suffer. (Garner, 2013; Singer, 1976) He equated the oppression of animals with the oppression of human groups, and spoke of the

extension of rights to the animal kingdom. The ultimate tyranny, he argued, came from man's dominion over nature. (Ibid) In the 19th century, legislation was introduced in England to define and illegalize express cruelty towards animals, and Charles Darwin advanced the theory that humans are derived from them, a revolutionary argument as it was and remains in direct opposition to the long-held belief that humans were made in the divine image. (Singer, 1976) This said, utilitarianism did not deny that human interests towered over animal ones and Darwinism did not advocate for an end to animal exploitation but rather for the recognition of physiological similarity and evolution.

Of notable importance is the influence of Western thought in setting the standard for the world's general approach to animals. Although the account provided above might carry a western bias, these currents of thought each played an instrumental role in the social construction of the modern global context, including for instance the global capitalist economic system. Relatedly, there is evidence that shows the latter as being one of the greatest upholders of the subordination and oppression of animals vis-à-vis humans. (Adams, 2012; Garner, 2013; Leder, 2012; Lowe and Ginsberg, 2002; Nibert, 2013) Again, western philosophy's engagement with the animal subject or object is more varied than what is reviewed above. However, the main point of interest in this pertains to the common current of animal subjugation in thought, which transferred into our practices.

When human superiority and primacy are so deeply ingrained in thought and practice, it permeates the ways in which we study animals. Whether it is explicit or not, the above-mentioned historical trends impact animal studies. To question the status quo is usually challenging and such inquiries are often marginalized before they can hold any significant space in the literature and in society at large. But there are indeed alternative narratives arising that contribute to a growing stream of animal studies especially in the last fifty years. What are they, and how do they interact with the moral orthodoxy that animals are mainly alive for human benefit?

Challenges to the Moral Orthodoxy

There are two foundational points driving the challenges to this moral orthodoxy. The first is the rejection of what Jacques Derrida coins "the first violence" imposed on animals, which is the stripping of diversity and individuality by using an umbrella term (*the Animal*) to define every being from a worm to a chimpanzee. (Derrida, 2008; also Corman, 2011) The second is the recognition of a layer of interpretation that considers animals devoid of reason and judgement (i.e. the logos) because of the absence of human language. (Derrida, 2008) Essentially, human dominion and animal inferiority are social constructs that were created by humans to provide themselves with authority. In order to resolve the philosophical problem of the animal, Derrida argues one needs to reinstate the multiplicity of non-human animals and steer away from the logos to emphasize suffering as the central argument for protection, rights, well-being, and so on, depending on the theory at hand.

There are indeed two main streams in animal protection literature. Animal welfare is a concept that advocates for the heightening of animal well-being while preserving the supremacy of human interests. If animal suffering can be justified by significant human benefit, then it will

carry on with an effort to minimize pain and use where possible. The welfarist approach, Robert Garner's theory of justice, and Donaldson and Kymlicka's neo-philosophy of citizenship all belong under this umbrella. On the other hand, the basis of the animal rights stream is equality between animals and humans, and usually entails either a complete liberation of animals from human oppression and/or a stoppage of animal suffering and exploitation. In this sense, animal welfare could be interpreted as being an incremental approach to animal protection, while animal rights is more coherent with a critical, radical perspective.

Incremental approaches

The welfarist approach advocates for the humane use of animals. (Donaldson and Kymlicka, 2011) It is much influenced by moral pluralism, which entails that the protection of animal interests is subject to moral preference as opposed to legal obligation. The tolerance of competing versions of what is preferred and what is moral is thus a good line of defence for the status quo. In practice, it is argued that morality often fails and gives way to charity and voluntarism, which cannot guarantee consistent protection. (Garner, 2013).

Robert Garner has responded to this gap by offering a rights-based theory of justice for animals. Opponents argue that justice cannot be applied to animals as they cannot contribute to distributional questions of society given their lack of agency in a human-centric context. (Ibid) Garner proposes that distributive goods are not as important as distributive concepts such as rights, liberties, self-respect and capability, and these are clearly relevant to animals. (Ibid) And so, in order to gain or lose rights, it is sufficient for one to be a beneficiary of justice, which he argues only requires one to be sentient.

Donaldson and Kymlicka, however, argue that Garner's rights-based approach is still politically marginalized despite its relevance in academic and activist circles. Since the extension of justice and rights to animals can threaten convenience, lifestyle, and economic interests, it does not appeal to the general public who prefers the welfarist approach. Donaldson and Kymlicka (2011) alternatively propose a neo-philosophy that takes the animal question as a central issue to how we perceive the nature of our political community. It emphasizes positive relational rights including citizenship and duties of care as opposed to negative rights e.g. freedom from cruelty. (Ibid) They contend that as humans do not exist outside of nature, it is impossible to ignore the reality of human-animal coexistence. Consequently, the nature of our relationships and the positive duties that arise should be considered similarly to how we conceptualize employer-employee relations and politician-constituent dynamics, for example. (Ibid) Donaldson and Kymlicka also draw on citizenship theory. The notion of citizenship comes with a sense of ethical community. In modern times, it seems that only democratic political agency is what defines citizenship. But there are a few situations that challenge this notion. One pertains to infants and individuals with developmental issues who are incapable of full agency and yet still hold citizenship. Another involves tourists, who are capable of agency but do not fulfill other conditions such as nationality and participation in popular sovereignty for any given country they are visiting. (Ibid) As such, citizenship can be a flexible notion, and could potentially be called to encompass animals. To summarize, Donaldson and Kymlicka's theory moves away from the negative freedoms that the rights-based approach emphasizes since they might be construed as taking acquired privileges away from humans. Instead, they emphasize a mutual relationship in which commonalities and responsibility prevail.

Critical and Radical Approaches

Recently, Critical Animal Studies (CAS) emerged as a current of thought and inquiry that comes to challenge the established discourse, philosophical foundation, and practice of our times vis-à-vis animals through intersectional and multi-disciplinary means.

Critical Animal Studies (CAS) developed as a negation of welfarism. It is rooted in anarchic thought and by extension, favours “praxis” over theory and systems. (Gillespie and Collard, 2015; White, 2015) In fact, while mainstream theorists study animal protection from deductive reasoning, CAS builds its tenets inductively based on lived animal experience. The approach rejects positivism and embraces normative, value-based commitments to animal liberation from exploitation and abuse. (Ibid) It seeks an integrative understanding of the commonality of oppressions beyond speciecism to include sexism, racism, ableism, classism, and other hierarchical ideologies and institutions that it considers as part of an interlocking global system of domination. (Ibid) In line with its multidimensional nature, CAS rejects reformist, single-issue, nation-based, and legislative politics and proposes alliance politics to unite opposition to a system that is capitalist and hierarchical. (Ibid) This orientation seeks the dismantling of all structures of exploitation, domination, oppression, torture, and killing. Importantly, it seeks to break down the traditional dichotomy between human and animal as part of a transformative project to transcend the limitations of binary oppositions towards freedom, peace, and ecological harmony. (Ibid) In fact, proponents of CAS argue that the end-goal is the construction of new forms of consciousness, knowledge and social institutions that can dissolve the exploitative structures that have dominated us for the last 10,000 years. (White, 2015) It seeks to carry out this project through radical politics and strategies like sabotage, boycotts, and other direct actions as opposed to obtaining buy-in from leading institutions and using existing procedural channels. Lastly, CAS seeks to steer away from the apolitical, safe, and sanitized discourse that is used in mainstream approaches to have constructive bridge-building dialogue across a wide range of disciplines and academic groups, private and non-profit sectors, citizens and grassroots activists, and public policy and social service organizations. (Ibid) In its most drastic form, CAS’s justification for existing is to destroy the system through radical action, so to speak. The approach indeed analyzes issues through the lens of structure and systems.

A good example of a CAS stream is critical animal geography. Critical animal geographers consider space as an extension, or a representation, of structural forces. In fact, they attribute much importance to spatial order and imaginaries as reflections of power relations and economic hierarchies, as well as perpetuators of dominant patterns of violence towards animals. (Gillespie and Collard, 2015; Nibert, 2013) For instance, they argue that auction yards for livestock or exotic species subject animals to modes of bodily control and the commodification of their bodies. The transport, displacement, and dispersing of animals across the country are seen as a symbol of organized dominion but also of the capitalist system. (Ibid) Similarly, the systematic categorization of animals according to their usage at auction sales (dairy market; cull market; feeder; leisure, etc.), the process through which they go from display to sale, and the tools used to achieve sale (containment; small cage bars to better view the product; mobility control, holding pens, chutes, etc.) are also a by-product of the politico-economic context and serve to normalize the subordination of the animal. (Gillespie and Collard, 2015) According to critical animal geographers, this process conveys that animal lives are disposable even if they are central to the global system of capitalist exchange.

An important point of focus of CAS is the animal-industrial complex (AIC), a term coined by cultural anthropologist and philosopher Barbara Noske. The main idea of the AIC as an organizing concept is the importance of capitalism as a shaper of the human-animal relationship, especially with regards to farm animals. Namely, identifying animals as food is “[...] part of the wider mechanics of capitalism and its normalizing potential [...]” and the AIC itself “[...] underline[s] that corporate capital accumulation has been a significant factor in the emergence of globalized, industrialized animal production.” (Twine, 2014, 80-1) The conceptualization of this notion in the 1980s is said to be inspired by the military-industrial complex of the 1960s. At that time, American President Eisenhower warned the population of the close relations between government military policy, the armed forces, and corporations that support and benefit from the military. This concept is close to the notion of the triple helix, which was coined to define the “[...] changing role of academia in the global knowledge economy in terms of its increasingly close relationship with government and the corporate sphere.” (Twine, 2014, 82 per Etkowitz and Leydesdorf, 1997). Nowadays, within the AIC’s organizational framework of corporate interest, government, and knowledge dissemination, the agribusiness is considered a beneficial force to an extent, especially in the context of biotechnology and food security. The use of science by business to train farmers, introduce superior livestock, intensify farming technologies for “societal benefit” while assuming that increasing meat and dairy consumption is objectively desirable is an exemplification of the “complex” as our status quo. (Twine, 2014).

Critical animal scholarship also often intersects with other advocacies and critical currents of thought. Often, these linkages pertain to oppressive and systemic forces. For instance, Carol J. Adams develops a critical cultural theory that identifies the overlapping nature of disempowerment and oppression. She unpacks the commonality between feminism and animal rights, or the violence done to women and animals. In this sense, she introduces the “absent referent”, a notion that allows for the “[...] moral abandonment of a being while also emptying violence from the language.” (Adams, 2012, 117) She goes through parallel processes of objectification, fragmentation, and consumption whereby oppression is enabled. (Adams, 2012) The sexual violence of western cultures suggests the objectification of a woman’s body and the normalization of sexual consumption with the fragmentation of a person’s body from their being. Similarly, animal products are given names like “hamburger”, “drumstick”, and “meat”, which convey the absence of the “who”. Adams argues that if no living creature is explicitly evoked when using the term “meat”, then how can the practice of producing meat be harmful? And yet, without animals, there can be no meat eating. In this process, the absent referent separates the meat eater from the animal and the animal from the food product. Both woman and animal are rendered beingless through technology, language and cultural representation. (Ibid) Such intersectional literature seeking to engage with these notions is starting to take hold.¹

¹ See, for example: Haraway, Donna J. *Staying with the Trouble: Making Kin in the Chthulucene*. Durham: Duke University Press, 2016; Harper, A.B. *Sistah Vegan: Black female vegans speak on food, identity, health, and society*. New York: Lantern Books, 2010; Dunayer, Joan. *Animal Equality: Language and Liberation*. New York: Lantern Books, 2001. Nibert, David. *Animal Rights/Human Rights: Entanglements of Oppression and Liberation*. Lanham: Rowman & Littlefield Publishers Inc., 2002; Deckha, Maneesha. “Toward a Postcolonial, Posthumanist Feminist Theory: Centralizing Race and Culture in Feminist Work on Nonhuman Animals.” *Hypathia* 27.3 (2012): 527-545; Adams, Carol J. “The Feminist Traffic in Animals.” *Ecofeminism: Women, Animals, Nature* (1993): 195-218 [Gaard, G., ed., Temple University Press]; Fitzgerald, Amy. “Doing Time in a Slaughterhouse: a critical review of the use of animals and inmates in prison labor programmes.” *Journal of Critical Animal Studies* 10.2 (2011): 12-46; Freeman, Carrie Packwood, Marc Bekoff and Sarah M. Bexell. “Giving Coice to the “Voiceless”: Incorporating

New terminology and paradigms have also surfaced recently, including “respectful coexistence”, “entangled empathy”, and “compassionate conservation”, based on the acceptance to share resources, space, and respect the other’s needs and the other’s self. While in traditional anthropology animals have been conceptualized as either “good to eat” or “good to think (or symbolize) with”, critical animal studies seek to render animals as “subjects in their own right” rather than objects in an exclusively defined human world. (Corbey and Lanjouw, 2014, 2-3). Part of this shift away from conventional paradigms is a rejection of speciesism. Joan Dunayer, inspired by Paola Cavalieri’s own definition as “any form of discrimination on species”, later qualified this speciesist prejudice by clarifying that the latter “[...] can be based either on species membership or on the characteristics typical of one or more particular species.” (Dunayer, 2014, 33) Indeed, even within critical animal studies, there are different strains of speciesism. For instance, new speciesism will argue that moral and legal rights should extend to only some animals that come closest to humans e.g. mammals only; animals that are said to have a conception of past and future; animals that have strong social ties, etc. (Ibid, 31) Some critical animal students see flaws in this argument; for instance, octopi are non-mammals and yet have very intricate and complex thought processes, learning abilities, sentience, and emotional responses. However, proponents of critical animal studies agree that a redefinition of our “[...] moral and legal communities and new approaches for the spaces in which species interface [...]” is at the core of this divergent stream of academia. (Corbey and Lanjouw, 2014 3-4)

Tepid Interest for Animal Welfare in Society and Political Science

Based on the above, there is no lack of literature on animals and conceptions of welfare and rights. However, considering animals as actual political or policy protagonists is still a marginal practice. Aside from political philosophy and critical studies, much of the existing research regarding animal welfare in Canada is ethological² i.e. the scientific and objective study of animal behaviour. The most recognized and reputable research generators on this topic seem to be the University of Guelph’s Campbell Centre for the Study of Animal Welfare and the University of British Columbia’s Faculty of Land and Food Systems. As recent as 2020, their programs did not include a political science or public policy component. (University of Guelph –

Nonhuman Animal Perspectives as Journalistic Sources.” *Journalism Studies* 12.5 (2011): 590-607; Friedman, Susan. *Mappings: Feminism and the Cultural Geographies of Encounter*. Princeton: Princeton University Press, 1998; Huggins, Robert R. “Race, Pollution, and The Mastery of Nature.” *Environmental Ethics* 16.3 (1994): 251-264; Kim, Claire Jean. “Multiculturalism Goes Imperial: immigrants, Animals, and The Suppression of Moral Dialogue.” *Du Bois Review: Social Science Research on Race*. 4.1 (2007): 233-249; Marcus, Erik. *Vegan: The New Ethics of Eating*, Ithaca: McBooks Press, 2000; Socha, Kim. *Women, Destruction and the Avant-Garde: A Paradigm for Animal Liberation*. Amsterdam: Editions Rodopi, 2012, and Twine, Richard. “Intersectional Disgust? Animals and (eco)feminism.” *Feminism and Psychology* 20.3 (2010): 397-406.

² To date, animal welfare research has been mostly geared towards behavioural studies, agriculture, and nutrition/food science, among other areas in the “hard” sciences. In fact, most of this research is qualified as welfare science, which emphasizes the improvement of animal lives in an evidence-based fashion, specifically by researching biological problems, the impact of practices like handling methods, statistical and qualitative animal well-being indicators, behavioural and physiological data, and affective states, for example. See for example works from Ian Duncan (2001; 2005) and Temple Grandin (2007; 2015). A literature review of ethological studies will not be provided here as it does not provide insight nor perspective into the welfare literature in political science or policy studies.

Campbell Centre for the Study of Animal Welfare (a), (b), and (c)) There are a few potential reasons why animal welfare fails to garner considerable interest from these disciplines.

Lowe and Ginsberg (2015) argue that it is because animal welfare embodies a post-citizenship movement. Individuals who join such movements are typically well integrated into socio-economic and educational societal structures. Post-citizenship ideas are often more abstract and seek cultural change or the pursuit of a different lifestyle choice and moral vision (Ibid). Members of this type of movement need to have time they can dedicate to the cause, discretionary income to contribute, and the conviction that participation will make a difference. (Ibid) In fact, Lowe and Ginsberg's post-citizenship movement seems at face-value very similar to Inglehart's post-materialist social movements, which are normally composed of individuals who are not necessarily motivated by the promise of direct economic, political and social benefits, but rather by self-expression and quality of life. Post-citizenship, however, carries the added characteristic that the objectives and desire for change will often benefit others and provide the members with very little return on investment for themselves. Movement members indeed seek protection for other groups. DeKoven and Lundbland (2012) equate this to bourgeois activism. And, since there are still many pending issues for the human species to deal with, addressing animal ones may not be top of mind for many, although animal welfare is becoming a rapidly growing cause especially with millennials and younger generations (many outlets are reporting on this trend – for example, see Rowland, 2018; Hancox, 2018; Bell, 2015; World Animal Protection, 2018). In this sense, the absence of animal welfare work in the disciplines of political science and policy might be a reflection and extension of societal disregard for it.

It is also possible that animals are a neglected topic of study in politics and policy because they are not represented in modern political institutions. They have no voice per se in the human world and cannot rally their support to any cause as understood and conceptualized through human social constructs, such as a political system. The manner in which animals are perceived compounds how they are disadvantaged as a group within the system (see the concept of social construction of target populations by Schneider and Ingram, 1993). The Political Disadvantage Theory (Cortner, 1968) argues that the politically disadvantaged have little access to the political process, and the concept of political powerlessness explains that “[a] group is relatively powerless if its aggregate policy preferences are less likely to be enacted than those of similarly sized and classified groups.” (Stephanopoulos, 2015, 1531) It seems that the same logic applies to the literature: animals are rarely studied in political science because they are voiceless, because they cannot participate in the political process, and because they are not considered “holders” of power.

Academically, studying animals may be considered too off base in political science and policy circles. Drawing on academic experience in class with faculty members, proposing animal welfare as a topic of study was seen as pushing the boundaries of acceptability and legitimacy. It was also perceived skeptically as being more of a value-driven exercise than a scholarly attempt. Not that values in academia are wrong. The “activist-academic” (Twine, 2014, 80) is becoming an increasingly popular and valuable identity, but the academic tradition as we have come to know it still seems reluctant to fully embrace the duality within that role. (Flood et al., 2013; Couture, 2017)

This is not to say that there have been no efforts to address animals in this domain. In fact, there have been recent calls for the active integration of animals in political theory i.e. considering animals as actual subjects as opposed to objects of comparison (see Corman, 2016; Bennet, 2016; Hinchliffe et al., 2005, as well as Braun and Whatmore, 2010). This literature contends that the need to decenter political theory from humans stems from a recognition that one cannot separate animals from sociopolitical processes, and that as such, the incorporation of animals as beings impacted by and impacting politics (as objects, but also, subjects in their own right) as well as political thought could change policymaking paradigms.

It is also possible that animal welfare policy has not been theorized or tested in the literature as much as other topics because it has evolved as a “lived” discipline, often through agreements and concrete policy work between pro-welfare civil society, government, and the corporate world. For example, the Humane League, a small American non-profit organization focused on farm animals, negotiated a significant policy shift in the egg industry with the United Egg Producers (UEP). The deal they brokered entails a commitment by the UEP to eliminate the culling of male chicks by 2020 with the help of in-shell DNA technology. (McKenna, 2016) This method would allow egg producers to determine the sex at the embryonic stage, well before the chicks are conscious or sentient, and terminate the eggs accordingly. As the pro-animal welfare community grows in popularity worldwide, attention to such topics is quickly increasing and is widely discussed and exposed, mostly on social media, a vehicle that is accessible to the general population. It is possible that much if not most of the reflections on animal welfare policy might be grassroots, civil-society driven, as well as practice and action-based rather than foundationally academic.

Towards Animal Welfare Policy Research

Despite this, the body of literature that exists regarding animal protection largely seems to be a dyad; one part is almost exclusively rooted in philosophy (whether political or rights theory, and critical analysis) while the other is based in positivist measures of welfare. On the one hand, the different schools of thought mentioned reject the current global approach to animals and focus on what “should be”. They project into a system that does not presently exist, and as such, they might be missing the mark on what could be improved now. On the other hand, ethology looks at the biology behind welfare. As such, the literature surveyed cannot provide much support in answering this thesis’s research question. The latter does not aim to explore societal assumptions or their theoretical underpinnings, nor the validity of applied measures to reduce animal suffering. Rather, this thesis seeks to address how provinces navigate the management of farm animal well-being through policy. An approach rooted in policy studies allows for a concrete assessment of current practices in Canada and one based on an analytical toolbox developed specifically for policy. It also provides a way forward to better understand the formulation of new animal welfare policy.

Additionally, the inclusion of animals as valid subjects of study in political science and public policy would be favourable to animal studies insofar as it would provide yet another lens of inquiry and explanation to better understand the human-animal relationship, with regards to power dynamics, agency, and governance for instance. And, the integration of public policy in animal protection studies could provide insight into whether policy is managed differently based

on its subjects i.e. animals who are voiceless or humans who have agency and feedback capacity. In a world where everything is interconnected and in which the necessity to look at issues comprehensively is ever more relevant, this is an opportunity to bring animals and humans out of their siloes in this discipline.

Chapter II: The Research, The Methodology, And the Case Studies

The Research Question

This research consists of a comparative analysis of provincial animal welfare policies in Canada, with a specific focus on farm animals. Given the lack of literature in support of this, this work aims to flesh out the contours of animal welfare policies developed in three provinces in the last ten years. Livestock animal production in Canada is diverse and farming practices may vary across different types of animal rearing and use. Still, the broad-scale welfare considerations are similar.³ For example, there are commonalities in their treatment regarding confinement practices, movement limitations, separation from their offspring, transportation, and slaughter (Agriculture and Agri-Food Canada, 2017; Canadian Dairy Commission, 2017; Bradley & MacRae, 2011; Canadian Food Inspection Agency, 2014; Canadian Food Inspection Agency, 2016; National Farm Animal Care Council, 2016; National Farm Animal Care Council, 2009; National Farm Animal Care Council, 2017; National Farm Animal Care Council, 2001). Given the scope of this work, and in light of the above, this thesis does not differentiate between livestock subsets and considers them as a whole.

As such, this research seeks to answer the following questions:

Are there observable similarities and/or differences between animal welfare policies (AWPs) in the Canadian provinces of Quebec, Ontario, and British Columbia when it comes to farm animals? And what factors could explain such commonalities and variations?

The Animal Welfare Policy Concept

In order to map the similarities and differences between provincial policies, this thesis develops and applies the concept of animal welfare policies (AWPs) as a comparative lens. This notion is central to this research because it reflects how a province defines animals, how it prioritizes them vis-à-vis other policy considerations, who or what it seeks to support, and what issue it attempts to resolve. Once operationalized, this concept will allow to assess how provinces approach animal welfare in their respective way(s) based on the policy moment selected for each.

For the purposes of this research, an AWP is conceptualized as *policies that seek to address the well-being of farm animals in situations of industrial animal production*.⁴ To be considered an AWP, policies must be endorsed by elected political authorities and/or non-elected experts in civil service at the provincial level. The endorsement can either be formal or unofficial, insofar as

³ There might be specie-specific farm animal treatment that call for different considerations, such as debeaking for chickens and tail docking for cattle. The overarching and common consideration of animal welfare, in this case, would be focused on the limitation of pain and the enabling of natural behaviors.

⁴ For the purposes of this study, industrial animal production refers to the rearing of farm animals in order to consume them i.e. their meat and other bodily parts. It also refers to the rearing of farm animals to produce products that are derived from them. For example, rearing cows to produce milk and cheese.

the state does not invalidate it. An AWP can be a legislation, a policy or program, a provincial declaration of principles, or a voluntary agreement with industry and civil society organizations.

The AWP's constitutive aspects are inspired by the work of Peter Hall (1993), who sought to identify the elements of a public policy for the comparative study of economic policy development in western countries. Hall deployed a definition of policies through three elements: abstract policy goals, policy instruments utilized to implement the latter goals, as well as operational settings or calibrations once the instruments are deployed. (Peter Hall, 1993; Howlett and Cashore, 2014). Building on Hall's work, Howlett and Cashore (2014) developed a taxonomy of the six constitutive elements of a public policy. Table 1 describes these elements that can be used to generate thorough descriptions of any given public policy.

Table 1: Constitutive Elements of Public Policy according to Hall, Howlett, and Cashore

		Policy Content		
		<i>High-level Abstraction</i>	<i>Programme-level operationalization</i>	<i>Specific on-the-ground measures</i>
	<i>Policy ends or aims</i>	Goals What general types of ideas govern policy development? (e.g. environmental protection, economic development)	Objectives What does policy formally aim to address? (e.g. saving wilderness of species habitat, increasing harvesting levels to create processing jobs)	Settings What are the specific on-the-ground requirements of policy? (e.g. considerations about the optimal size of designated stream-bed riparian zones, or sustainable levels of harvesting)
Policy Focus				
	<i>Policy means or tools</i>	Instrument Logic What general norms guide implementation preferences? (e.g. preference for the use of coercive instruments or moral suasion)	Mechanisms What specific types of instruments are utilized? (e.g. the use of different tools such as tax incentives, or public enterprises)	Calibrations What are the specific ways in which the instrument is used? (e.g. designations of higher levels of subsidies, the use of mandatory vs. voluntary regulatory guidelines or standards)
<i>Note:</i> cells contain examples of each measures. <i>Source:</i> modified by Cashore and Howlett (2007).				

Source: Howlett and Cashore, 2014, 21

Based on the above, the following indicators were selected to operationalize the AWP:

Table 2: Animal Welfare Policy Indicators

		Policy content	
	Policy ends or aims	Policy objectives i.e. what does it aim to achieve/what issue does it seek to solve? ⁵	
Policy Focus			
	Policy means or tools	Instrument Logic i.e. the principles that direct implementation preferences e.g. coercion, persuasion, voluntary compliance	Mechanisms i.e. the instruments aimed at supporting and promoting humane practices of production e.g. financial mechanisms like subsidies
Actors involved in the formulation of the AWP i.e. who gets a say in the how and what of the policy, and who deploys the instrument(s) to reach the policy objective			

The operationalization of AWP touches both Hall’s conceptualization of policy content and policy focus. It is most specifically anchored in the programme-level component of a policy where the objectives and mechanisms of the latter are concerned, and touches upon high-level abstraction when considering instrument logic. Therefore, the indicators of AWP are a combination of policy purpose and means. It also incorporates the “actor factor” at the drafting and enforcement stages, which is a vital consideration in this policy sector. Across Canada and in other national and sub-national contexts, a variety of actors including civil society organizations, independent agencies, and industry lobbies, as well as their positioning vis-à-vis policy and

⁵ This component will also address the context that motivated the policy, herein named policy origin, which will provide insight into the policy objective.

policy-making, should be considered. This may have implications as to the characterization of a provincial policy, and needs to be incorporated in how one comes to define one.

These components touch upon the main qualifiers of a policy according to Hall and, when taken together, will allow to have a well-rounded understanding and characterization of the AWP in each province. A section on the legal context surrounding the AWP will also be provided for each case in order to situate the policy within its specific environment and understand the parameters by which it is framed.

Which Provinces, What Policy, and Why a Canadian Comparative Study?

There are a few reasons why a Canadian comparative perspective was chosen for this study. First, it is expected that policy variations will be observable across provinces given the jurisdictional division of powers between federal and provincial governments. The federal level retains the power to address animal abuse through the *Criminal Code*. Specifically, it prohibits acts that “[...] cause unnecessary pain, suffering, or injury to animals, and it bans certain activities such as the fighting or baiting of animals.” (Fraser et al, 2018, 293). It also regulates their transportation and slaughtering through the *Health of Animals Act* as well as the *Meat Inspection Act*, respectively. (Ibid) Given that the *Constitution Act* of 1867 bestows upon provinces the power to legislate on property and since animals are still today considered property under the law, provincial governments for their part regulate the protection, care and welfare of animals i.e. the status of provincial property. (Ibid). In addition, farm animals are usually considered within or in concert with legislation and policy that pertain to agriculture, and the latter domain is also of provincial jurisdiction. As there are no recognized common standards across the country, provinces do not regulate animal welfare through a harmonized approach. (Ibid) The existence of variation in this regard is of interest.

Second, Canada’s vast geographic space enables it to exploit animals in large-scale industrial farming operations. The numbers show that this country exercises intensive farming practices, making it a relevant subject for research in farm animal welfare. (Statistics Canada, 2016; also see Appendix A) Different political cultures have also emerged in different provinces per the pattern of Canada’s development. Innis’s staples theory argues that regional development was driven by importations and activities such as agriculture, and the type of activity that regions engaged in were “[...] determined by the imperial centre’s demand for particular commodities” during colonial times. (Brodie, 1997, 245) This resulted in different areas in Canada to develop in distinct ways and at different points in time. (Ibid; also Wiseman, 2016). Exploring provincial approaches to animal welfare could eventually provide interesting insight into different political cultures. And as farm animal welfare is mostly addressed by agricultural policy, to study the former is to study a microcosm of governance in Canada.

A comparative study between Canada and other North-American and European national contexts might have been interesting to conduct. The rather unstable policy environment of the United-States at the moment, however, makes such a study challenging. Similarly, a comparative study between Canada and the United Kingdom or Switzerland might also have been useful, especially given the long-standing English tradition of pro-animal welfare policy and the recognition of Switzerland as being one of the most progressive nation-states in animal

protection (Vogeler, 2017). However, the differences in political systems and policy environments would have been hard to control for. Moreover, the conceptualization of “Canadian animal welfare policy” would have been challenging given that there is, in fact, no such thing. Since the current jurisdictional divisions attribute animal welfare to the provinces, decisions regarding which elements to include or reject from each province to define a Canadian AWP would be discretionary and problematic.

There was a combination of factors that led to the selection of Quebec, Ontario, and British Columbia as the provinces under study. First, they all engage in intensive animal agriculture and are in fact the largest producers of dairy and some of the largest egg producers in Canada. (see Appendix B). As such, they are of comparable production size, and the latter acts as a sort of common baseline for comparison: these provinces would likely face similar production, logistical, and management challenges, such as for example the maximization of space while keeping productivity high, and the ensuing impact on animal welfare. Second, the selected provinces offer some representational balance, insofar as they represent French-Canada and English-Canada, regional East and West, and a sample of internal Canadian differences in political culture.

Third, the implementation date of the policies for each case is within a relatively common timeframe. This is important to ensure that the study can somewhat control for the macro societal context. Selecting cases that took place at varied times within different general policy, political, and societal landscapes would be detrimental to this comparative exercise. Fourth, the existence and accessibility of information pertaining to animal welfare policy cases was another driving factor for the selection of the provinces and cases at hand. It was indeed arduous to find cases that were significant enough and that also had sufficient information to analyse (more information on this can be found in the Postscript). Paired with the other aforementioned factors above, the provinces and cases selected formed a suitable sample for the purposes of this study.

This being said, the provinces and cases selected are not representative of the entire provincial policy landscape on animal welfare, and the findings discussed in subsequent chapters are not intended to be generalized as such. Rather, the sample offers a snapshot of animal welfare policy in Canada.

The following are the AWPs that were selected for each province:

1. Québec’s *Stratégie québécoise de santé et de bien-être des animaux* by the Ministère de L’Agriculture, des Pêcheries et de l’Alimentation. (Gouvernement du Québec, 2010)

This Strategy is a document meant to outline the Ministry’s vision, framework, and objectives to optimize existing practices and establish proactive processes for the upholding of animal welfare. The formulation of the Strategy took place following a recommendation stemming from *La fierté d’en vivre, le plaisir de s’en nourrir : une vision gouvernementale d’avenir pour l’agriculture et l’agroalimentaire québécois*, a 2008 governmental document outlining the principles guiding the future of Quebec’s agriculture and agri-food sector. (Gouvernement du Québec, 2008) Indeed, this document recommended that the creation of a Strategy for animal welfare become a governmental priority.

2. Ontario's 2012 Memorandum of Agreement between the Ontario Society for the Prevention of Cruelty to Animals and the Dairy Farmers of Ontario

Between 2012 and 2014, the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) established partnerships with various factory farming industry leaders. At the time, the OSPCA was a non-governmental organization that also acted as enforcer of policy on behalf of the government with specific parameters regulating intervention. Specifically in 2012, an agreement was struck with the Dairy Farmers of Ontario. This agreement included commitments to share resources as well as ongoing coordination and collaboration in maintaining animal welfare. (Dairy Farmers of Ontario, 2012) This memorandum, along with others that were signed with different industry associations, was perceived by the OSPCA as progress for animal welfare.

3. British Columbia's 2015 integration of the Dairy Code in the *Prevention of Cruelty to Animals Act*

The integration of the National Farm Animal Care Council's Dairy Code into legislation was the governmental response to a widely public abuse case in a British Columbia dairy farm. The Dairy Code is a set of standards crafted by farm industry leaders, which are provided for guidance and are originally voluntary to follow nationwide if farmers so wish. The government sought to better frame and tighten what is deemed acceptable treatment of dairy farm animals by entrenching the Code into law. Specifically, it was ruled as a governmental regulation attached to the *Prevention of Cruelty Animals Act*. (Government of British Columbia, 2016)

Potential for AWP variations and similarities

Considering the literature's lacunas, the main goal of this research is to describe and contrast AWP's and begin to explore possible explanatory factors for observed patterns and differences. These empirical results will generate hypotheses and avenues for future research on animal welfare in Canada. Throughout this research, some level of variation is indeed identified. Provincial differences have existed in several sectors and in political culture for decades, for that matter, and as such the animal welfare policy domain is no exception. While the intent of some policies might be the same, their application can be different, or the objectives might be similar but the instruments utilized can differ. This thesis argues that such differences are rooted in the recognition of variations in the provinces' size, populations, current political configurations and geographies. Moreover, such an expectation is based on a body of literature in comparative political economy and culture, including arguments advanced by Janine Brodie (1997), Seymour Martin Lipset (1997) and Nelson Wiseman (2016).

Likewise, policy similarities are also observed between the three selected cases. These are most significant because, unlike the differences which tend to be more operational in nature, these commonalities reveal systemic and national factors at play that form the backdrop of provincial animal policy. As previously mentioned, these are exceptionalism and corporatism.

Prior to elaborating on these potential explanatory factors, matrices of data will be provided in this study to allow for an adequate categorization and comparison of AWP. The descriptions of the selected AWP are this thesis's empirical contribution as it seeks to apply a policy studies perspective to a sector that is neglected in the literature. This concept, once operationalized, will allow to observe how provinces approach animal welfare in their own respective way, which is the first step towards answering the question as to why they approach it the way they do. Relatedly, throughout this work, each AWP is branded with a specific label that highlights each policy's unique character. While qualifying notions typically carry explanatory weight, this work uses them instead as descriptors that can provide an overarching representation of the case.

Chapter III: Corporate Captured AWP – The Case of Quebec: The *Stratégie québécoise de santé et de bien-être des animaux*

This chapter describes Quebec’s AWP by focusing on the 2010 *Stratégie québécoise de santé et de bien-être des animaux*. The Strategy was elaborated based on a recommendation made in the province’s 2008 planning exercise for the future of agriculture. (Gouvernement du Québec, 2008) One of the plan’s priorities was animal welfare and the government assigned a working group to address it. The purpose was to craft principles and objectives to safeguard and promote welfare at large, with a particular focus on farm animals. The documentation available shows that the Strategy’s elaboration process was deeply influenced by, and at the service of, the provincial agri-business industry. Lobby groups and producers were overly represented as the actors with the mandated power to determine Quebec’s approach to farm animal welfare for the next ten years or so. The resulting framework is one that seemingly prioritizes and supports industry productivity and profitability above the namesake of the Strategy. In this sense, the Quebec case is labelled as one of corporate capture, a situation in which business interests are primarily represented over others in the policy’s orientation, approach, and means used to reach established objectives (Corporate Europe Observatory, 2018; Kennedy, 2017; Alliance for the Lobbying Transparency and Ethics Regulation, 2018).

This case is also an example of Quebec’s general approach to policy work. Indeed, the province’s use of commissions and strategies as tools to frame existing and future policy practices is part of its political fabric (Gouvernement du Québec, 2019a; Gouvernement du Québec, 2019d). As it states, ministries and other governmental bodies engage in commissions and strategies in order to “support certain activity sectors and encourage promising initiatives for Quebec.” (Gouvernement du Québec, 2019a) Specifically, a strategy is a “.... function of governmental and ministerial priorities, and consolidates the objectives and measures which orients the strategy’s activities.” (Gouvernement du Québec, 2019d) Meanwhile, a “plan d’action” is a document that “... frames the actions to be taken to reach objectives established by the ministry’s policies.” (Ibid) These tools may also serve as a way to respond to external forces that apply pressure regarding a hot topic issue, to demonstrate consultation efforts, to identify medium-term objectives, and to establish a pathway for longer-term policy paths. Similarly, Quebec’s Strategy regarding animal health and well-being is meant to act as a high-level tool of guidance for agricultural industry stakeholders with regards to the framework of priorities they can operate under.

The Legal Context

According to the Guide d’application de la loi sur le bien-être et la sécurité animale published in 2018 by the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation du Québec (MAPAQ), Quebec adheres to the five fundamental freedoms elaborated by the World Organization for Animal Health. (Gouvernement du Québec, 2018b) The following freedoms are now universally recognized guiding principles for animal welfare:

- Freedom from Hunger and Thirst
- Freedom from Discomfort

- Freedom from Pain, Injury or Disease
- Freedom to Express Normal Behaviour
- Freedom from Fear and Distress

(bid and World Organisation for Animal Health (OIE), 2020)

In addition to these principles, there are several elements that constitute the Quebec legislative and regulatory framework within which the Strategy evolved. Of central importance is the *Animal Health Protection Act (Loi sur le bien-être et la sécurité de l'animal)*, which governs human conduct and practices involving domesticated animals including farm animals, wild animals kept in captivity for farming purposes (such as fox fur farms), and all other animals not covered under Quebec conservation law and regulation. (Gouvernement du Québec, 2015a). The preamble, which sets the context and the scope of the law, includes acknowledgment that:

- The animal condition has become a societal consideration;
- Animals contribute to the quality of life of Quebec society;
- Humans have an individual and collective responsibility to ensure animal well-being and safety;
- Animals are sentient beings with biological needs (these biological needs are based on scientific studies which identify the physical and attitudinal behaviours that are essential for well-being; while some behaviours may be important for a fully thriving animal, they will not be deemed essential by the MAPAQ if not identified as such by ethological studies)⁶; and
- The state considers it essential for it to intervene in order to establish an effective legal and administrative regime to ensure animal well-being and security.

Gouvernement du Québec, 2018b ⁷

Within this context, the law stipulates obligations to provide and respect standards of care (framed as “general norms” under article 5) and addresses prohibited acts (framed as “prohibition to cause distress” towards subject animals under article 6). Article 5 addresses food and water access; living quarters; the ability to move; protection against heat and cold and other weather conditions; transportation; necessary care vis-à-vis illness, wounds, and suffering; abuse and ill treatment, and conditions that cause anxiety and undue suffering. (Gouvernement du Québec, 2015a) Article 6 defines the “cases” or situational circumstances, by a direct act or an omission, for which an animal is considered distressed, namely when:

⁶ The body of research utilized for the definition of “essential behaviours”, however, is another issue that would merit attention.

⁷ Note: this is an unofficial and approximate translation of what is offered in the document’s preamble; the parenthetical comments are not part of the original text.

- The animal is subjected to treatment which causes death or serious injury if the treatment is not immediately modified;
- The animal is subjected to a treatment which causes severe pain; and
- The animal is exposed to conditions that will cause him anxiety or excessive suffering.

Ibid

Agricultural activities that affect farm animals are exempt from such articles, however, as long as they respect “generally recognized practices”. Such practices are not established by law. Rather they are defined by bodies, often industry-vetted, such as the National Farm Animal Care Council (NFACC). Neither the NFACC codes nor any other standards are actually referenced in Quebec legislation. Veterinarian activities, teaching and scientific research activities, agricultural fairs, slaughterhouses and auction houses, as well as fur fox farming are also exempt from the obligations of care and prohibited acts. They too must follow generally accepted practices that can be framed by bodies such as the Canadian Council on Animal Care, the Ordre des médecins vétérinaires du Québec, the Ordre des agronomes du Québec, or others, depending on the situation. (Ibid)

The practices sanctioned by such organizations are determined by committee members typically representing a wide range of expertise and interested parties such as producers, veterinarians, agronomists, and animal welfare organizations. It must be noted, however, that producers predominate on such committees and, by default, their interests as well (more information on this is provided in Chapter VI). Part of the purpose of the NFACC codes is indeed to allow agricultural activities involving livestock to continue while proposing minimum standards of care. And even then, such organizations do not have the authority to enforce their recommended practices, so that the standards they propose are suggestive at best.

This said, given the wave of change in consumer preferences with regards to ethical practices and the increased public interest for the conditions in which food is produced, welfare certification programs that are based on the standards set by the NFACC Codes of Practice have emerged. One such example is the BEAMC, a mandatory program that Quebec pork producers must abide by to be a member of Les Éleveurs de porcs du Québec (a commodity-based interest group). (Les Éleveurs de porcs du Québec, undated) This program seeks to conciliate citizen expectation and farm profitability. (Ibid) While such certification is not mandated by law, some producer associations seek to self-regulate in order to maintain their product’s collective marketability. Ultimately, such programs may contribute to the equation of how animal welfare is upheld in the province and form part of the regulatory landscape, even if they are not government-based.

The *Animal Health Protection Act* also dictates the powers of inspections pertaining to animal welfare and safety. (Gouvernement du Québec, 2015) MAPAQ inspectors and/or inspectors from the Société pour la prévention de la cruauté envers les animaux (SPCA) mandated by the Ministry enforce legislation. (Ibid) Additionally, as the Criminal Code applies nationally, the stipulations pertaining to cruelty and abuse also apply to Quebec territory and are carried out by the aforementioned inspectors as well as the police.

The *Food Products Act* is another piece of legislation relevant to farm animals (*Loi sur les produits alimentaires*). It dictates standards to respect pertaining to the transportation, holding and slaughtering of said animals alongside other standards relating to sanitation of facilities dedicated to animals and processing plants. (Gouvernement du Québec, 2000) Other relevant pieces are regulatory rather than legislative. They include, for example, the Regulation respecting the sale of livestock by auction; the Regulation to designate contagious or parasitic disease, infectious agents and syndromes, and the Regulation respecting the identification and traceability of certain animals. (Gouvernement du Québec, 1981; 2015b, and 2009) These regulations fall under the umbrella of either Act and intend to qualify certain articles or specify some legislative provisions. It is important to note that the *Animal Health Protection Act* takes precedence over other provincial laws and regulations that could potentially contradict its articles.

Based on the above, it can be argued that the welfare of farm animals in Quebec is situated in a legal grey zone given that they are exempted from stipulations meant for protection. This could allow considerable flexibility to defend practices that are imposed upon farm animals. In addition, the enforcement of the aforementioned laws is also limited by the capacity of inspectors to cover all production facilities throughout the province in a consistent and thorough manner. In 2017, Quebec counted 5,457 dairy farm producers and 351,000 dairy cows; 2,122 pork exploitation sites with 4,525,000 pigs; 4,641 bovine meat exploitation sites and 641,400 beef cows; 1,012 ovine exploitation sites and 236,000 animals; and 97 egg producing exploitation sites. (Gouvernement du Québec, 2018a)^{8 9} Meanwhile, according to a 2017 MAPAQ report, there were 239 inspectors and veterinarian inspectors in 2016-2017, with 44 004 inspections completed for the animal health division. (Gouvernement du Québec, 2017) While it seems that the ratio of inspections is commendable, reports also show that inspectors are often threatened and intimidated by farm producers and slaughterhouse owners, making their mandate difficult to uphold. (Scali, 2017) Even though farm animals such as cows, horses, sheep, chickens, and their “hybrids” are now recognized as sentient beings with biological needs by the *Loi visant l’amélioration de la situation juridique des animaux* (Gouvernement du Québec, 2015c), the legal context described above nonetheless does not allow full protection of farm animals given agricultural activity exemptions.

Policy origin and objectives: where is it coming from, who/what is it affecting, and what does it seek to achieve or resolve?

In 2006, the Government of Quebec announced the creation of an independent commission to draw a full portrait of the agricultural sector in the province. The *Commission sur l’avenir de l’agriculture et de l’agroalimentaire québécois* was mandated to examine the efficacy of the then current agricultural policies and make recommendations on the future of agriculture. (Commission sur l’avenir de l’agriculture et de l’agroalimentaire Québécois, undated(a)) It was tasked to specifically consider the challenges related to market competitiveness and revenues, as well as societal expectations and the capacity to optimize regional potential. (Ibid) The government’s intent was to craft a renewed vision of agricultural and agri-food sector

⁸ Note: this is not an exhaustive list of all types of animal-based agricultural producers.

⁹ Note: numbers from the Government of Quebec differ slightly from the Canadian Dairy Information Centre data provided in Appendix B.

development. (Ibid, undated(b)) As such, a report titled *La fierté d'en vivre, le plaisir de s'en nourrir* elaborated this vision and was published in 2008. (Gouvernement du Québec, 2008) It identified two main priorities regarding animals (and mostly farm animals): health and welfare optimization as well as the prevention of antibiotic resistance and their responsible use. (Gouvernement du Québec, 2010) Each priority was assigned to a working group so that it could elaborate a framework that would guide the implementation of the report's priorities. (Ibid) The working group for health and welfare was composed of government and civil service representatives, animal production industry leaders, and veterinarian associations. In 2010, the *Stratégie québécoise de santé et de bien-être des animaux* was published (hereinafter referred to as the Strategy).

The Strategy therefore came as an offshoot of a large-scale vision for the agricultural sector at a time when globalization and climate change already had a significant impact on animal transportation and disease transmission, and within a context of ever-evolving demands vis-à-vis animal welfare, bio-food safety and security. (Ibid, 6)¹⁰ The Strategy not only served to define an approach towards the improvement of animal health and well-being, but the MAPAQ also considered it an educational tool for the population. It was indeed also meant to raise awareness about the importance of animal health and well-being and their impact on public health, food safety, and industry. (Ibid, 3)

The animals targeted by this Strategy were primarily those used to produce food such as dairy and meat. Given the extensive responsibilities of the MAPAQ including food safety and public health, the Strategy also targeted all animals involved in contexts that could affect human health e.g. animal companions, animals used for entertainment, and wildlife when human-animal interactions occur, or when it is likely that such animals negatively affect farms. On the societal side, this initiative concerned individuals involved in the agri-food industry, all stakeholders involved in animal health and well-being from industry to veterinarians, as well as pet owners. In terms of partnerships to uphold and further this Strategy, the government welcomed the participation of animal rearing organizations, bio-food organizations, civil society groups, as well as governmental and agri-food industry professionals generally.

The Strategy did not frame itself around a problem or an issue to resolve. It was not a response to a crisis situation or a particular event. Rather, emphasis was placed on the Strategy's intent to improve already-existing activities and practices. Indeed, it sought to enhance proactivity and intensify efforts to improve animal health, public health, and food safety while contributing to the prosperity of the agri-food industry. But not all of these priorities seemed to have an equal-level footing. Of particular note is the fact that animal considerations seemed to be framed as an intermediary step (or a condition) for the optimization of public health, food safety, and bio-food market vitality (Ibid). The manner in which the objectives and strategic results were

¹⁰ Note: for documentation pertaining to the effects of globalization and climate change on the animal agricultural sector and factory farming (including the impact of climate change mitigation policies, market developments, and access standards on production, prices, and trade), consult for example works by Anderson (2010); Brunelle, Dumas & Souty (2014), and Rust (2019). For documentation on changing and growing consumer demands (including changes in consumer interest regarding production and rearing practices; demands for transparency, sustainability, minimal processing, improved welfare, and generational shifts in food consumption, consult for example Olynk (2012).

articulated reflected this reality. The four objectives, with subsections of anticipated strategic results, were the following:

1. To generate a better understanding of the importance of the role animal health and well-being play vis-à-vis public health, sustainable development, the strength of businesses, and their access to the market.
Expected results include:
 - a. Increased prioritization of animal health and well-being through increased integration of disease prevention and management within the operational planning and programmes of partner actors.
 - b. Additional resources and financing required in order to support point a. are identified and organizational budgets reflect this.
 - c. Society and sectorial actors are aware of sustainable rearing practices which promote animal health and well-being.

2. To optimise decision-making following illness detection in animals and promote efficient risk management.
Expected results include:
 - a. Disease detection and swift reporting is achieved according to established procedures and based on an appropriate range of diagnostic resources both accessible and standardized.
 - b. Capability to rapidly process, analyse, modelise, and assess data collected by surveillance systems is developed.
 - c. The data available is collected per their usefulness. Part of the usefulness factor is the capability to integrate prevention, management, and follow-up data so that the information collected by disease and risk-factor surveillance system is harnessed to its maximum potential.

3. To improve livestock health and well-being through disease prevention and management, which will contribute to industry economic strength as well as market and population demands for safe and competitive food products.
Expected results include:
 - a. General and specific prevention measures to promote animal health and well-being are adopted and maintained from the industrial sector at large down to individual businesses.
 - b. Disease and other conditions that limit market access for industry are identified and targeted by specified prevention, management, and follow-up programs. Upstream disease control will allow industry to keep livestock healthy at presumably lower cost, avoiding repetitive or overlapping mitigating actions and reducing rapid and massive cases of contagion.
 - c. Medications (including antibiotics) are controlled and judiciously used to protect both animal and public health while maintaining market vitality.¹¹

¹¹ Note : it is assumed that “maintaining market vitality” means stable or increasing profit margins for farming business and corporations, and presumably other intermediary markets between farmer and consumer.

4. To adopt rearing practices that sustainably improve animal health and well-being while ensuring that such practices are followed in equitable and competitive ways within industry, markets, and society.

Expected results include:

- a. Sustainable rearing and commercialization practices that favour animal health and well-being are discussed, defined, and known.
- b. Quebec businesses respect the requirements established by the World Health Organization with regards to animal health and well-being.
- c. Costs related to the improvement of sustainable rearing and commercialization practices respect societal equity and solidarity, as well as consumer choices. At times, these factors may not be compatible and may contravene animal health and well-being. A dialogue is necessary in order to ensure maximum coherence.

Gouvernement du Québec, 2010 ¹²

According to the MAPAQ, the Strategy's ultimate objective was to conciliate consumer expectations with industry needs and obligations, while taking into account the effects of climate change and market forces. The MAPAQ further conveyed that animal health was part of a greater, comprehensive health ("Une santé") within an already-existing economic context and regulatory framework pertaining to agriculture, bio-food, and food safety.

Implementation preferences and instruments used

While the Strategy defined objectives to reach, it was not in itself a program with established targets to achieve. The objectives acted as a high-level wish list, with proposed interventions. At that stage, there were no quantifiable results expected. The document seemed to be an organizational tool to develop a governance framework by which stakeholders could determine concrete objectives. This structure, in turn, could enable the elaboration of programmes, policies, and coordinated implementation with the Ministry and industry. Per Annex III of the Strategy, proposed mechanisms to reach such objectives included education (training programmes and awareness campaigns), fiscal and economic measures, and the development, implementation, and sharing of data for improved inter-sector communication, monitoring, and capability to intervene. (Ibid) The overall trend thus privileged state-industry voluntary partnerships, innovation, and communication as mechanisms to carry out the strategy's objectives.

Further to the identification of objectives, a consultation process was carried out in 2011. The MAPAQ invited more than one hundred organizations to become "partners" of the Strategy. (Gouvernement du Québec, 2011) More than sixty agreed to join. Partners could be any business, professional association or other body that was involved in one way or the other in the agricultural and agri-food sector. By welcoming such entities to join the Strategy as partners, the government sought to obtain their adherence so that the Strategy's vision could be disseminated and so that the actions that derived from it would be better coordinated and consistent throughout the sector. (Gouvernement du Québec, 2019b and 2015d) As well, partners could provide input

¹² Note: this is an unofficial and approximate translation of the objectives and strategic results listed in the Strategy document, published in French.

and feedback so that the Strategy would be responsive to the actors it sought to engage. As a partner, entities needed to follow the vision, and participate in the annual conferences, working groups, and sectorial meetings. (Ibid) In other words, these partners had no formal powers but acted the role of consultants.

Part of the implementation plan included a written track record of each partner's activities pertaining to animal health and well-being and a conference where they were invited to present on public health, animal health and well-being. (Ibid) Subsequently, partners and government representatives were separated into thirteen sectors addressing each strategic result to be achieved. (Ibid) A questionnaire was provided to each sector so that information could be collected, disseminated, and assessed by the pilot working group of the Strategy. (Ibid) Out of this exercise, twelve recommendations were retained to achieve the Strategy's objectives. (Ibid) Some of the selection criteria for these recommendations included measurability, ease of implementation, and potential for concrete application in the field. (Ibid) Again, the documentation highlights that partner organizations were not bound to abide by the recommendations made, but that the Strategy's success would be based on their voluntary participation and contribution. These 2011 recommendations were also considered as the first step in the Strategy's ten-year implementation period. At that time, it was expected that other recommendations would be proposed to fully cover the range of initiatives needed to successfully execute the Strategy. The documentation seems to identify the government as a facilitator (including the Secrétariat de la Stratégie) vis-à-vis a range of proposed areas for partners to intervene in. (Ibid)

Figure 1: Recommendations from the 2011 Consultative Process Regarding How to Achieve the Objectives of the *Stratégie Québécoise de santé et de bien-être des animaux*

<p>21 décembre 2011</p>
<p>RECOMMANDATIONS ÉNONCÉES EN 2011</p>
<p><u>RECOMMANDATIONS PRIORITAIRES</u></p>
<p>Recommandation 1 : <i>Participation des organisations partenaires à la promotion de la Stratégie</i></p>
<p>Recommandation 2 : <i>Sensibilisation et communication concernant la santé et le bien-être des animaux</i></p>
<p>Recommandation 3 : <i>Signalement des situations pouvant menacer la santé et le bien-être des animaux</i></p>
<p>Recommandation 4 : <i>Actions en matière de santé animale, de bien-être des animaux et de santé publique</i></p>
<p>Recommandation 5 : <i>Antibiorésistance et utilisation judicieuse des médicaments</i></p>
<p>Recommandation 6 : <i>Dépistage des situations graves de mauvais traitements envers les animaux</i></p>
<p>Recommandation 7 : <i>Mieux-être des acteurs des organisations partenaires</i></p>
<p><u>RECOMMANDATIONS ADDITIONNELLES</u></p>
<p>Recommandation 8 : <i>Échange de renseignements</i></p>
<p>Recommandation 9 : <i>Adoption et diffusion des codes de bonnes pratiques recommandées</i></p>
<p>Recommandation 10 : <i>Partage de positions exprimées à l'échelle canadienne</i></p>
<p>Recommandation 11 : <i>Planification des mesures d'urgence</i></p>
<p>Recommandation 12 : <i>Incitations à la mise en œuvre d'actions</i></p>
<p>- 3 -</p>

Recommendations 3, 4, 6 and 7 put the onus on partner organizations to:

- Elaborate a process and an action plan to increase partner capacity to detect abnormal situations that could affect animal health and well-being. The methods to do so were left to the partners to determine. (item 3)
- Identify three measures to take in 2012 to resolve issues affecting animals, productivity, animal/animal product commercialization, and public health. (item 4)
- Develop methods to prevent situations of animal mistreatment and evaluate how they can participate in detection and correction at large. (item 6)
- Map/inventory services that help stakeholders overcome difficulties that affect the effective communication of information throughout their organization. (item 7)

Meanwhile, recommendations 1, 2, and 5 emphasized the MAPAQ's responsibilities vis-à-vis the Strategy and partner organizations. They focused on the development of communication tools for partners to use as well as follow-up activities and exchanges to keep the consultation group's momentum. They also aimed to measure the general population's perception of animal health and well-being. (Ibid)

In 2015, the MAPAQ released a status report detailing the outcomes at the halfway mark of the Strategy's timeline. It focused on mobilisation (awareness raising), consultation, communication, and an exercise in priority-setting among MAPAQ and industry partners. (Gouvernement du Québec, 2015e, 4-5) This confirmed the Strategy's implementation preferences based on voluntary buy-in, consensus-building via interactive and participatory goal-setting, and information gathering such as conferences, workshops, and surveys.

Actors

The members of the Strategy's working group belonged to three sets of actors: governmental experts, industry representatives, and animal health professionals. The latter did not necessarily represent animal welfare or protection interests, but mostly the ethological perspective on animals.¹³ The working group members came from the following entities:

- Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (MAPAQ)
- Union des producteurs agricoles (UPA)
- Centre d'expertise en production ovine du Québec (CEPOQ)

¹³ Note: although there were three representatives from the veterinarian industry, the latter are not considered as animal welfare organizations or activists seeking the improvement of animal welfare. While most of them state that part of their mission is to promote better treatment and a greater quality of life for farm animals, they do so within a context of acceptance of current agricultural practices. For example, the Association des médecins vétérinaires praticiens du Québec (AMVPQ) state that part of their mission is to help producers increase their productivity. They furthermore identify as entrepreneurs whose association help them defend their own interests. (Association des Médecins Vétérinaires Praticiens du Québec, 2016) Others, like the Association des vétérinaires en industrie animale du Québec (AVIA), are sponsored by corporations like Elanco and Bio Agri Mix. (Association des vétérinaires en industrie animale du Québec, undated) These companies specialize in providing medicated feed additives that enable large scale producers to improve growth and efficiency in their operations in a profit and production-driven context.

- Canada Food Inspection Agency (CFIA)
- Faculté de médecine vétérinaire de l'Université de Montréal
- Dairy Production Centre of Expertise Quebec-Atlantic (Valacta)
- Centre de développement du porc du Québec (CDPQ)
- Association québécoise des industries de nutrition animale et céréalière (AQINAC)
- Fédération des producteurs de porcs du Québec
- Association des vétérinaires en industrie animale
- Association des médecins vétérinaires praticiens du Québec (AMVPQ)
- Ordre des médecins vétérinaires du Québec

Gouvernement du Québec, 2010, 16

Also, the governance structure for the Strategy's implementation was illustrated as follows by the MAPAQ:

Figure 2: The Governance Structure of the *Stratégie québécoise de santé et de bien-être des animaux*



Gouvernement du Québec, 2015e, 3

It is therefore apparent that the Strategy's vision was crafted by government and largely private enterprise, and that the actors involved had complementary rather than competitive interests. Further concertation tables which used the Strategy as basis for their work included other types of actors as well, such as civil society organizations. On a public list of 91 partner organizations, 20% were civil society groups, and only 12% were groups specifically dedicated to animal welfare. (Gouvernement du Québec, 2019c).

Summary Table

The table below consolidates the most important details of this case to provide a bird's eye view of its profile characteristics.

Table 3: Summary of Quebec's Animal Welfare Policy

Indicators	Case Characteristics
<p>The policy objective i.e. what does the AWP aim to achieve/what issue does it seek to address and/or solve? [policy ends]</p>	<ul style="list-style-type: none"> • Establish future directions in animal agriculture • Stated objective: to optimize animal welfare • In practice: the Strategy prioritizes agri-business interests, namely higher profitability and productivity returns, as well as the guarantee of safe animal products for public health and consumption. Animal welfare is a condition for the achievement of these objectives, as opposed to being an objective in its own right.
<p>The principles that direct implementation preferences [instrument logic] e.g. coercion, persuasion, voluntary compliance</p>	<ul style="list-style-type: none"> • Voluntary participation in the elaboration of the Strategy; method to obtain buy-in from the industry that the government seeks to address • Sub-working groups are mandated to address Strategy objectives and find implementation strategies • The Strategy is in itself more of a foundational document than a policy with practical means
<p>The instruments aimed at supporting and promoting humane practices of production [mechanisms] e.g. financial mechanisms like subsidies</p>	<ul style="list-style-type: none"> • Information-based: the Strategy document is a tool with symbolic power and is used to, in theory, set the context and orientation within and towards which agricultural policies will evolve moving forward and until further notice
<p>The actors involved in the formulation of the AWP</p>	<ul style="list-style-type: none"> • Mainly industry representatives • Government representatives • Animal health professional representatives • Negligible animal welfare representation

Chapter IV: Co-opted AWP – The Case of Ontario’s 2012 Voluntary Collaboration Agreement Between the OSPCA and The Dairy Farmers of Ontario

This chapter delineates Ontario’s AWP through the voluntary agreement struck in 2012 between the Ontario Society for the Prevention of Cruelty to Animals (hereinafter referred to as the OSPCA) and the Dairy Farmers of Ontario (hereinafter referred to as the DFO). These two bodies sought to collaborate on investigations regarding cases of negligence, cruelty, or other problematic situations involving farm animals of the dairy industry. The result was an agreement that focused on timely communication between both parties when a case arose, joint visits at production facilities so that the interests and considerations of all parties were well-heard and represented, and cross-training opportunities.

The OSPCA presents itself as a civil society organization working to safeguard animal welfare and the DFO is a lobby group intended to represent and protect dairy farmer interests. While neither party officially confirms which side initiated this agreement, their willingness to incorporate the other in the investigation process could be considered as an effort to coopt each other’s interests.

In this chapter, co-optation is used to describe

[...] a political process found especially in formally democratic or committee-governed organizations and systems, as a way of managing opposition and so preserving stability and the organization. Non-elected outsiders are ‘co-opted’ by being given formal or informal power on the grounds of their status, specialist knowledge, or potential ability to threaten essential commitments or goals.

Scott, 2015

On one hand, the OSPCA could have been motivated to enter the agreement to stimulate better cooperation from farmers, and to be able to operate with less opposition from industry representatives while they investigated cases of mistreatment. On the other hand, the Dairy Farmers of Ontario could have sought to get involved in the investigative process so that they could influence the threshold of acceptability for what is considered adequate practice vis-à-vis animal well-being. By agreeing to be an ally of the OSPCA, it is possible that the DFO meant to communicate that the levelling down of welfare standards, towards a definition that their stakeholders find adequate, would entail continued cooperation. In any case, despite the parties’ different missions, both nonetheless sought to collaborate and by the same token come to a level of compromise regarding their outlooks on animal welfare in order to further their respective objectives.

The agreement was the first of many between the OSPCA and Ontarian commodity/lobby groups. However, none of the actors involved provide substantive documentation through their official channels (such as websites). The ones contacted for the purposes of this research either did not respond to requests for details or were not keen to share details. Such access to information issues are addressed in the postscript, in which details are provided regarding the process of inquiry followed and the challenges faced in successfully extracting relevant data.

The Legal Context

At the time in 2012, the province of Ontario's main piece of legislation for animal welfare was the *Ontario Society for the Prevention of Cruelty to Animals Act* (hereinafter referred to as the OSPCA Act, or the Act). (Government of Ontario, 2019b) The Act simultaneously regulated the governance of the Society and provided it with the authority to enforce this legislation. (Ibid) It also established obligations and prohibitions regarding animal care, framed the powers of the agents representing and acting on behalf of the OSPCA, and detailed offenses and respective penalties. (Ibid) The preamble of the Act (through an amendment entrenched in 2008) stated that how the people and government of Ontario treat animals contributes to defining their humanity, morality and compassion as a society. (Government of Ontario, 2008) It also acknowledged their responsibility towards animal protection in the province and the fact that a progressive approach is required to provide "the best possible protection of animals in Ontario." (Ibid).

The OSPCA Act was complemented by the Standards of Care and Administrative Standards regulation, which qualified the basic, minimum standards of care for "all animals" in addition to explicit categories such as dogs that live outdoors, captive wildlife, and captive primates. (Government of Ontario, 2019c) As recently as 2015, the government had also consolidated new items into the regulation, which were specifically aimed at marine mammals held in captivity. In fact, more than half of the regulation was dedicated to additional standards for such mammals.

Taken together, the Act and regulation imposed the burden of a positive duty to comply to such standards. This being said, the standards themselves were rather open to interpretation, as they did not set any specific parameters, but rather stated items that needed to be respected. For example, O. Reg. 60/09, s.2 (3) stated that "[e]very animal must be provided with the care necessary for its general welfare." (Ibid) What general welfare actually entailed quantitatively or qualitatively was debatable. Similarly, O. Reg. 60/90, s.2 (6) a) stated that "[e]very animal must be provided with a) adequate and appropriate space to enable the animal to move naturally and to exercise [...]". (Ibid) How adequate and appropriate space was interpreted e.g. the size of the space, its location, its general disposition, etc., were again open to an array of possible applications. What is more, under the Obligations and Prohibitions re: Care of and Harm to Animals section of the OSPCA Act, article 11.1 (1) stipulated that "[e]very person who owns or has custody or care of an animal shall comply with the prescribed standards of care, and the prescribed administrative requirements, with respect to every animal that the person owns or has custody or care of." (Government of Ontario, 2019b) These prescribed standards were the ones elaborated in the regulation. However, exceptions followed, which stated that the above-mentioned subsections did not apply in respect of " (a) an activity carried on in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry; or (b) a prescribed class of animals or animals living in prescribed circumstances or conditions, or prescribed activities." (Ibid)

Those reasonable and generally accepted practices could very well be based on standards developed by entities representing industry interests and measured against their interpretations. Again, minimum standards of care as established by bodies such as the NFACC could be taken as benchmarks. Technically, in a court case, a producer could have referenced a set of practices proposed by a given organization while the OSPCA and prosecution could have referenced another set of practices proposed by another organization. Generally speaking, therefore, because

of the exempted status that farm animals had vis-à-vis stipulations that were intended to protect animal welfare, it can be argued that the well-being of Ontario's farm animals was situated in a legal grey zone. This could allow parties considerable flexibility in defending practices that involve farm animals. The other piece of legislation that indirectly touches upon welfare is the *Animal Health Act* of Ontario, which regulates the "[...] prevention, detection, response, control and recovery from animal health hazards, such as animal disease." (Ontario Ministry of Agriculture, Food and Rural Affairs, 2012) However, the focus on animal health is very much geared as a guarantee for the upholding of human health, which relies on food safety and other animal product safety. (Ibid) And so, while health is a precondition to an animal's welfare, this law does not target welfare as its objective. There are no other relevant agricultural legislation that pertain to animal welfare, except perhaps for the *Livestock Community Sales Act*, which ensures some minimum safety requirements for livestock that are showcased in facilities meant for sales transactions. (Government of Ontario, 2019a) However, there is but one clause that ensures a very generic "safe" environment throughout the entire Act. (Ibid) Other legislation in agriculture that pertain to animals speak to medication, food safety for humans, animal product marketization, and licensing, and do not touch upon welfare per se.

Up until 2019, the OSPCA's governance structure seemed blurred. There was no accountability or supervisory mechanisms in place to track, follow-up, and oversee the Society. (Animal Justice Canada, 2013; The Canadian Press, 2019a) The Chief Inspector of the OSCPA was an employee of the Society, and the members of the Board of Directors and the Executive Committee were voluntary representatives from affiliated Ontario humane organizations that were OSPCA-approved (not government-approved). (Ontario SPCA and Humane Society, Undated[a]) These individuals were also responsible for decision-making, budget control, and operations. (Ibid) Thus, as Animal Justice Canada specified in a report, "[...] the OSPCA is not a government agency nor is it subject to government oversight." (Animal Justice Canada, 2013, 10). It did, however, fulfill a legislated enforcement mandate of cruelty laws, as well as its own NGO-based sheltering mandate which entailed the provision of medical and care services to animals that fell under its jurisdiction. Such a dual mandate that combined a public service mission with a charity operation resulted in a conflict of interest.¹⁴ One additional complexity was the funding model of the organization. The government provided funds to the OSPCA only to hire and train investigators. It did not contribute to the OSPCA's operating funds to maintain its investigative activities. Consequently, much of the Society's budget (amassed through means other than government subsidies) was spent on the latter, which affected the funds that remained for its shelter activities. (Ibid, 17 and 27). These issues were all highlighted by the Meek Lesage Report, borne out of an independent external review of the OSPCA, which was initially intended to investigate an outbreak of ringworm at the York Region animal shelter but resulted in far broader findings with lasting implications. (Ibid)

In January 2019, the courts deemed that giving law enforcement powers to the OSPCA without any government oversight was unconstitutional. (The Canadian Press, 2019a) They provided the Province of Ontario one year to redress the structure with which its animal protection laws were enforced (Ibid) Since then, the Ontario Court of Appeal overruled that conclusion in November 2019, but the OSPCA had already notified the government that it would

¹⁴ The Society was tasked with enforcing the OSPCA Act, which determines its own terms of operation, and was not subject to independent oversight (Animal Justice, 2013, 17-18).

no longer provide cruelty law enforcement services. (Fagan, 2019) As such, the Government of Ontario moved forward with an overhaul of its laws to bring the “[...] entire animal welfare system under provincial control and funding [...]”, resulting in the hire of approximately one hundred animal welfare officers to undertake what was previously under the OSPCA. (Ibid) The OSPCA Act was revoked and replaced by the *Provincial Animal Welfare Services Act* as of January 1, 2020. (Government of Ontario, 2020) Of important note is the fact that farm animals are still to this day in a legal grey zone as they continue to be impacted by exemptions from animal welfare stipulations. For the purposes of this case study, however, the 2012 context (which includes the OSPCA Act as well as the OSPCA’s involvement as enforcer of the provincial laws pertaining to animal welfare) is what is under consideration.¹⁵ It is important to emphasize, however, that the OSPCA Act and the organization’s mandate vis-à-vis cruelty legislation were struck down because of the government’s failure to establish and implement meaningful mechanisms of checks and balances between the state, the OSPCA, its governance structure, and its dual role of shelter and cruelty law enforcer. The investigation of shelter activities (housing domestic pets) that brought this to light was unrelated to the voluntary agreements between the OSPCA and the interest groups regarding farm animals.

Policy origin and objectives: where is it coming from, who/what is it affecting, and what does it seek to achieve or resolve?

Starting in 2012, the Ontario SPCA (OSPCA) entered into voluntary agreements with various commodity groups in the province. These groups are industry-led associations with sector-specific interests in animal agriculture. They represent producers of a specific type of animal or products derived thereof. The agreement signed between the OSPCA and the DFO was the first of its kind in the province, after which similar agreements followed with the Chicken Farmers of Ontario, Ontario Pork, the Beef Farmers of Ontario, the Ontario Veal Association, the Ontario Sheep Farmers (then known as the Ontario Sheep Marketing Agency), and Ontario Goat (Dairy Farmers of Ontario, 2012; Ontario SPCA and Humane Society, 2015e; Ibid, date not registered; Ibid, 2015a; Ibid, 2014; Ibid, 2015d; Ibid, 2015b) The agreements came in the form of Memoranda of Understanding or Memoranda of Agreement. Their disclosed purpose was to establish a foundation for collaborative work between the commodity groups and the OSPCA “[...] when investigating complaints about animal welfare [...]” (Dairy Farmers of Ontario, 2012) The press release pertaining to the Memorandum of Agreement (MOA) with the DFO outlined the responsibilities of each body regarding animal welfare, which included that:

- The DFO should report to the OSPCA concerns of neglect and abuse that cannot be addressed under its own policies and regulations;
- The DFO should provide technical assistance to OSPCA inspectors;
- Joint inspections of licensed dairy farms should take place for the purposes of “[...] investigating any complaints or allegations of inadequate animal care” with regulated advanced notification except in cases of emergency;

¹⁵ Note: given that the OSPCA no longer holds jurisdiction over animal welfare enforcement, the OSPCA-DFO agreement under study is now defunct.

- Annual cross-training and information exchange sessions should take place between the DFO and OSPCA to improve the training and knowledge of service providers on both sides, pertaining to Codes of Practice and on-farm care;
- On-farm information sessions provided by both parties should take place to “[...] ensure consistency in the application of the Dairy Cattle Code of Practice.”

Dairy Farmers of Ontario, 2012

Neither the OSPCA nor the DFO (or any of the other commodity groups having signed a similar MOA) provided a clear explanation for why these agreements were signed. It is unclear which actor instigated the initiative, whether it was a planned strategy by the OSPCA to eventually cover all animal production sectors or whether the successful establishment of the DFO agreement created a ripple effect in the animal agriculture industry in subsequent years. This said, there is no crisis event identifiable or disclosed that would have led to such a process.

On one hand, the OSPCA may have identified industry buy-in as a possible measure to optimise its approach in tackling cases of mistreatment. When the OSPCA visited a production farm and witnessed a situation that resulted in animal discomfort, neglect or abuse per their interpretation of the law and acceptable practices, they could schedule follow-up visits, apply fines, or escalate the situation through the judicial system depending on how egregious the issue was. Producers could disagree with the OSPCA’s assessment, and one resource they would have had at their disposal is their industry representative (interest/lobby group). By integrating the latter in their investigative process, the OSPCA might have considered that they were demonstrating good faith by providing the representatives with the opportunity to access evidence at the same time as them as well as an opportunity to represent their stakeholder at the scene. Moreover, the cross-training initiatives may have been seen by the OSPCA as an opportunity to change the manner in which OSPCA-vetted standards of welfare were communicated. As opposed to a rather top-down approach, a collaborative, mutual exchange of perspectives and information might have opened the door to better cooperation in the enforcement and application of welfare-respecting practices.

On the other hand, the DFO might have considered that its involvement in investigations and training opportunities could sway the OSPCA’s handling of cases in one way or another. As a commodity group, the DFO’s purpose is to defend and promote the interests of its stakeholders, which include supporting their growth and livelihood. The treatment of animals that are instrumental to the producers’ business might be of intermediary interest when it comes to reputation and consumer demand, increased or sustained productivity and output, but it is not the *raison d’être* of the agri-food sector. As such, monitoring OSPCA activities through joint programs would have been a means to protect and advocate for their constituency.

Kevin McKenzie, then Development Manager of Leadership Giving and host of the OSPCA podcast series, conducted a set of interviews with representatives from each commodity groups involved in voluntary agreements with the OSPCA. (Ontario SPCA and Humane Society, 2015a; Ibid, 2015c; Ibid, 2015d; Ibid, 2015e, and Ibid, 2015f) Unfortunately, the DFO is absent from the series, but the interviews with the other groups provide some insight and reveal a common theme. They invoked the need to improve trust between agricultural producers and the OSPCA. Commodity groups recurrently stated that the integration of one of their representatives in the

investigative process helped diffuse tension between the OSPCA and the farmers, and allowed the transfer of expert knowledge for the OSPCA to have a better understanding of farm production realities. (Ibid) One of the objectives of the agreements, then, seemed to be to promote a better understanding between all parties and better overall collaboration. It can be assumed that the interpretation of the agreement's purpose by the other commodity groups would be similar for the DFO considering that their goals and objectives for their constituents would also be similar to the other groups.

Unfortunately, the MOA is not available on neither the OSPCA nor the Dairy Farmers of Ontario websites. The OSPCA Associate Director of Communications, when contacted, stated that the documentation was confidential and inaccessible to members of the public. As such, it is not possible to confirm specifically what the details of the agreement were, which could have provided insight into the policy objectives. No other information on the purpose of the MOA was retrievable, unfortunately, despite requests made to OSPCA staff and inquiries conducted with the DFO.¹⁶

A few observations are notable. The information available confirms that the program itself focused on animal welfare (or well-being) as its primary and sole objective and without, for example, competing priorities that could have been considered and balanced. However, that is because other priorities were already embedded in the framework within which the program operated. The NFACC Dairy Cattle Code of Practice was already vetted by industry and the OSPCA based itself on it to assess on-farm practices. If the practices exercised would have respected the Code, they would have been deemed acceptable despite the discomfort they might have caused the animals in question. Therefore, while the MOA was endorsed by both the DFO and the OSPCA to optimize the conditions in which dairy animals lived and produced, it was within an already-established foundation of what was and was not deemed acceptable practices by industry-based representatives at the time. The purpose of this agreement, therefore, might have been to enhance the capacity to enforce such regulations and provide the highest standard of animal welfare within the confines of the Code, not to enhance animal welfare beyond or in spite of it.

Implementation Preferences and Instruments Used

The agreement was entered by both parties on a voluntary basis and as a result, was not legally binding. Either party could decide to disengage from the agreement at any time without consequence. As long as each party continued to find the agreement beneficial for their own interests, they would likely keep it effective.

Conventional agri-business practices and animal welfare considerations are not always mutually exclusive, but their interests are not always harmonious either. For example, producers might fit as many birds in a battery cage as possible to optimize space usage for increased output, whereas animal welfare representatives may wish to promote greater space allowance to avoid stress and injury. Similarly, producers might wish to improve staff productivity and assign them

¹⁶ Note that such requests and inquiries were made prior to the dissolving of OSPCA responsibilities pertaining to cruelty law enforcement.

to a variety of additional tasks by reducing the number of times they take the animals out of their enclosures. Meanwhile, animal welfare representatives might value having animals venture outside in a setting that could resemble their natural habitat and allow them to express natural behaviours.

Because of these competing perspectives, interactions between producers, their industry representatives, and the OSPCA might not always be optimally constructive. This could lead to an impasse. In this case, producers might not have respected the OSPCA's recommendations and failed to apply them, while the OSPCA might have continued to perceive a producer's practices as problematic. However, with this agreement, the possibility to investigate together, learn from each other, and train together might have allowed parties to "meet half way". The agreement provided a foundational context in which both parties could interface in a "safe space" despite having competing interests. Joint investigations, education and knowledge sharing provided mutual buy-in and trust-building opportunities. As such, the agreement acted as a platform for relationship-building.

Relatedly, the mechanisms used to operationalize this agreement were not so much enforcement, given the voluntary nature of this entente, as they were soft measures based on the parties' continued desire to participate and collaborate. The implementation of joint inspections of farm and production facilities, as well as cross-training and information-sharing sessions were dedicated to maintaining the cooperative essence of the agreement. Ongoing communication was a facilitating mechanism for this agreement. Furthermore, the application of such mechanisms was upheld by the parties themselves. In sum, the OSCPA and DFO were originators of the agreement using persuasive logic; they were also the ones that carried it out through communications-based mechanisms, and the ones that could terminate the arrangement if they so wished. This policy was based on self-regulation.

Actors

The actors involved in this case were the DFO and the OSCPA, representatives of the agri-industry and civil society. One was a private-interest and corporate entity, while the other was a charity-based, non-governmental, and non-profit organization¹⁷. Since the OSCPA received some funding from the Government of Ontario, the provincial government played an indirect role insofar as it was linked through its mandate to the organization to carry out state responsibilities.

In terms of interactional dynamics between the actors involved, some could see the agreement as a victory and a positive change in the balance of power for the DFO. No law required the OSPCA to consult with commodity groups when investigating cases of animal mistreatment, abuse, neglect, or cruelty, or cases in which reasonable and generally acceptable practices in agriculture were seen as contravened. In this case, the DFO's agreed-upon presence

¹⁷ Note : The Ministry of Community Safety and Correctional Services provided earmarked funding for inspector and agent training but the government otherwise did not provide funding for the OSPCA to carry out its legislated mandate. The majority of the OSPCA's operating budget for both investigative and sheltering tasks comes from private and corporate donations as well as revenue-generating activities. In fact, they are almost the exclusive source of funding. (KPMG, 2017; Ontario SPCA and Humane Society, Undated[b]); Animal Justice, 2013, 10-11).

at such investigations could have been perceived as a result of their negotiating a “deal” with the OSPCA. From the OSPCA’s perspective, however, the agreement with the DFO was presented in the optic of mutual collaboration.

Summary table

The table below consolidates the most important details of this case to provide a bird’s eye view of its profile characteristics.

Table 4: Summary of Ontario’s Animal Welfare Policy

Indicators	Case Characteristics
<p>The policy objective i.e. what does the AWP aim to achieve/what issue does it seek to address and/or solve? [policy ends]</p>	<ul style="list-style-type: none"> • Stated objective: optimized animal welfare • Increased collaboration between the two entities with at times seemingly competitive interests • Increased receptivity from producers when OSPCA intervenes • In practice: likely on the producer side, increased oversight capability into the OSPCA activities vis-à-vis its constituents; on the animal welfare side, increased producer buy-in and a greater capability to address problematic situations with lower levels of push-back
<p>The principles that direct implementation preferences [instrument logic] e.g. coercion, persuasion, voluntary compliance</p>	<ul style="list-style-type: none"> • Persuasive undertones (collaboration will engender benefits for the interested parties i.e. access to better information; ability to defend stakeholders, etc.) • Agreement is voluntary
<p>The instruments aimed at supporting and promoting humane practices of production [mechanisms] e.g. financial mechanisms like subsidies</p>	<ul style="list-style-type: none"> • Nature of the agreement (voluntary) comes with no enforcement requirements • Pedagogical/educational trainings • Communications protocol that enables joint investigations/visits on farm premises
<p>The actors involved in the formulation of the AWP</p>	<ul style="list-style-type: none"> • Agri-business representatives (DFO) • Civil society animal welfare representatives (OSCPA) • Indirectly, provincial government representation

Chapter V: Judicialized AWP – The British Columbia Case: The 2015 Integration of the Dairy Code of Practice Into Legal Regulation Under the Prevention of Cruelty to Animals Act

This chapter outlines British Columbia's AWP through the study of the 2016 integration of the NFACC's Dairy Code of Practice into law. In British Columbia (BC), the law regulating animal treatment includes an exemption for agricultural activities involving farm livestock, which are to be managed through prescribed standards of care as in some other provinces. In 2014, a case of severe animal abuse in a commercial farming facility was filmed by an animal rights group. The recording was highly mediatized and generated public outrage. The interest groups representing dairy farm producers considered the incident as an aberration from standard practice. In the face of such public and industrial rejection of the event, the provincial government pledged action in order to address it.

In 2015, the BC Ministry of Agriculture's response to the 2014 crisis was to entrench the NFACC Dairy Code into law, thereby clarifying what prescribed standards of care and "reasonable and generally accepted practices of animal management" meant in the province's *Prevention of Cruelty to Animals Act*. While this course of action would not prevent future abusive occurrences, it would legally delineate acceptable practices from unacceptable ones. This meant that, for the purposes of legal examinations of behaviour towards dairy animals, the NFACC standards would be the exclusive norms by which to measure a practice. Therefore, from that point on, the Dairy Code would no longer be suggestive in BC. It was a judicially endorsed regulation and no longer a resource among others which the courts and the producers could resort to if they wished to argue whether an act fell within a window of reasonability or not. The conversion into law of a set of standards previously destined for voluntary compliance was the method utilized by the government to ensure heightened welfare for dairy animals. In other words, it selected a coercive policy tool over persuasive or other methods as being, at the time, the optimal way to resolve the crisis.

When contacted, the actors involved in this AWP did not provide additional insight beyond what was already posted on their websites, whether because they allegedly did not know the answers to the questions posed, or because documentation was said to be unavailable. Formal access to information requests also highlighted deeper issues with regards to governmental transparency, and demonstrated a perhaps misplaced accountability to the agricultural sector as opposed to its citizens. This made it challenging to unpack the BC AWP. More information on these issues and the process of inquiry can be found in the postscript.

The Legal Context

Agricultural laws such as the *Agricultural Land Commission Act*, the *Farm Practices Protection (Right to Farm) Act*, the *Land Title Act* and the *Local Government Act* are all legislation that protect farming practices and determine rules and regulation for farm use, among other matters, but they do not touch upon animal welfare per se. The *Prevention of Cruelty to Animals Act* (hereinafter referred to as the PCAA, or the Act) is the provincial legislation used to regulate animal welfare and standards of care in British Columbia. (Government of British

Columbia, 2020a) In the first instance, the purpose of the Act enacted in 1895 was to create the British Columbia Society for the Prevention of Cruelty to Animals (BCSPCA) and provide it with powers to act on the government's behalf to uphold standards, investigate alleged offences regarding animal cruelty and take appropriate action to relieve distress. (Ibid) Today, the Act determines the governance of the organization (membership, constitution, monitoring of enforcement bylaws, powers of society, branches, and corporate duties and obligations), frames operations and actions meant to relieve distress in animals (which includes setting the parameters for authority under and without warrant, powers of inspection, and disposition of abandoned and distressed animals in custody), and sets the administrative context within which allegations and cases of cruelty and distress are managed (through reviews, appeals, and hearings.) (Ibid). Importantly, the PCAA speaks to companion animals and farm animals. Wildlife is regulated under the *Wildlife Act*. (Government of British Columbia, 1996)

As a result, the BCSPCA is the only animal welfare organization in the province with the power to enforce animal cruelty legislation. Part 2.1 of the Act details standards of care including duties of persons responsible for animals, duties of operations, and animal transport. The BC PCAA also contains a defense clause (article 24.02), which stipulates that

[a] person must not be convicted of an offence under this Act in relation to an animal in distress if b) the person is an operator and the distress results from an activity that is carried out in accordance with the prescribed standards of care that apply to the regulated activity in which the operator is engaged or c) the distress results from an activity that is carried out in accordance with reasonable and generally accepted practices of animal management that apply to the activity in which the person is engaged, unless the person is an operator and those practices are inconsistent with prescribed standards.

Ibid

Therefore, agricultural activities involving animals are exempt from the standards specifically set out in the legislation in this jurisdiction. However, BC moved to qualify “prescribed standards of care” and “practices” judicially, specifically for cattle involved in dairy production.

Indeed, in 2015, the BC Ministry of Agriculture entrenched the Code of Practice for the Care and Handling of Dairy Cattle from the NFACC (henceforth, the Dairy Code) into the PCAA. It designated the Code as a Regulation attached to the Act. This meant that “generally accepted practices” referenced in legislation had to be coherent with the Dairy Code in order to be acceptable and excluded from penalties under the Act. While this is just one code which regulates one specific activity among many that farm animals are involved in, dairy production is vast across Canada, including British Columbia with a provincial yearly production of over 650 million litres of milk according to 2014 data from the BC Ministry of Agriculture. (Government of British Columbia, 2014b) Therefore, such a code impacts a significant number of BC farm animals.

Multi-actor collaborative processes and advocacy also make up much of the activity surrounding the evolving welfare context in British Columbia. Recently, the BC Ministry of Agriculture partnered with the British Columbia Farm Animal Care Council to lead awareness programs about existing National Codes of Practice for small livestock. (Government of British Columbia, undated) Similarly, the BCSPCA collaborates with the NFACC to develop new

expectations for animal welfare through the elaboration of new Codes of Practice. In 2018, codes were created for bison, calves, and rabbits raised for meat. (BCSPCA, 2018) Some of the new standards include the phasing out of veal crates, pain control for the castration and dehorning of bison, and environmental enrichment for rabbits. (Ibid)

Moreover, the BC government states on its website that it seeks to be supportive of animal welfare through programs it offers, which emphasize:

- education to increase knowledge of the animal welfare challenges facing the industry
- awareness building on the correct livestock production practices for supportive animal welfare
- training on mitigation steps available to support correct practices applied in animal welfare
- scientific investigations to address any gaps identified to meet these ends

Government of British Columbia, undated

The province therefore highlights that it privileges a multi-pronged approach based on legal protections and enhanced by evidence-based improvements and awareness-raising for both the industry and the general population.

In addition, the *Animal Health Act* regulates disease prevention and control. (Government of British Columbia, 2014a) It dictates that any person who owns, is in custody or control of, and/or is an operator¹⁸ in relation to an animal must not cause disease and must take measures and comply with veterinarian advice to prevent or control diseases. (Ibid) The legislation also speaks to inspections of facilities housing animals, the respect of orders provided by mandated individuals in order to contain disease, compliance, emergency powers, and a list of activities regulated under the Act. (Ibid)

Specific to the dairy industry, the *Milk Industry Act* regulates the inspection of dairy farms pertaining to requirements of safety and cleanliness for milk production and handling. (Government of British Columbia, 2020c) While most of the stipulations in this act concern locales on dairy farms that handle, treat, and store milk, commonly known as “milk houses”, there are stipulations for general farm requirements like what the act refers to as “[...] suitable [...] housing for dairy animals [and] sufficient supply of potable water.” (Ibid)

In summary, while some of the laws that manage activities in which animals are involved touch upon some areas of welfare, they only do so in a cursory and secondary fashion. The main legislation that manages and has an overarching view of animal welfare, whether for farm or companion animals, is the PCAA. As stated above, governmental programs also seek to uphold standards of welfare through education and awareness work as complementary aids.

¹⁸ For example, a person who is responsible for an activity involving an animal.

Policy origin and objectives: where is it coming from, who/what is it affecting, and what does it seek to achieve or resolve?

According to media articles and informal exchanges with a Senior Policy Analyst at the Ministry of Agriculture, the integration of the Dairy Code as regulation in the PCAA stemmed from a 2014 crisis event involving Chilliwack Cattle Sales Ltd., the largest dairy farm in Canada at the time.¹⁹ (Canadian Broadcasting Corporation, 2015; Judd, 2014; Shore, 2015; York, 2017) Mercy for Animals, a non-profit activist group, obtained footage through a hidden camera investigation which showed employees overtly mistreating dairy cows. (Postmedia News, 2014) They were shown “[...] using chains, canes, rakes, their booted feet and their fists to viciously whip, punch, kick and beat the dairy cows, including downed and trapped cows who could not escape the abuse.” (Judd, 2014) The BCSPCA deemed the treatment as cruel, “[...] causing unnecessary pain, suffering and injury to animals.” (Ibid) While animal cruelty accusations and charges are to be managed under the Federal Criminal Code, the BCSPCA also called for the incorporation of minimum standards of care into B.C. Law. (BCSPCA, 2015) The Canadian Code of Practice for Dairy Cattle was published in 2009 by the NFACC, but it was not integrated then into the PCAA so that such standards could be enforced. (National Farm Animal Care Council, 2009) Indeed, while the NFACC establishes codes of practice, the Council does not hold legal authority to enforce them; rather, it invites agricultural producers, transporters, and other industry stakeholders to voluntarily follow their guidelines.

The story generated such reaction and outrage that top officials from the BC Dairy Association and the Dairy Farmers of Canada quickly sought to convey their disapproval. (Moore, 2014) They guaranteed that the abuse seen on video was not standard practice in the dairy industry, and they effectively distanced themselves from Chilliwack Cattle Sales. The Minister of Agriculture at the time Norm Letnick also went on record and stated that although he did not think that integrating the Dairy Code into legislation would stop abusers (given that it sets standards of care but cannot guarantee enforcement), action was nonetheless required and discussions would have to take place to determine what the Ministry would need to do to ensure events such as these were not repeated. (Global News, 2014).

Ultimately, the government moved to specify what “prescribed standards of care” meant in the case of dairy farm animals and to define “[...] reasonable and generally accepted practices of animal management [...]” under Article 24.02 of the PCAA:

- 24.02 A person must not be convicted of an offence under this Act in relation to an animal in distress if
- (a) the person is
 - (i) a registered veterinarian,
 - (ii) an employee of a registered veterinarian who is acting under the supervision of the registered veterinarian, or
 - (iii) an enrolled student of veterinary medicine who is an employee of a registered veterinarian and is acting as authorized by the registered veterinarian, and

¹⁹ Note: officials at the British Columbia Ministry of Agriculture agreed to speak over the phone as long as they were not directly quoted. Other exchanges took place by e-mail.

- the person is practising veterinary medicine in accordance with the standards of the profession,
- (b) the person is an operator and the distress results from an activity that is carried out in accordance with the prescribed standards of care that apply to the regulated activity in which the operator is engaged, or
 - c) the distress results from an activity that is carried out in accordance with reasonable and generally accepted practices of animal management that apply to the activity in which the person is engaged, unless the person is an operator and those practices are inconsistent with prescribed standards.

Government of British Columbia, 2020a
(emphasis added)

According to information obtained by telephone through the BC Ministry of Agriculture, the Dairy Code was integrated in law as a regulation to remove ambiguity surrounding legal language in the PCAA. The Code was meant to provide guidance to the judiciary to assess whether a case brought before the courts was symptomatic of the failure to respect dairy-specific standards of care. As a result, this AWP was set to achieve the following objectives:

- Provide a clear definition of reasonable and generally accepted practices in the dairy industry;
- Address public concern regarding the treatment of farm animals used in the dairy industry; and
- Demonstrate that there is a governmental effort towards regulation as opposed to relying exclusively on industry self-regulation.

The Dairy Farmers of Canada had already created their own auditing program named Pro-Action, which contains a section on animal care among other items such as milk quality, food safety, traceability, biosecurity, and the environment (Dairy Farmers of Canada, undated). The NFACC, for its part, had created the Animal Care Assessment Framework back in 2011, which provides resources to farmers to establish their own assessment matrix based on benchmarking, critical levels and performance targets, etc. (National Farm Animal Care Council, undated) However, despite this, when the Chilliwack incident occurred, activist organizations argued that industry self-regulation had clearly failed to prevent such situations from taking place. (Wyntonik, 2014)

Policy implementation preferences/tools and mechanisms used

The 2015 integration of the Canadian Code of Practice for the Care and Handling of Dairy Cattle into the PCAA was implemented through legislative enactment. As a legally binding regulation, it is now officially considered as part of the Act and serves to define standards of care. By choosing this method, the government formalized a positive duty to comply to such standards through coercive (legal) means. Thus, failure to adhere to the law entails penalties. The mechanisms used to implement such a decision are the BCSPCA animal welfare agents and investigators who have the mandate to uphold animal welfare laws. Also, the Milk Marketing Board carries out their own investigations of their stakeholders per the Code, although they do

not do so in the government's name. (Pynn, 2016) The effectiveness of such mechanisms is closely linked to their enforcement capacity. That is to say, policy implementation, or the upholding of the AWP, depends on how effective such agents can be at ensuring adherence to the Code. While farmers might have a duty to comply, in practice the policy can only be confirmed as respected if producer behaviour is being monitored. Comparative animal welfare data from before and after the entrenchment of the Dairy Code is challenging to obtain.

However, the BC Milk Marketing Board (BCMMB) also started carrying out investigations of their own stakeholders per the Dairy Code since 2014 after the abuse case surfaced. (Pynn, 2016) Their investigations are independent from the government's, although their ability and authority to carry them out is nonetheless provided through the *Natural Products Marketing Act*. (Government of British Columbia, 2014a) Interestingly, in 2016, it was reported that more than 25 per cent of BC dairy farms did not comply with the NFACC Dairy Code Standards through an BCMMB investigation period of eighteen months. (Pynn, 2016) What this illustrates is that, regardless of who investigates the farms, the Dairy Code may have heightened the threshold of acceptability when it comes to practices affecting farm animal welfare. In fact, it was reported that one reason for why so many corrective actions needed to be implemented was because the dairy industry had decided to roll out the new Code standards quickly and prior to being able to properly educate farmers. (Ibid) When the Dairy Code was made an official regulation, however, this meant that anyone who did not respect its standards would be punished if they did not adhere to them. Indeed, any deviation from the Dairy Code since 2015 could translate into an offence under the PCAA and a possible fine up to \$75,000 and/or imprisonment for a term up to two years. (BCSPCA, undated (b))

Actors

As previously mentioned, the actors directly involved in this AWP are the BC Ministry of Agriculture and the NFACC for the provision of the Code. More broadly, the BCSPCA seems to have played a supportive role insofar as their organization evaluated different options to prevent similar issues to occur and internally opted to support the Dairy Code integration as the best way forward given the circumstances. (BCSPCA, 2014). They also provided their formal support to the Ministry for that integration. (BCSPCA, 2015) However, from the documentation available and conversations with some of the managerial staff²⁰, they did not have a decisional or consultative role. (Ibid) The dairy industry at large (the BC Dairy Association and the BC Milk Marketing Board, for example) was also impacted by the legislative specification insofar as their stakeholders had to ensure that they respected the law lest they wish to be penalized or prosecuted. Whether they were consulted remains unknown, however.

Interestingly, it is a grassroots organization claiming better animal treatment that instigated the Code's integration process. Their investigation prompted the government's realization that the status quo needed to shift. While Mercy for Animals was not involved in the decision-making process, they exerted sufficient influence to bring the issue on the policy agenda, mainly by tapping into the public's consideration of social acceptability. Unfortunately, aside from the organization's clear position on the dairy industry, no information on the interactions between

²⁰ Note: again, staff spoke to me over the phone conditionally, as long as they were not quoted verbatim nor named.

the other actors involved is available. There does not seem to be records accessible to the public that would shed insight into the other possible solutions explored, how the actors took the final decision, what positions they initially and ultimately espoused, and so on.

Summary Table

The table below consolidates the most important details of this case to provide a bird's eye view of its profile characteristics.

Table 5: Summary of British Columbia's Animal Welfare Policy

Indicators	Case Characteristics
<p>The policy objective i.e. what does the AWP aim to achieve/what issue does it seek to address and/or solve? [policy ends]</p>	<ul style="list-style-type: none"> • Remove ambiguity surrounding legislative language in the current Act • Provide a clear definition of reasonable and generally accepted practices in the dairy industry via the minimum standards of care specific in the Dairy Code of Practice • Address public concern regarding the treatment of farm animals used in the dairy industry • Demonstrate that there is a governmental effort towards regulation as opposed to relying exclusively on industry self-regulation
<p>The principles that direct implementation preferences [instrument logic] e.g. coercion, persuasion, voluntary compliance</p>	<ul style="list-style-type: none"> • Legal coercive compliance
<p>The instruments aimed at supporting and promoting humane practices of production [mechanisms] e.g. financial mechanisms like subsidies</p>	<ul style="list-style-type: none"> • The BCSPCA can now take the NFACC Dairy Code to concretely measure appropriateness of animal treatment • While the law can act as both the implementation principle and the instrument, its enforcement is separate and would entail perhaps government or SPCA-related investigators to apply said regulation and take appropriate measures to redress contraventions. However, such oversight measures were not necessarily addressed by the Ministry of Agriculture at the time and certain welfare organizations such as Mercy for Animals insinuated that a

	<p>law is only good when it is followed and enforced. (Canadian Broadcasting Corporation, 2015)</p>
<p>The actors involved in the formulation of the AWP</p>	<ul style="list-style-type: none"> • For the Integration of the Dairy Code: BC Ministry of Agriculture; NFACC • More broadly: Mercy for Animals (for the footage that became the focusing event of this case); BCSPCA (who made their position known about their support of the Dairy Code integration)

Chapter VI: Findings

The indicators of the AWP not only serve to provide a characterization of each policy, but also act as anchors of comparison for the three selected cases. Are they completely distinct from one another? What are the apparent differences? Are there observable similarities? And what could these patterns be attributed to? The comparative table below was created in order to facilitate such observations:

Table 6: Provincial Animal Welfare Policies and Their Characteristics

Provinces			
Characteristics	Quebec	Ontario	British Columbia
Descriptor	Corporate capture	Co-optation	Judicialization
Policy Objective(s)	<p>Stated objective: optimize animal welfare</p> <p>In practice: ensure that the strategy responds to public health needs and addresses changing consumer preferences regarding animal welfare while prioritizing industry vitality</p>	<p>Stated objective: optimize animal welfare and increase collaboration</p> <p>In practice: increase oversight capability into OSPCA activities (producers); increase producer buy-in and a greater capability to address problematic issues with reduced push-back (OSPCA)</p>	<p>Stated objective: to minimize cases of animal abuse on farms</p> <p>In practice: remove ambiguity surrounding legislative language in the PCAA; provide definitions of reasonable and generally accepted practices when referring to the dairy industry; address public concern stemming from the abuse case; demonstrate governmental will to regulate.</p>
Principles of Implementation	Voluntary compliance	Persuasion/voluntary compliance	Coercive legal enforcement
Implementation (instruments)	Sub-working groups to enable strategic objectives	Pedagogical trainings, communications protocol, and joint investigations	Law (implementation via enforcement officers)
Actors	Industry Government Animal health professionals Minor animal welfare representation	DFO OSCPA Provincial government indirectly	BC Ministry of Agriculture NFACC Mercy for Animals BCSPCA

Corporate capture, co-optation and judicialization

Based on the information gathered, Quebec's Strategy is an example of a policy that was captured by corporate interests. While it was packaged in a way that sought to convey positive progression in animal welfare, its content made explicit that the implementation of measures to successfully reach this objective would only take place if it did not interfere with the industry's financial vigour and its ability to respond to economic competition. In fact, the industry's productivity was heralded as of utmost importance in a way that seemed to overshadow the Strategy's namesake. Its content was clearly oriented towards food safety, public health, and risk management optimization with a sustained emphasis on maintaining (and/or promoting) the bio-food industry's economic strength. Consequently, while it was framed as an animal welfare project, the Strategy was often referred to as a necessary condition for other priorities and, thus, an intermediary goal for a vaster agricultural vision. Correspondingly, agricultural lobby groups and producers were among the most prevalent actors in the formulation of this AWP, with the mandated power to determine Quebec's approach to farm animal welfare for the next decade. Prior to the Strategy, the agri-business stronghold on the determination of welfare in its sector was already established, and the government's dedication to animal welfare was similar. Thus, while the Strategy is not a departure from previously established priorities, it is an explicit reaffirmation of the government's commitment to favouring business over welfare. It is also perhaps an effort to institutionalize a policy framework that anchors welfare considerations to corporate interests in order to avoid potential negative impact on a sector that is economically vital for the province's bottom line. This AWP was also non-binding, insofar as it acted as a reference document to orient the province's considerations with regards to animal welfare. Participation in working groups mandated to determine how to best implement the strategic objectives was encouraged, but only voluntary.

Ontario's OSPCA-DFO agreement was an attempt by each party to gain influence over the other and sway their perspective on animal welfare. Both parties entered the agreement likely in order to carry out their respective mission more efficiently. Regardless of who initiated the MOA, and which actor actually benefitted most from it, the most notable factor in this case is the parties' intent or perceived intent. For the OSPCA, providing commodity groups with the ability to have "boots on the ground" during investigations and have a say in establishing what is considered to be necessary knowledge to carry out welfare assessments would hopefully allow them to win cautious allies. It would help neutralize the industry representatives' ability to threaten the OSPCA's essential goal of welfare protection. For the DFO, having a more active role and voice throughout investigations and integrating some of their interests and priorities in the OSPCA's list of considerations when they carry out their work would allow them to continue protecting and advancing the goals of farmers such as maintaining productivity and profit-generation. It is unlikely that coercion would help in winning over a party in such a case, and so like Quebec, the agreement was based on voluntary compliance. Although the agreement was presented with the optic of improving the plight of animals, in practice it demonstrated the dynamics of a power struggle between producers and animal welfare protectors and the will of both parties to have their interests heard in cases of abuse or mistreatment. In this case, the OSPCA also did not act completely in its own right, as it was carrying out a mandate provided by the Government of Ontario, which likely valued a more collaborative relationship with agri-food

producers. The OSPCA-DFO agreement was non-binding and could be dissolved at any time (until the dismantling of the OSPCA's mandate).

Unlike the other two AWP's that meant to establish governmental orientations towards welfare or pro-actively improve relations between different stakeholders in farm welfare, the BC case sought to respond to a crisis event. Legislation was the means taken to formalize and implement the Dairy Code in response to the event, which had created citizen demand for a visible and clear cut resolution. The Ministry of Agriculture decided on a binding and coercive instrument to deliver what it deemed a clear governmental position on the matter. Although such a decision might be more difficult to implement than voluntary-based projects, the fact that the industry sought to conduct reputational damage control and thus very publicly disapproved of the event and the fact that the standards that were being entrenched into law were already producer-approved via the NFACC might have helped this chosen outcome to be a swift one to execute. In all, while the government sought to establish a hard line and punitive consequences on producers who did not respect welfare standards, the thresholds established by the NFACC were generally already in line with what a producer could afford doing in the area of welfare while keeping their productivity and profitability intact. As such, and like the other two AWP's, this was not an ambitious welfare project, insofar as it did not seek to truly elevate the threshold of acceptable standards.

Differences: Patterns Rooted in Historical Developments

Some differences between the cases can be observed in this study. Policy origin is one. While Quebec's Strategy originated from a planning exercise in line with how the province saw the agricultural sector evolve over the next decade or so, the British Columbia case had a mediatized focusing event that compelled the government to respond. The reason behind the OSPCA-DFO agreement, for its part, remains unknown as previously mentioned. The origin of a particular case, however, is not always controllable and is therefore less relevant than the manner in which the provinces decided to contend with it. To that end, the main notable differences pertain to the principles of policy implementation and the instruments used.

The policies in this study are characterized by different approaches. Quebec's case followed the tradition of commissions and strategic documents that make recommendations on avenues to pursue as well as a vision or ideational frame to follow for a particular topic or sector. Ontario's case demonstrates a commitment to voluntary agreements, and British Columbia provides a legalistic resolution to an external pressure point. Accordingly, Quebec and Ontario's policies are not binding but rather rely on voluntary compliance and persuasion to be effective in practice. Meanwhile, the case of British Columbia is based on coercion to comply to the law and the regulation therein. In turn, these principles of implementation affect the selection of instruments in order to carry out the policy. These instruments are, respectively: the establishment of sub-groups to enable the reaching of strategic objectives; pedagogical trainings and communication tools to enact the information-exchanged based collaboration between two parties, and the law in itself.

There are various writings that over time have sought to explain the backdrop of differences in provincial politics, governance, and culture. Scholars like Janine Brodie (1997) argue that regional or provincial differences in policy outputs are influenced by broader patterns in Canadian economic development. Specifically, the uneven occurrence of economic growth in provinces and/or regions result in the development of different characteristics at different points in time. Doreen Massey, a radical geographer, also observes that "[...] regional differentiation is an explicitly historical process – a series of rounds of new investment in each of which a new form of spatial division of labour is evolved". (Brodie, 1997, 247) The political economy of regionalism associates well with Harold Innis's Staples theory. It argues that provinces developed a certain way in the past in response to the external, imperial demand for specific products. As demand varied by province, the nature of their trade and the pace at which they were required to develop also varied.

Other scholars like Nelson Wiseman (2016) contend that the type of resource demand not only has consequences on a province's economy but on components of political culture such as identity and class consciousness. For instance, British Columbia's isolated towns of the forestry and mining sectors gave way to class warfare, in which syndicalist organizations were created. (Ibid) The socialist penchant of the workers in this region was fed by the demographics i.e. a low number of families and many young men. (Ibid) Meanwhile, Atlantic fishermen and farmers fostered an individualistic, subsistence-centred ideology stemming from their individual ownership of boat and gear. (Ibid) In this sense, variations in economic development translated into variations in political culture.

Seymour Martin Lipset's formative events theory also seeks to explain differences in rooted, popularly held beliefs in and about politics. Lipset argues that a province's formative event will act as the foundation upon which its political context develops. (Ibid) For example, the construction of the Railway in British Columbia resulted in dramatic economic growth and became an attractor for entrepreneurs and wage labourers. (Ibid) Consequently, a left-right dynamic developed and this ideological tension has been present since the 1940s. Meanwhile, the Conquest and Quiet Revolution in Quebec were events that led to the development of an ethnic struggle backdrop, along with a transformation from an authoritarian, rural and conservative system to one characterized by rationalism, democracy and urbanity. (Ibid) The two provinces, as a result of different formative events, have also fostered different political cultures.

Thus, the differences mentioned above are likely, at least in part, attributable to distinct historical developments and trajectories. They could be representative of larger policy trends in the provinces. The different implementation principles and instruments might separately or jointly be demonstrative of distinct provincial policy cultures. However, it is also possible that these features vary because of a selection bias. Another pairing of cases might exhibit fewer variances, or maybe even more. It was not the intent of this study to generalize the cases at hand as being representative of the policy style of a provincial agricultural sector, and even less so of a provincial policy style at large. Rather, the goal was to provide a preliminary view of animal welfare in provincial policy.

The construction of the AWP concept was based on a set of indicators, namely policy objectives, principles of implementation, instruments, and actors. While differences were expected if not solely because the policies were developed in varying provincial settings with their own set of contextual variables, they pertained to the operational aspects of policies. Ultimately, it is the similarities between all three cases that provide true insight into Canadian farm animal welfare, touching on foundational assumptions upon which policy-making in this sector is based.

Making Sense of Similarities

Despite the different forms they take and the distinct context from which they arose, the three policies described above hold significant similarities. These similarities pertain to the dominance of vested producer interests, a lack of accountability to entities other than themselves and to the animals that are meant to be protected, and a general approach of marginal incrementalism. Of course, these are also set against a common backdrop in which farm animals in all three provinces are exempt from legal clauses meant to protect and uphold well-being due to their involvement in agricultural activities.

Although the policies at hand are in principle all speaking to animal welfare and specifically the optimization of animal welfare protection, in practice they strengthen and support the positioning of the agri-food sector. All three enable producers to maintain control on a matter that should in fact keep their practices in check. In Quebec, the strategy to optimize farm animal welfare was based on industry preferences and what it deemed to be possible vis-à-vis profitability and productivity. These two parameters framed the measures proposed and had

primacy over welfare itself. In Ontario, the agreement between the OSPCA and the DFO enabled the dairy farmer representatives to gain more leverage to defend the interests of its constituents in cases of potential mistreatment. In British Columbia, the standard of welfare that was entrenched into law was taken from a code written by industry leaders for whom economic well-being, and not animal welfare, is of primary importance. Any standard imposed on them had already been vetted as being at best advantageous and at worst zero-loss. It is clear that these policies were deeply influenced by producers. In fact, it could be said that they were made by producers and for producers instead of prioritizing animals, the very subjects these policies are supposed to serve and protect. The objective of each policy confirms this: while all of them share the stated ambition of optimizing animal welfare, in practice the goals are tainted by a concessional position vis-à-vis industry.

The dominance of these interests over animal welfare policy results in an industry that is accountable only to itself and to supportive governmental forces since they put at the industry's disposal seats at the policy-making table and the power to influence the selection of policy tools. This lack of accountability, or this misplaced accountability, is the second similarity. The Quebec Ministry of Agriculture solicited almost uniquely agri-food interests to craft the Strategy. As a result, all measures proposed were from the onset heavily influenced by their priorities, with no other vision or interests allowed in. While the Ontario government did not explicitly intervene in the OSPCA-DFO agreement, the former acted on its behalf given its government-provided mandate to investigate cases of cruelty, abuse, and mistreatment. It ultimately sought DFO collaboration to increase its effectiveness in identifying and hopefully resolving problematic issues. In exchange, it provided the DFO with an opportunity to gain information that can help producers fight accusations. Yet, the OSPCA's priority is supposed to be animal interests. The British Columbia case, for its part, had producer-vetted standards made into law. From the beginning therefore, producer standards are left unchecked. As will be detailed later on, while animal welfare organizations can call standards into question, they unfortunately do not have the influential weight to effectively challenge them as they are being developed and/or adopted by governmental institutions.

This is related to the third similarity between the three cases, namely that the policies reflect an effort to either adopt or encourage marginal improvements of welfare i.e. weak farm animal welfare policy. Because producers are accountable only to themselves and to supportive government institutions, they seem to feel minimal pressure to increase the welfare threshold for animals. Therefore, the policies are far from transformational. While they are in absolute terms "better than nothing" (any protection for farm animals is better than none), they have the luxury of being able to provide only marginal progress in response to governmental asks or external focusing events. This ensures that their bottom line, whether it be financial, operational, or other, is minimally impacted.

This thesis argues that these similarities point to the influence of two interrelated factors: the "exceptionalist" ideational framework that characterizes the agricultural industry throughout Canada and the corporatist political dynamic between state and producer groups that actualizes this framework. This hypothesis stems from historical accounts of policy development, from research on interest groups and from studies on the agricultural sector in Canada.

Exceptionalism

According to Lipset, Skogstad, and Daugberg and Feindt, “exceptionalism” is a political belief system or ideational framework whereby government and/or international organizations provide special status and treatment to an entity (whether it be a group or a sector). (Lipset, 1997; Daugbjerg and Feindt, 2017; Skogstad, 1998, and Skogstad 2017) It acts as political legitimation and a cognitive justification to rationalize a sector’s treatment, allowances made to it, or the reaching of particular objectives. (Ibid) The result is a compartmentalization of that sector to protect it from larger systemic forces and influences (often economic) that would otherwise have an impact on policies regimenting it. (Daugbjerg and Feindt, 2017, 3 and Lipset 1997). This system is based on shared ideas and exclusive institutional arrangements between a government entity and the concerned sector. As such, the special interests and actors of this sector typically have privileged access to the state, and the policies that are generated from this arrangement are geared to benefit the members of the sectoral group (Daugbjerg and Feindt, 2017, 1-3.).

In the policy studies literature, agricultural policy is considered an ideal-typical example of compartmentalization and exceptionalist policy-making. (Skogstad, 2017) The agricultural sector in most western democratic states is known to hold a “distinct set of sector-oriented institutions and ideas; well-organized interest groups; substantial government intervention in the market, and the potential for a significant redistribution of economic assets from the whole population [e.g. taxes, higher consumer prices] to a small group of producers and landowners” (Daugbjerg and Feindt, 2017, 1-2). Other sectors in welfare states such as higher education, housing, energy and healthcare may experience aspects of exceptionalism to differing degrees and ways.

Exceptionalism is a multidimensional framework that includes ideas, institutions, interests, and policy. In agriculture, the typical rationales for treating the sector distinctly and shielding it from market forces are based mostly on producer-centric needs and realities, as well as wider economic interests. (Daugbjerg and Feindt, 2017; Benoit, 2012; Skogstad, 2017) First, unpredictable natural risks such as weather and disease have serious impacts on market prices and incomes. Second, economic growth and consumer income growth do not typically translate into a proportional increase for farm product demand; as a result, farmer income suffers chronically. Third, the agricultural sector is often protected given how it contributes to wider, national interests such as food security, affordability, and other considerations such as employment. (Ibid)

This ideational frame becomes the foundation upon which institutions are structured. Such institutions will be a reflection of how agriculture is perceived in a given context. At the political level, agriculture’s unique status is often translated through the attribution of a dedicated ministry. (Daugbjerg and Feindt, 2017) At the administrative level, farm and producer representatives are typically involved in the implementation, review, and even drafting of policies, and their involvement is institutionalized as they become members of official state-led bodies or consulting partners of the government. (Ibid) Consequently, a closed policy network of elected officials, civil servants, and producer representatives evolves and forms sectoral institutions that hold the power to establish and perpetuate this framework. The privileged access of special interests to government actors and institutions creates a system in which the beneficiaries of agricultural policies are not only part but also heavy influencers of the very

policy network contributing to their development. This arrangement contributes to the continuation of the closed policy network and compartmentalized institutions of the sector.

Agricultural exceptionalism in Western Europe and North-America has largely manifested as state intervention in order to achieve sectoral objectives of productivity and profitability (Skogstad, 2017, Chapter 2). State intervention also ensured in turn the reaching of larger socio-economic and political goals. (Ibid) In Canada specifically, assistance began as a way to ensure that wheat production, a symbol of Canadian agriculture pre-World War II, would keep thriving. During the War, the government provided direct financial assistance to farmers to encourage production, ensure a stable food supply at steady prices, and prevent domestic inflation. (Ibid). From the end of the 1940s onwards, the expansion of state assistance to agriculture continued. Despite the 1947 signing of the General Agreement on Tariffs and Trade (GATT), several protectionist mechanisms and regulatory and expenditure tools, such as tariffs, quotas, and levies, as well as subsidies and income guarantees were used to keep the sector competitive and prosperous.

In the 1960s, a Canadian task force recommended that the agricultural sector lose its exceptional status in favour of a liberal market model of agriculture. It argued that despite the intensive state-led efforts to keep the sector afloat, the latter was nonetheless riddled with issues such as low income, over production, slow market growth, diminishing export markets, and other challenges. Similar recommendations were made by an international epistemic community of agricultural economists (Ibid, 60). Correspondingly, since the 1980s, exceptionalist agricultural policy (Canada included) has been confronted to new challenges which are mostly linked to neoliberalism or in other words, the market-driven economy. (Daugbjerg and Feindt, 2017) Other challenges, such as the growing trends of self-regulation/co-regulation, the importance attributed to policy efficiency and performance indicators, the rise of the environment as an important consideration and its interlinkage with various other policy sectors, rose in importance and visibility. (Ibid) In addition, consumer preferences and concerns became significant drivers of how agriculture is conducted, delivered, and showcased. (Barnes, 2017; Perry, 2017) For instance, sustainability, social responsibility, and animal well-being are all becoming increasingly important themes for consumers when making food choices. With such new actors entering the power equation, it is thought that globalization indeed started to open closed policy networks towards a more pluralist tendency (Skogstad, 2017, 38-39). By 1989, the Government of Canada's "Growing Together", a periodic strategic document drafted in consultation with the provinces, acknowledged that a market-oriented vision of agriculture and an emphasis on the development of self-reliance was becoming essential to the well-being of the sector. (Agriculture Canada, 1989)

According to Skogstad, however, neither the Canadian state nor the provinces have relinquished the active role they play in agricultural policy in spite of the rise of the competition and efficiency-driven market economy. In fact, she argues that agriculture has been excluded from the international trade regime mostly because of a variety of domestic factors specific to the Canadian reality. First, the policy networks continue to be exclusive to lobbies (farm organizations) and ministries, and the electoral calculus of politicians make it so that the continuation of such an arrangement is beneficial to them. (2017, 6-7) Second, there is still an established ideational belief that the agricultural sector goals are still embedded in and necessary

for the sustainability of broader national and societal values, such as food safety and the survival and thriving of the Canadian rural population. (Ibid)

Although this study does not address policy system change, it is worth noting that while there seems to be a progression towards more neoliberal, market-oriented approaches to agriculture, Canada is still very much in a context where the state coddles the sector. Echoing Hall in a slightly different light, Wyn Grant has stated that while exceptionalism was initially attributed to granting privileged treatment to farmers and lobbyists, its continued presence today is due to how successive policy choices gave way to a complex set of policy and institutional arrangements that are extremely challenging to disassemble. (Grant, 1995) As a result, agricultural policy continues to evolve largely in isolation through path dependency. (Ibid) Interestingly, part of the continued exceptionalism that is pervasive across Canadian provinces may be due to the fact that international treaties and other umbrella-like economic agreements are negotiated by the federal government. Since the federal government continues to value a certain level of intervention in agriculture, such desires will be reflected in what they set forth on the negotiation tables.

Thus, the overall orientation to agriculture throughout Canada still contains a fair amount of exceptionalism. Agricultural policy has involved and continues for the most part to include public subsidies, protectionist arrangements, legal exemptions (from animal welfare protections, for example, as there are no federal laws that protect farm animals from abusive practices), resistance to economic systemic changes, producer interest precedence over consumer interests (Benoit, 2012; see also Selley, 2019), export subsidies, income subsidies, and other mechanisms that qualify under an exceptionalist tradition. (Grant, 1995 and Skogstad, 2017) As recently as 2018, the erosion of supply management for dairy farmers in Canada as a result of the new free trade agreement with the United States and Mexico created much controversy since it meant the loss of protection measures for domestic producers, something that they were still very much used to as late as the 2000s. (Skerritt and Wingrove, 2018) Some of these moves are very unpopular with the interest groups at hand, and state institutions have sought to demonstrate that they are making efforts to uphold other supporting measures, such as providing subsidies to help develop export markets for several products including British Columbia cherries. (Potenteau, 2019)

The impact of such a unique treatment bears consequences on matters that affect the sector either directly or indirectly. Animal welfare is a prime example, as it can have a direct impact on the way producers operate agricultural facilities. If farm animal welfare standards became so stringent that it began to interfere with production and profit generation, it would go against producer objectives and would create a strained relationship with the government. And in turn, if this strained relationship affected governmental objectives like food security²¹, it would go against governmental priorities. These two entities are interdependent and the relationship between producer groups and the state is a historical one that has created a closed policy community almost impermeable to external pressures and attempts by other actors to exert influence. As a result, the exceptionalist context is reproduced in the area of farm animal welfare policy-making. The dominance of vested producer interests in this policy area, their accountability to their own stakeholders and the policy community they belong to, and the

²¹ Note: this interpretation of food security is based on the premise that animals and animal products are required to ensure food security.

emphasis on marginal improvements to welfare so that it does not contradict their own priorities are all characteristics that are symptomatic of a sector that is protected by an exceptionalist policy structure. More evidence of how each case embodies the exceptionalist framework can be found through an exploration of corporatism.

Corporatism

Exceptionalism sets the stage for corporatism in agriculture, a notion that Maude Benoit defines as a socio-political process in which organizations representing monopolistic (or oligopolistic) functional interests engage in political exchange with state agencies over public policy outputs implemented through delegated self-enforcement. (Benoit, 2012, 222-223) The political exchange she refers to is in turn defined by Bull as a “[...] relationship entered into by the state and interest groups in which the state gives up part of its decision-making authority to interest groups in exchange for those groups guaranteeing their members’ adherence to the decisions reached.” (Bull, 1992, 263) Here, the interest groups are the ones representing agricultural producers. Essentially, the corporate group holds strategic power through its political capacities and the representation of its interests in policy. Meanwhile, the state benefits from greater legitimacy and overall positive reception of its manoeuvres. This is a concrete manifestation of the privileged institutional arrangements exceptionalism refers to.

Benoit argues that post World War II agriculture in industrialized countries is characterized by meso-corporatism, in which the sector’s management is assumed by the interventionist state in partnership with the corporate group(s), a monopoly or oligopoly of interests are represented, and in which the corporate group(s) participate in the sector’s regulation. (Benoit, 2012, 225-227). The corporate group need not be unidimensional. There are different agricultural subsectors such as grain, meat, dairy, and so on. Nonetheless, these groups are all producers and usually have similar interests they can rally around as opposed to other groups that may have vastly different interests. One notable element that Benoit raises is that the general population does not usually pay attention to agricultural public policy, which contributes to the consolidation of agri-food influence in the sector’s regulation. (Ibid, 230) It also de facto limits the interests that are taken into consideration in policy formulation. This is what exceptionalism refers to as closed policy networks.²²

In this study, each case indeed shows evidence of exceptionalism and corporatism in varying ways. The most apparent display is the privileged relationship the state cultivates with specific agricultural producer groups and associated actors. In Quebec, the space provided to producers and their representatives within the Strategy’s working group demonstrates a closed policy

²² As previously mentioned, there have been recent overtures to other interests such as the environment. However, there are various instances where the state sided with the agricultural corporate groups. For example, environmental groups and civil society organizations from rural regions made their concerns known about the negative impacts of certain agricultural practices in the 1990s. The Quebec government sided with the UPA and its view of sustainable development rather than the ideas proposed by other groups. Quebec’s *Loi sur la protection du territoire et des activités agricoles* (Gouvernement du Québec, 1996) and the *Règlement sur la réduction de la pollution d’origine agricole* (Gouvernement du Québec, 1997) reflected the UPA’s vision of sustainable development in agriculture and further institutionalized the state-UPA alliance that was first confirmed in 1972. (Benoit, 232)

network. Although there are various renowned animal welfare organizations throughout the province, it is clear from the list of participants (Gouvernement du Québec, 2010, 16) that while welfare might have been the desired identifiable theme of the strategy, the favoured interpretation of this notion came from producers rather than animal welfare experts. If the pure unhindered concern for animals had been the main focus of the strategy rather than an interested perspective influenced by other objectives and priorities, it is probable that animal welfare interests would have formed the majority of Strategy stakeholders. However, out of the twelve participating members, none stem from animal welfare organizations. As a result, special agri-food interests were able to frame the policy. Similarly, because the Quebec state provided agricultural producers with a monopolistic grasp on this Strategy, any animal welfare interests (regardless of how lightweight they might have been) that would have challenged the primacy of the aforementioned objectives were unlikely to make it as top consideration. In fact, they were unlikely to be considered at all. The composition of Strategy members therefore also insured that the threshold of welfare to respect would be low. With this arrangement, Quebec guaranteed that agri-food stakeholders had their vision respected and entrenched in a foundational document that would influence the measures that would be implemented to carry out that vision. Likely because heightened animal welfare is often associated to measures that would afford animals more space to roam, more time to mature (with less controlled, medicated environments to ensure efficient growth), less cramped transportation environments, and the minimization of practices that are often perceived as inhumane such as dehorning, the strategy evokes budgetary considerations and the need for producers to remain competitive in the industry as mitigating factors for how far animal welfare practices could be pushed (Gouvernement du Québec, 2010, 11 and 14). True to its descriptor, the Strategy embodied Quebec's successful attempt to capture corporate collaboration on welfare in exchange for a considerable and exclusive position to determine the rules of that game.

With regards to the British Columbia case, the exceptionalist status held by agriculture is in part illustrated by the very integration of the NFACC Dairy code as regulation qualifying acceptable animal treatment. Indeed, the Code was taken word for word as the standard against which producer practices would be evaluated for farm animal welfare. But, as what was mentioned before, the Council and by extension its Codes are overseen and crafted by a strong majority of commodity and industry associations that clearly have a vested interest in the continuation of animal production and marketization in a way that will benefit them. Practices that would come to challenge these interests, or slow their progress and profitability, would be by definition incoherent with the *raison d'être* of such interest groups. According to the NFACC website, only the following entities can be primary voting members:

- National Farmed Animal Associations – any national commodity association (i.e., by species) or other national associations as deemed appropriate by the Council (e.g., Canadian Federation of Agriculture)
- National Associated Farmed Animal Industry Associations – any national service sector association (e.g. meat/poultry processors, auctions, transport, retail, food service)
- National Animal Welfare Associations – any national or provincial association that accepts the use of animals in agriculture (e.g. Canadian Federation of Humane Societies)
- National Veterinary Associations – a national association with a focus on farmed animal health (e.g. Canadian Veterinary Medical Association)

- Provincial Farm Animal Care Councils – one collective vote

National Farm Animal Care Council, 2019a

Members must also respect NFACC’s code of conduct, which contains as a “core value” that one must accept the use of farmed animals in agriculture. (Ibid) It also operates according to a consensus-based decision-making model. (Ibid) Therefore, any dissenting views, or any questioning of such a foundational value would not only automatically invalidate an entity from becoming member, but it would also prevent them from voicing an alternate view at all. Yet, many organizations advocating for animal protection, welfare, and rights will typically have strong reservations on the use of animals in such contexts. The NFACC’s listed membership, which it qualifies as “partners”, is as follows:

- Alberta Farm Animal Care Association
- Canada Fox Breeders Association
- Canada Mink Breeders Association
- Canadian Bison Association
- Canadian Cattlemen's Association
- Canadian Federation of Agriculture
- Canadian Hatching Egg Producers
- Canadian Meat Council
- Canadian Pork Council
- Canadian Poultry and Egg Processors Council
- Canadian Sheep Federation
- Canadian Veal Association
- Canadian Veterinary Medical Association
- Chicken Farmers of Canada
- Dairy Farmers of Canada
- Dairy Processors Association of Canada
- Egg Farmers of Canada
- Equestrian Canada
- Federal government (AAFC or CFIA representative)
- Humane Canada
- Provincial Ministries of Agriculture (currently represented by Ontario)
- Research Community (currently represented by the University of Guelph)
- Restaurants Canada
- Retail Council of Canada
- Coalition of provincial SPCAs (Ontario, Saskatchewan, British Columbia)
- Turkey Farmers of Canada
- World Animal Protection Canada

National Farm Animal Care Council, 2019b

Humane Canada and World Animal Protection Canada are the only two organizations that have animal welfare as their primary mission out of twenty-seven partners (if the provinces are counted as one partner). In addition, out of twenty-two associate members who do not have the right to vote but nonetheless support the NFACC through affiliation, none of them are animal welfare-based organizations but rather other commodity groups, food distributors, or large restaurant and food retail companies. (Ibid) This lack of balance with regards to different views of what “animal care” means seemingly ensures that the producer view prevails. Also, the federal and provincial governments are all official partners of the NFACC, which further confirms the close interest-based relationships cultivated between state officials and producer groups. It is important to note that state representatives are ex-officio non-voting members, which provides producers and their representatives with even greater unhindered power to self-regulate per the standards they wish to impose upon themselves. Essentially, we can infer that such a framework would enable producers to set minimum standards that would not inhibit their operations and profit margins.

Therefore, there are various interacting components in this case that illustrate the exceptionalist context of BC agriculture. First, there is the producer-centered composition of the NFACC and the fact that British Columbia recognizes this organization as the ultimate authority and knowledge experts on animal welfare. Second, there is the selection by the provincial government and the courts of this producer-vetted code as the legally entrenched standard by which to measure farm animal practices with regards to welfare. Then BC Agriculture Minister Norm Letnick stated that the government’s decision to take the Dairy Code as the welfare standard was made following discussions with the provincial dairy industry as well as the BCSPCA [although, as mentioned previously, unofficial conversations with managerial staff denied that] (Canadian Broadcasting Corporation, 2015). This demonstrates the power of agri-food stakeholders and the successful impact they have on establishing standards for their own regulation that reflect and respond to their interests and that they pre-vetted. By the same token, it also demonstrates how institutions such as the British Columbia Ministry of Agriculture provide space for a closed policy community to influence the implementation of such policy instruments and to reify an ideational framework based on producer privilege.

As for Ontario, the very essence of the collaboration between the OSPCA and the DFO (regardless of which entity approached the other) is a valuable example of corporatism. The exchange of information between the two parties and the DFO’s privileged position where it can oversee and provide feedback about OSPCA cases is evidence of the special treatment the industry is getting. With the OSPCA being somewhat of an agent of the state in this case, extending such an “olive branch” to establish trust between the two parties serves to communicate that producers should not feel vilified but in fact considered as partners in the upholding of animal welfare. However, such producers and the practices that they establish within their facilities make them far from devoid of responsibility. Yet, the lobbies that represent them are provided front row seats with better capabilities to protect such manners of doing.

Ultimately, while each AWP was provided a unique descriptor based on how the province had approached it i.e. corporate capture, co-optation, judicialization, the foundational background of all three cases is the same, one that is characterized by exceptionalism and corporatism, which

manifested as interest group dominance, a lack of clear accountability to the people, and a marginal incrementalist approach that seeks to only minimally advance animal welfare.

Chapter VII: Implications & Conclusion

This thesis conducted a comparative analysis of animal welfare policies in select Canadian provinces with an emphasis on farm animals. The research questions guiding this exploration were the following:

Are there observable similarities and/or differences between animal welfare policies in the Canadian provinces of Quebec, Ontario, and British Columbia pertaining to farm animals? And are there observable factors that could explain such commonalities and variations?

The main objective was to map out what an animal welfare policy is based on indicators developed in public policy literature. Subsequently, the concept of AWP was used to apply a comparative lens on three provincial cases. Differences and similarities were indeed identified. Differences included the policies' origins, the approach used by each province i.e. corporate capture, co-optation, and judicialization, as well as the instruments used to operationalize the policies. These were attributed in part to distinct provincial historical developments. The similarities observed, however, were more systemic in nature and arguably therefore rather significant. They pertained to the dominance of agricultural and agri-food vested interests, the lack of accountability of such interests and of governmental institutions to the people, and a marginal incrementalist approach to policy that seeks to ensure minimal advancement in welfare as opposed to truly significant progress. It was hypothesized that those common factors were due to an overarching exceptionalist framework that applies to the agricultural sector across Canada and a corporatist approach that ensures an exclusive policy community that in turn privileges the producers' policy preferences. This framework and approach were advanced as factors that, at least in part, could explain some of the similarities observed in Canadian animal welfare policy.

What this study reveals is that farm animal welfare policy in Canada is essentially controlled by the agri-food business. This is visible in the patterns of policy described and should be further explored in future studies through the conceptual lenses of exceptionalism and corporatism. AWPs in Canada do not substantively tackle welfare issues and they do not truly protect the animals for which they exist. Instead, they act as a shell that host agricultural special interests and allow the latter to further their own profit and productivity-driven understanding of what welfare ought to be. By and large, it seems that animals are not the main consideration of animal welfare policy in provincial farming.

Limitations

There are limitations to this study. First, it could be argued that the provinces selected were too different from one another to create a coherent sample, thereby providing poor comparative potential. However, Quebec, Ontario, and British Columbia were chosen specifically because they allowed to account for Canada's varied regional fabric. They also shared comparable types and ranges of farm production. Moreover, information availability also affected case selection: all three policies had to be significant enough in each province's policy landscape so that there would be sufficient written and accessible material about them (even then, information availability was a challenge; see postscript for more details). Also, the selection was made by

giving particular attention to the timeframe, ensuring that all three cases were close together in time so that the socio-economic context could be somewhat controlled for. While it might have been beneficial to include additional provinces in the study, this work was limited to three cases for reasons of scope.

Second, the policies themselves could be deemed too distinct to be studied comparatively. Some concerned farm animals as a whole and others a specific subtype. British Columbia's policy was in response to an event, while Ontario's policy had an unknown origin and Quebec's was born out of an independent commission recommendation. Still, the commonalities that were observed in this study are ever more significant when the policies stem from varied contexts and provide greater weight to the hypotheses advanced. Additionally, given the decentralized nature of agriculture in Canada with provinces holding jurisdictional power over the sector, provincial experiences are bound to differ and evolve distinctly to a large extent.

Additionally, the AWP's were only subject to content analysis. The developmental stages were not addressed, including how the policy was formulated, what kind of discussions were had, and what alternative options were considered. The implementation of policy and how it performed was not approached either. Indeed, this work looked into what the policies were on paper, but did not target their application on the ground. And relatedly, the welfare of animals is largely affected by how, and to what extent, a policy is enforced. Finally, there are likely other factors that can provide explanatory weight for both differences and similarities observed in this work.

Ultimately, however, the objective of this study was to make the case for the integration of animal welfare as a legitimate topic of study in public policy. The number of animals that are impacted by political and policy structures aimed at regulating human activity is immense. In a societal context that is starting to attribute growing concern to the animal plight, especially ones used for human benefit, it ought to become part of the conversation in political science. By providing a description of each AWP based on a policy studies perspective, this thesis sought to contribute to the beginning of this conversation. While it took a preliminary look into how some provinces approach animal welfare and what underlying systemic factors might characterize this, future research should further investigate why they approach it in the way that they do. Subsequent work could engage in wider cross-provincial analyses and focus on the treatment of animals in a specific sub-industry e.g. dairy, egg production, or meat, or narrow down to regional production to benefit from a better focused sample. In summary, this study was not performed to generalize its findings across the Canadian policy landscape. Further research into animal welfare policy is needed.

What Next?

As mentioned earlier, perhaps the reason why animal welfare has not garnered much attention in political science so far is because it has not captured its imagination. And in that sense, the question is not so much how it could do so, but why it has not. Animals simply do not have agency in a system that is controlled by humans, for humans. In fact, animals are not people, and therefore are of no interest. The quality of their existence has very little bearing on the way we govern ourselves.

If government ever reconsidered its privileged relationship with agri-food producers in Canada and decided to balance the power they hold over the determination of animal well-being, such a change would be quite costly. This sector is so deeply embedded into the national and provincial political and economic fabric that situations seemingly unrelated to the agri-food industry actually may have deep and lasting repercussions. One such example is the Canada-China diplomatic quarrel over the 2018 arrest of Huawei Chief Financial Officer Meng Wanzhou. In June of 2019, pork importations from Canada were banned in China following alleged issues pertaining to the certification process of Canadian products. (Arsenault, 2019 and Lavoie, 2019) Agro-economic experts claimed that the ban, along with other sporadic market closures to other products, was in large part due to the arrest. (Ibid) In response to the diplomatic row, the Quebec Minister of Agriculture André Lamontagne estimated that the pork ban entailed revenue losses of \$6M a week. (The Canadian Press, 2019b) By September 11, producers estimated that their total losses were estimated at \$265M. (Les Éleveurs de porcs du Québec, 2019a) The Quebec Pork Producers and the provincial government publicly requested that federal powers urgently establish measures to financially support producers in this trying time and proposed that it should plan to compensate them for the losses incurred. (Les Éleveurs de porcs du Québec, 2019b) The producer conglomerate considered that it was the state's responsibility to keep their industry competitive and protect it from negative market conditions, something that both Canada and the provinces have historically acknowledged and carried out. The industry is indeed aware of the position of power it holds, and uses it accordingly.

This is but only one example of many. Other production types are also well-organized, well-resourced, and well-represented. Their massive presence in addition to their already privileged institutional positioning would be challenging to set in reverse. They hold significant economic reins, and while a fallout with various levels of government could entail hardship for the industry, it would also mean a massive decline in regional and electoral influence for government, as well as the loss of a powerful ally that shoulders the state in agricultural policy-making. And as a result, the rebalancing of priorities, for example towards animal welfare and away from a profitability-dictates-all approach, would have lasting consequences on government-lobby institutional arrangements.

For individuals who seek to improve the ways in which farm animals are treated, is fighting for better policy a worthwhile approach? In other words, should we focus on policy if it has so far failed to substantively address animal welfare for what it actually is? Certainly, in some ways, it would seem that conventional, state-sanctioned tools such as policies and laws are too deeply committed to and inextricably linked with lobby interests for distancing to take place, never mind a turnaround. A brief look at Ontario and Alberta ag-gag bills introduced as recently as 2019 shows that provincial governments will go to great lengths to protect farmers, not so much animals. Ontario's *Security From Trespass and Protecting Food Safety Act, 2019* (Bill 156) and Alberta's *Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019* (Bill 27) seek to silence whistleblowers from denouncing abuse on animal farms by imposing, for example, massive fines ranging from \$10,000 to \$25,000 for obtaining evidence such as footage of abusive practices. (Animal Justice 2019a; Ibid, 2019b; PETA, 2019; Scott-Reid, 2019) But if farming operations were regulated by standards that were indeed sufficient to uphold welfare, why would laws be necessary to keep the public out of the facilities that use animals for food production? Why are farms operating behind heavy and opaque curtains? And if the public's state representatives deploy what seems to be greater efforts to protect private corporations than

they do to ensure public transparency and accountability, then perhaps policy ought not to be the focal point of animal welfare advocacy after all.

Today, there is a growing public desire to know that animals have not been harmed in the process of food production. There are observable trends that are beginning to take hold thanks to actors outside the government and lobby domains, like humane product certifications. Although the qualitative definition of what “humane” means can vary widely from NFACC standards to far higher thresholds of acceptability depending on who you speak to, this space afforded to a nascent plurality of interests could mean that animal welfare might be able to flourish as a true issue up for consideration in agriculture. Ultimately, if the public begins to harness its power through actions such as its purchasing habits, producers and corporations might have to comply beyond what they feel comfortable with. And so perhaps action rooted in civil society, not the state, could be key.

The consideration of new foci of power could mean shifting attention from government to governance. This means a deemphasis of the importance of traditional policy instruments and decisions that are borne out of democratically elected officials. Maciel and Bock call political modernization the process characterized by a move away from the classical model of state-led government, the development of formal and informal linkages between actors i.e. the policy network, and the blurring of boundaries between the state, the market, and civil society. (2012) They studied modernization in animal protection politics and observed the creation of new coalitions of actors, mainly between food retailers and welfarist organizations, and their collaborative elaboration of standards. Specifically, they looked at the case of the veal industry in the Netherlands. The industry accepted to alter the conditions of animal rearing to allow greater movement and sociability capabilities as well as an improved diet. Although the disadvantage was a meat pinker in colour (as opposed to the internationally renowned pale veal meat), the retailers that adopted the new standards developed with farm animal welfare organizations benefitted from a humane certification label that differentiated them in the market and helped build a better reputation vis-à-vis mounting popular concern about animal well-being. (Ibid)

Maciel and Bock argue that such relationships between new stakeholders represents a new balance of power and resources. Private market actors wish to profit from the reputation-building and political legitimacy aspects of non-governmental, advocacy, and civil society organizations, while the latter also recognize that tools such as certification labels or other market-related instruments are more impactful than educational campaigns or lobbying, especially in the context of limited resources. (Ibid) Additionally, a new discourse on animal welfare emerges out of these new arrangements, and this in turn can shape policy. While this is but one example of alternative ways to bolster animal welfare, it shows that potential to yield results exists outside the confines of state-endorsed policy. If such coalitions took hold and culminated into new binding arrangements that regulated animal welfare in agriculture, and if those came to replace the policies that were formulated by an exclusive group of officials and lobbyists, that could signify a move away from corporatism and towards modernisation. However, given the pervasive influence of the agri-food industry, this transformation would have to be far-reaching across that sector and not just within areas that touch upon animal welfare in order to be successful. The unrooting of vested interests in public policy requires comprehensive change as opposed to siloed and partial alterations, especially since farm animal welfare is so tied to the economic health of the industry.

Ultimately, avenues for future research might include deeper and perhaps more comprehensive analyses of existing policy, but also more novel approaches to farm animal welfare. The public policy literature stands to benefit from exploring this very understudied policy area. Animal welfare policies are fascinating if not horrifying: in a speciest world, they are tools that regulate how we can treat a living being for our benefit, with that being never having had the opportunity to weigh in on how they wished to be treated themselves. Most of the time, their fundamental needs are ignored if not barely acknowledged because they are superseded by ours. Our world is one that exerts full hegemonic power over the animal kingdom, for whom we show little regard and a dismissive attitude. Scholarship should avoid mimicking political power dynamics. Instead, they should seek to determine why they are so.

Postscript: Information Availability – Impact on Mapping and Insight Into Dynamics

The most concerning issue in this thesis pertains to the challenge of finding substantive information on the cases of British Columbia and Ontario. Media reports, press releases, and web resources were rather scarce in detail. Beyond those items, the material was cursory. This informational gap led to attempts to contact some of the actors who played a role in the AWP. Exchanges with them (or the lack thereof) revealed that seeking out information beyond what is available on public fora could not resolve the challenge of data collection. It became apparent that the problem was more generalized and potentially pertained to a lack of transparency from the agencies, organizations, and government sectors involved in these cases. This situation could be a by-product of a corporatist context in which the state and animal welfare organizations seek to either serve or pacify the agricultural sector instead of prioritizing service to its constituents (including the respect of access to information rights) and the upholding of welfare advocacy respectively. The unavailability of such information could be due to an effort to dissimulate the fact that the state is not fully independent or impartial in crafting policy for the public good and that organizations indirectly or directly linked to state forces are also actively involved in responding to sector preferences. This is an issue that requires attention and is relevant for others who wish to pursue research of this kind. As such, the final chapter addresses the results of the attempts made to obtain information.

Efforts to Establish Contact with Involved Actors

Given the nature of the mapping exercise for AWP, it was anticipated that most of the information needed could be found in organizational records, policy briefing notes, memoranda, media accounts, and so on. The documentation that could be found online for the Quebec case was largely sufficient, but information was scarce for the two other cases. The following entities were thus contacted:

- The Ontario Society for the Prevention of Cruelty to Animals (OSCPA) (via the Communications Department and Deputy Chief Office);
- The Dairy Farmers of Ontario (via the Assurance Programs & Field Services as well as the Communications Sector);
- Ontario Pork;
- The Office of Ontario Legislative Member Mr. Erskine-Smith;
- The British Columbia Ministry of Agriculture (via the Director of Policy, Corporate Governance, Policy & Legislation Branch and their policy analysts);
- The British Columbia Society for the Prevention of Cruelty to Animals (BCSPCA) via the Manager of Policy and Outreach as well as the Coordinator of Policy;
- The British Columbia Ministry of Citizens' Services via a Freedom of Information Request; and
- Animal Justice Canada.

It must be mentioned that this thesis initially intended to focus on the policy

formulation stage and the process of dialogue and negotiation between the actors involved. However, while conducting research and reaching out to different entities, it became clear that it would be close to impossible to obtain insight on the mechanisms and inner workings of the policy formulation process for each case (at least for Ontario and British Columbia). Consequently, the approach to study AWP's was reviewed.

Very limited information could be extracted from exchanges with the actors listed above. Two observations are important to highlight from the information-gathering process. First, communication was challenging. Almost all entities acknowledged messages sent, but none of the exchanges resulted in substantive responses. Some expressed enthusiasm and interest in the research, but upon being provided with additional information and context as requested, follow-up efforts were rebuffed. Others claimed they simply did not have the information in question. Some provided more direct contact information (such as phone numbers) and stated they would be pleased to assist, but it was impossible to connect with them despite several tries and an agreed-upon time to speak. It must also be mentioned that the entities that were successfully reached shared early on that they would prefer to speak over the phone rather than provide written data for various reasons which ranged from unavailable or non-existent documentation to the alleged complexity of the information. The individuals that could be reached over the phone were informed in all transparency that this research could not use telephone conversations as an official source of information, although any conversation that could provide advice on where to find documentation would be greatly appreciated. Some stated directly or by insinuation that they would be prepared to answer a survey or participate in an interview, but it was clear that written documentation would not be provided. Some stated that it would take them months to track down relevant research, briefings, and discussion notes, etc. Others stated that they would not have much to provide verbally in any case. It is possible that these responses, or lack thereof, might be symptomatic of two related issues: a lack of transparency and a lack of records-keeping. And, consequently, concerns about accountability arise from these shortcomings.

The lack of transparency might stem from the considerable involvement of lobby groups such as dairy farmers and the agri-food sector more generally. Negotiation with lobby groups is seldom put on public display and those groups also owe accountability to their stakeholders, not the general population. At times it seemed that the bodies contacted were simply unwilling to provide the information requested. The Director of Policy of the British Columbia Ministry of Agriculture shared that many key decisions are part of a much larger set of considerations, which include months of consultations and significant stakeholder engagement and exchanges. This is indeed the reality of policy-making: the process is very rarely a linear one. Lasswell's steps of the policy cycle is a useful and important theoretical categorization exercise to make sense out of the policy-making process. In reality, however, the latter is messier and not as clear cut. Nonetheless, the outcome is that neither the civil service nor the stakeholders involved in these policy conversations can give citizens an account of the process and of its content, regardless of whether it is due to an unwillingness to share the data or the inability to account for it. Ultimately, there is very little information available and/or accessible to citizens, which indicates that decision-making for these cases appears to be a closed-door and/or untracked process.

Contact was established with the Senior Policy Analyst in charge of the animal welfare dossier for the BC Ministry of Agriculture. Their account indicated that there was very little documentation available because the integration of the Dairy Code as regulation took place very

rapidly. The Chilliwack farm incident was confirmed as not only the focusing event but a “crisis issue” which pushed the government to act swiftly. The rationale provided behind the lack of data is that normally, the resolution of crisis situations forces the government to focus on actions, not documentation. They further confirmed, however, that the information required was found in a briefing note and an Order in Council (a document dedicated for cabinet briefing), which they were unable to provide me given their highly confidential nature.

The case of British Columbia was particularly interesting because of how uninformed the BCSPCA seemed to be about the process by which the Dairy Code integration came to fruition. The extent of what the BCSPCA could provide in terms of related documentation was the written pleas via memoranda they made to the Ministry of Agriculture. According to what they shared verbally, it seems that they were not at the discussion tables. Rather, they were able to secure a meeting with high ranking governmental officials regarding the matter in order to convey their position on the issue, but nothing more. Their apparent lack of power and the fact that they were not used as a consultant or active stakeholder in this case is rather surprising given the BCSPCA’s otherwise far-reaching involvement in the provision of animal welfare services and the upholding of provincial legislation. The apparent disconnect between their mandate, their expertise, and their level of involvement in this particular case seems to indicate that the policy-making process is mostly if not entirely state-led, despite the contracting of its responsibilities to a third party. Surprisingly, the BC government contacts did say that the BCSPCA had been thoroughly consulted as an active stakeholder. Different actors thus provided contradictory details that could not otherwise be validated.

Seeking Information Through Formal Mechanisms Available to the Public

In an attempt to gather more information than what readily available data and contacts could provide for the BC case, an access to information request was filed through the Open Government-Freedom of Information website. It was formulated as follows:

All meeting minutes and notes of decisions taken at meetings as well as all copies of briefing notes and Orders in Council intended for the Minister of Agriculture which pertain to the Prevention of Cruelty to Animals Act. (Date Range for Record Search: From 06/01/2014 To 04/22/2016)

The dates specified were selected to reflect the timeframe delineated by the date when information was released about the Chilliwack abuse case and the date at which the dairy code became integrated regulation for interpretation of the PCA Act. The selection of this time frame would thus maximize the potential of finding relevant documentation about the process behind such a decision. The request was moreover formulated in such a way to avoid providing too much detail about what information was being sought given the observed reluctance by civil service officials to speak about the topic.

The Information Access Operations Unit of the Ministry of Citizens’ Services responded by e-mail. An initial assessment of cost had been calculated per the request. According to the *Freedom of Information and Protection of Privacy Act* (FOIPPA) section 75.1, fees may be charged for the processing of requests. (Government of British Columbia, 2020b) While the first

three hours of labour to search and find the record as well as to redact information from the record are free, subsequent labour by default are at a cost. (Ibid) There is also a disclaimer that states that actual cost of request processing may be different than the original estimate. At the onset, the estimate for the request stood at \$330.00.

Any citizen who has made an access to information request can, however, make a case for a complete or partial fee waiver. The citizen bears the burden of proof to establish that a waiver is appropriate, and such a case can be made per two factors: an inability to pay and/or the public interest potential of the request. For the purposes of this study, the second option was selected. As such, the Information Access Operations team asks that the following questions be answered:

- Has the information been the subject of recent public debate?
- Does the subject matter of the record relate directly to the environment, public health, or safety?
- Would dissemination of the information yield a public benefit by
 - o disclosing an environmental, public health or safety concern
 - o contributing meaningfully to the development or understanding of an important environmental, health, or safety issue, or
 - o assisting public understanding of an important policy, law, program, or service?
- Do the records show how the public body is allocating financial or other resources?

Appendix C

In addition, they state and ask:

If the head decides that the records do relate to a matter of public interest, then he or she must then determine whether you should be excused from paying all or part of the estimated fees. Factors that should be considered would include:

- o Is your primary purpose to disseminate information in a way that could reasonably be expected to benefit the public, or to serve a private interest?
- o Are you able to disseminate the information to the public?

Ibid

A detailed response was provided to the Operations team (for the full response, consult Appendix C). Without adding much contextual information on the purpose of the request, it did state that the information was being sought for a master's thesis, specifically to confirm the possibility that the information could be subsequently disseminated via the library repository.

Ultimately, in a letter dated January 17, 2019, the Information Access Operations team responded that “fees may be excused if the records relate to a matter of public interest, not whether or not a particular issue is of public interest.” (Ibid) Given that the response provided had failed to demonstrate the latter, the Ministry denied the request to waive the fee “[...] based on the determination that not all records in the request are in the public interest, and that the purpose of obtaining the records is primarily for educational purposes and not for sharing with the public.” There are a few identifiable issues with this response:

1. The Ministry seems to set its own criteria (which are unknown) of what records it deems to be of public interest. The current system demands that citizens provide a rationale that might convince the Ministry differently than what its own definition entails, as opposed to allowing citizens to determine themselves what is in their interest.
2. The reason why a citizen would request to see the content of records pertaining to an issue is because it is clearly of interest to them, and citizens are representatives of the public. If one citizen makes a request individually, it does not automatically mean that the request is not in the public interest. Similarly, an individual does not have the resources to consult fellow citizens to determine whether they can legitimately speak on behalf of a larger segment of the population when making a request, nor should they have to.
3. Serving the public is not the mandate nor the responsibility of the citizen. As such, it is problematic to ask an individual to demonstrate how their request is in the interest of the greater good.
4. The fact that a citizen is not considered “the public”, but must make a demonstration as to whether his or her request for information will benefit others is problematic. This assumes that collective rights seem to take precedence over individual rights and that the citizen does not carry sufficient weight to exercise his/her right.
5. The citizen does not know the contents of the records, so cannot speak to whether these contents will ultimately be in the public interest. The very reason why a citizen would ask to see records is to gain better knowledge of an issue and of the government’s outlook, perceptions, considerations, and decisions.
6. The fact that a request made for educational purposes is not considered as valid by the government is surprising. Once a request is answered, the contents generated by the request are published on the Ministry’s website. By default, it would have benefited the public by way of having more information about government decisions published with open access.
7. There is a paradox whereby this Department seems to ask for a demonstration of public interest beyond any reasonable doubt, so to speak. Meanwhile, Ministry representatives do not wish to put anything on record or to provide any information even verbally due to potential implications that such information may be disseminated beyond academic endeavours i.e. they were concerned that, since the thesis would be available through the online repository, it would be technically public and accessible to all.

It is important to note that up to that point, the Ministry did not officially refuse to provide the information. Rather, they imposed a financial limitation that could potentially prevent a citizen from accessing the data. As a result, the Ministry’s rules and regulations do not allow for an open, transparent, and accountable relationship with its citizens.

The demand for additional details pertaining to the request is not problematic in itself. The cost as well as the nature of the questions posed are, however. Such a cost is prohibitive and goes against the spirit of access to information. Information should not be accessible solely to citizens who can afford it. While the requestor may avail himself of the possibility to submit a fee waiver request based on the inability to pay, such a waiver is not guaranteed. All citizens should have access to the same information regardless of their financial situation. Otherwise, such a process can be discriminatory not in intent, but certainly in effect. What is more, it might be interesting to delve into the mandate of such teams dedicated to the processing of such requests. These teams are employed for that very purpose, and yet they charge supplemental fees as if the labour

involved was not included in their mandate. While it seems fair that a certain level of control, or a certain disincentive, must be added to prevent abuse of access rights which could result in excessive demands, the current situation may have damaging effects on our democratic values. Also, the other option i.e. to demonstrate that a requestor is financially limited, is rather invasive and asks that the citizen provide private information about his or her situation in exchange for governmental information. Ultimately, government (and by extension, the civil service, especially when cases such as these call for their expert knowledge to contribute to a governmental decision) ought to be accountable to the public, since government action is public action and/or action taken for the benefit of its citizens. The process by which it comes to a decision, and the decisions it makes, ought to be recorded for the purpose of good governance and transparency, and should be available if members of the public wish to consult them.

Interestingly, recently the federal information commissioner Suzanne Legault reported that the Canadian Access to Information Act was in effect protecting the government against openness and transparency rather than upholding their responsibility towards these principles. Legault's findings in the Information Commissioner of Canada's annual report 2016-2017 underline loopholes that allow agencies and ministries to "[...] withhold information rather than release it." (Bronskill, 2017) Legault referenced the Trudeau government's failed promises of reform, which in summer 2017 had not taken place due to the alleged complexity of the endeavour. In this case at the least, there is a public admission on behalf of the federal government that work must be done to render institutions more transparent. The information commissioner and opposition members clearly point to the need for a culture change from the bottom-up to instill such values throughout an expansive bureaucracy. (Ibid).

However, the BC privacy and information commissioner Michael McEvoy's latest and previous reports did not seem to have similar concerns (Office of the Information and Privacy Commissioner for British Columbia, 2017a and 2018). Since 2013-2014, the major issue identified in BC regarding access laws²³ pertains to the processing time of requests. (Office of the Information and Privacy Commissioner for British Columbia 2014, 2015, 2016, 2017a, 2017b, 2018) They addressed overdue files, time extension requests from agencies or ministries to his office, staffing issues, the benefits of proactive disclosure, data performance monitoring, and corrective measures for delays through a series of timeliness reports including 2017's "Timing is Everything: Report Card on Government's Access to Information Responses". (2017b). Government compliance vis-à-vis established time limits to process a request has been the priority.

Nonetheless, the FOIPPA's Division 2 – Exceptions section, articles 12.1 to 12.4 protects the BC government by rendering information inaccessible to members of the public if the record requested is more recent than fifteen years and if the information it contains was not deliberated in a meeting that was open to the public. (Government of British Columbia, 2020b) Essentially, in order to maximize one's chances to obtain content relevant to one's request, the topic of one's inquiry should have the following characteristics:

- The information should be in existence for fifteen years or more;

²³ Note: specifically, the Freedom of Information and Protection of Privacy Act (FOIPPA) and the Personal Information Protection Act (PIPA).

- The information should be related to “[...] a decision made by the Executive Council or any of its committees on an appeal under an Act [...]”;
- The information should be meant to have provided “[...] background explanations or analysis to the Executive Council or any of its committees for its consideration in making a decision [...]” and in a context where “[...] the decision has been made public, the decision has been implemented, or five or more years have passed since the decision was made or considered.”
- The information has been considered in a meeting that was open to the public.

Government of British Columbia, 2020b

Presumably, it seems that most of the information that the government would be willing to disclose to the public would be accessible only because they would have previously made it public in some form. This is information that they would perhaps feel comfortable posting on their website, but did not have the time or capability to do so prior to the access request.²⁴ Other characteristics, such as elapsed time or the low level of sensitivity of the documents concerned, clearly point to the government’s willingness to release information that is now either irrelevant to the current state of affairs or non-contentious generally. While this is to some extent understandable, it seems that the FOIPPA is nonetheless formulated in a way to protect government rather than making it accountable to the public. Therefore, even if the \$330.00 had been paid, it is likely that the amount of information that would be provided would be minimal and heavily redacted.

Interest Group Accountability Rests with Stakeholders

Transparency was also a problem with the Ontario case. The Dairy Farmers of Ontario is an interest group that is not required to share its records with the general public, as it is ultimately accountable to its constituents and stakeholders. Other commodity groups such as Ontario Pork were contacted to test whether the DFO was more reluctant than others to provide a copy of the Memorandum of Agreement. Unfortunately, no response was received from these groups, which leads to assume that they might have similar interpretations of their responsibility vis-à-vis the public. The OSCPA’s dual role prior to 2019, which included a legislative mandate, should still have rendered it somewhat answerable to the public. Given that no governance structure between the Ontario government and the OSPCA was established, however, there were no mechanisms, including dispositions for access to information, to require that OSPCA’s records be accessible in the same way as state-based records are supposed to be. Clearly, this was highlighted as an ongoing issue since in 2016, the Canadian Broadcasting Corporation (CBC) reported that civil society organizations were investigating the OSCPA and specifically its lack of transparency. (The Canadian Press, 2016) Additionally, since the government was not an explicitly involved party in the Memorandum of Agreement, the document could not be requested from them.

²⁴ According to this logic, it would be acceptable per government standards to publish this information online, or make it available for consultation, but they simply did not have the resources, time, capability, venue, or request to do so. When they provide a citizen with documentation following a request, they also publish it online post-facto.

Ultimately, very little information was provided by the Ontario SPCA beyond what was already publicly available, and that information was cursory or at least did not provide much insight.

As previously mentioned, the OSPCA brought many commodity groups to their podcast series to discuss the agreements that were struck with them over the past seven years. However, these interviews are ten-minute soundbytes which largely repeat what has already been published in the press releases for each agreement, namely, that the OSPCA and the given group will “work together”, that this will enhance collaboration and cooperation in complaint management between the two parties, and that the data-sharing and training will lead to better communication and understanding. Each commodity group is producer/farmer-focused, mostly producer/farmer-funded, and aims to represent their constituents and enhance their returns. In the podcasts, all commodity groups confirmed their commitment to animal welfare and considered their partnership with the OSPCA as an exemplification of the latter. Similarly, it seemed the OSPCA’s newfound relationship of trust with such groups made for a context where they did not challenge the groups’ conception of welfare but merely adhered to it to maintain open lines of communication and the capacity to intervene in cases of abuse/neglect in a more effective manner.

Informational Blackout: A Symptom of Corporatism?

Ultimately, the scarcity of information, especially in the Ontario and British Columbia cases, did not entirely compromise the policy mapping exercise. What it did do, however, is prevent this research from getting deeper, more granular information that could have provided more insight into the process by which the policies came to being. The reluctance to provide information, especially for educational purposes, is a questionable strategy in a time when cynicism and the lack of public engagement are considerable. What this exercise revealed is that access to information might be limited to the public because the state and/or the non-governmental organizations acting on its behalf seem to value their commitment to private interest more than their duty to uphold transparency and accountability to the population it represents and/or is funded by. This situation is the embodiment of a sector affected by a corporatist alliance, whereby both the government and special interests have entered into an agreement in which they will mutually support one another in exchange for power and loyalty. While Quebec was far more open with its documentation, its case is nonetheless just as symptomatic of a corporatist context in which it seems only the government and the vested agricultural interests get to decide on the future of animal welfare. Unfortunately, it seems that such a relationship creates an almost impenetrable shield, rendering the citizens and other groups the odd ones out when it comes to policy-making, decision-making and access to information. As such, the questions that were posed to the involved parties were met with annoyance and avoidance. Perhaps that is because those questions were never meant to be answered.

Bibliography

- Adams, Carol J. "What Came Before The Sexual Politics of Meat: The Activist Roots of a Critical Theory," in eds. Marianne DeKoven and Michael Lundbland, *Species Matter: Humane Advocacy and Cultural Theory*. Columbia University Press. 2012.
- Agriculture and Agri-Food Canada. "Canada's poultry and egg industry profile." Last modified June 26, 2017. Accessed January 22, 2018.
<<http://www.agr.gc.ca/eng/industry-markets-and-trade/market-information-by-sector/poultry-and-eggs/poultry-and-egg-market-information/industry-profile/?id=1384971854389>>
- Agriculture Canada. *Growing Together: A Vision for Canada's Agrifood Industry*. Supply & Services Canada. Ottawa: 1989.
- Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU). "Corporate Capture in Europe – When Big Business Dominations Policy-Making and Threatens our Right." Committee for the Abolition of Illegitimate Debt. 25 September 2018. Accessed 22 January 2020. <<http://www.cadtm.org/Corporate-capture-in-Europe-When-big-business-dominates-policy-making-and>>
- Anderson, Kym. "Globalization's Effects on World Agricultural Trade, 1960-2050." *Philosophical Transactions of The Royal Society of London. Series B, Biological Sciences* 365.1554 (2010): 3007-3021.
- Animal Justice. "Draconian New Alberta Law Will Further Conceal Animal Abuse on Farms." *Media Releases*. 29 November 2019a. Accessed 10 February 2020.
<<https://www.animaljustice.ca/media-releases/draconian-new-alberta-law-will-further-conceal-animal-abuse-on-farms>>
- Animal Justice. "New Ontario Bill Would Make It Illegal to Expose Animal Cruelty on Farms & Transport Trucks." 2 December 2019b. Accessed 10 February 2020.
<<https://www.animaljustice.ca/media-releases/new-ontario-bill-would-make-it-illegal-to-expose-animal-cruelty-on-farms-transport-trucks>>
- Animal Justice Canada. "OSPCA Act: A Better Way Forward – A Report on the Ontario Society for The Prevention of Cruelty to Animals Act." Toronto: 2013.
- Arsenault, Julien. "Le porc et le boeuf canadiens pourront de nouveau être expédiés en Chine." *Huffington Post*. 5 November 2019. Accessed 22 January 2020.
<https://quebec.huffingtonpost.ca/entry/porc-boeuf-canada-chine_qc_5dc1c898e4b08b735d612431?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2x1LmNvbS8&guce_referrer_sig=AQAAAI0H_z6L3IyurDp_gEIJY3fsnLLBUUGTwwvvcZwiYURETheHzDYGWn6b_98Qy-5scMqKQbQo4PWtVfZsceXwkxMAOM_1luVnQ_X8HLg7MaVfgHR6hTUJtd07rumUIJ7lb1yANJeVm70_gBZB3dZ5hm7NITLPdllYlmNzl1plPYVj>

- Assemblée Nationale du Québec. “Commission de l’agriculture, des pêcheries, de l’énergie et des ressources naturelles – Horaire détaillé des auditions.” 25 September 2019. Accessed 22 January 2020. <<http://www.assnat.qc.ca/fr/travaux-parlementaires/commissions/CAPER/mandats/Mandat-40773/horaire.html>>
- Association des Médecins Vétérinaires Praticiens du Québec. “Historique et mission.” 2016. Accessed 2 February 2020. <<https://www.amvpq.org/article/historique-et-mission/>>
- Association des vétérinaires en industrie animale du Québec. “Mission.” Undated. Accessed 2 February 2020. <<http://aviaquebec.ca/wp/accueil/mission/>>
- Atkins, Eric. “Milk Sales continue to slide as diets, society shift away from dairy.” *The Globe and Mail*. Published August 26, 2015. Accessed December 21, 2017. <https://www.theglobeandmail.com/report-on-business/milk-sales-continue-to-slide-as-diets-society-shift-away-from-dairy/article26117550/>
- Barnes, Heather. “Consumers Drive Farmer Decisions.” *Successful Farming*. 16 September 2017. Accessed 2 February 2020. <<https://www.agriculture.com/family/women-in-agriculture/consumers-drive-farmer-decisions>>
- Bell, Ryan. “Humane Animal Treatment Fields a New Generation.” *National Geographic*. 20 August 2015. Accessed January 27 2020. <<https://www.nationalgeographic.com/culture/food/the-plate/2015/08/20/humane-animal-treatment-fields-a-new-generation/>>
- Bennet, Judith and Vincent G. Jungkrunz (eds). *Political Theory and Animal/Human Relationship*. Albany: State University of New York Press, 2016.
- Benoit, Maude. “Qu’est-ce que le corporatisme? Conceptualisation et opérationnalisation du méso-corporatisme.” *Social Science Information* 51.2 (2012) : 217-237.
- Bouthillette, Jean-François. “Qui a peur des vaccins?” Report. *Radio-Canada*. 8 November 2019. Accessed 22 January 2020. <<https://ici.radio-canada.ca/premiere/emissions/les-annees-lumiere/segments/reportage/141446/vaccins-hesitation-parents-doute-craintes-rougeole-epidemie-couverture-vaccinale>>
- Bradley Andrea and Roderick John MacRae. “Legitimacy and Canadian Farm Animal Welfare Standards Development: The Case of the National Farm Animal Care Council.” *Journal of Agricultural and Environmental Ethics* 24.1 (2011):19–47.
- Braun, B. and S. J. Whatmore (eds). *Political Matter: Technoscience, Democracy, and Public Life*. Minneapolis: University of Minnesota Press, 2010.
- British Columbia Farm Animal Care Council. “Our Partners in Care.” Undated. Accessed 22 January 2020. <<http://www.bcfacc.ca/partners.htm>>

- British Columbia Society for the Prevention of Cruelty to Animals. “Adopting Codes of Practice Through Regulation for the *Prevention of Cruelty to Animals Act*.” Briefing Note, 2014.
- British Columbia Society for the Prevention of Cruelty to Animals. “Government announces great moos for dairy cattle in British Columbia.” 8 July 2015. Accessed 22 January 2020. <<https://spca.bc.ca/news/government-announces-great-moos-dairy-cattle-british-columbia/>>
- British Columbia Society for the Prevention of Cruelty to Animals. “Position Statement on Farm Animal Welfare.” Undated (a). Accessed 12 January 2020. <<https://spca.bc.ca/programs-services/leaders-in-our-field/position-statements/position-statement-farm-animal-welfare/>>
- British Columbia Society for the Prevention of Cruelty to Animals. “Rules change to improve the welfare of farm animals.” 8 March 2018. Accessed 31 October 2019. <https://spca.bc.ca/news/rules-change-to-improve-the-welfare-of-farm-animals/>
- British Columbia Society for the Prevention of Cruelty to Animals. “Support of Incorporation of Dairy Code of Practice into a Regulation to the PCA Act.” Letter of Support from BCSPCA Chief Executive Officer to Minister of Agriculture Norm Letnick. 15 May 2015.
- British Columbia Society for the Prevention of Cruelty to Animals. “Why Don’t Animal Abusers Go To Jail?” Undated (b). Accessed 30 May 2020. <<https://spca.bc.ca/faqs/%E2%80%8Bwhy-dont-animal-abusers-go-jail/>>
- Brodie, Janine. “The New Political Economy of Regions,” in *Understanding Canada: Building on the New Canadian Political Economy*, eds Wallace Clement. Montreal: McGill-Queen’s University Press, 1997.
- Bronskill, Jim. “Government Uses Access to Information Act as ‘Shield’ Against Openness: Czar.” *Canadian Broadcasting Corporation*. 8 June 2017. Accessed 2 February 2020. <<https://www.cbc.ca/news/politics/access-to-information-act-report-1.4151446>>
- Brunelle, Thierry, Patrice Dumas and François Souty. “The Impact of Globalization on Food and Agriculture: The Case of the Diet Convergence.” *The Journal of Environment & Development* 23.1 (2014): 41-65.
- Bull, Martin J. “The Corporatist Ideal-Type and Political Exchange.” *Political Studies* 40.2 (1992): 255–272.
- Cameron, Daphné. “Centre de recherche sur les grains: trois administrateurs enregistrés comme lobbyistes.” *La Presse*. 7 February 2019. Accessed 2 February 2020. <<https://www.lapresse.ca/affaires/economie/agroalimentaire/201902/07/01-5213851-centre-de-recherche-sur-les-grains-trois-administrateurs-enregistres-comme-lobbyistes.php>>

- Canadian Broadcasting Corporation. “Mercy for Animals Accusations Leads B.C. to Adopt National Dairy Cow Guidelines.” *CBC News* 8 July 2015. Accessed 22 January 2020. <<https://www.cbc.ca/news/canada/british-columbia/mercy-for-animals-accusations-leads-b-c-to-adopt-national-dairy-cow-guidelines-1.3143973>>
- Canadian Dairy Commission. “Consumption.” Last modified 12 July 2017. Accessed 22 January 2018. <http://www.cdc-ccl.gc.ca/CDC/index-eng.php?id=3800>
- Canadian Dairy Information Centre. “Number of farms, dairy cows and heifers: Overview of the Canadian dairy industry at the farm.” Undated (Last modified 2019). Accessed 27 January 2020. <https://www.dairyinfo.gc.ca/index_e.php?s1=dff-fcil&s2=farm-ferme&s3=nb>
- Canadian Food Inspection Agency. “Humane Handling and Slaughter of Food Animals in Canada.” Web. Last updated October 10, 2014. Accessed February 27, 2017. <<https://www.inspection.gc.ca/food-safety-for-industry/information-for-consumers/fact-sheets-and-infographics/products-and-risks/meat-and-poultry-products/humane-handling/eng/1363460100144/1363460243413>>
- Canadian Food Inspection Agency. “Humane Transport / Animal Welfare”. Web. Last Updated December 5, 2016. Accessed February 26, 2017. <<http://www.inspection.gc.ca/animals/terrestrial-animals/>>
- Cavalieri, Paola. “Consequences of Humanism, or, Advocating What?” in eds. Marianne DeKoven and Michael Lundbland, *Species Matter: Humane Advocacy and Cultural Theory*. Columbia University Press. 2012.
- CBC News. “Mercy for Animals accusations leads B.C. to adopt national dairy cow guidelines.” *Canadian Broadcasting Corporation News*. 8 July 2015. Accessed 22 January 2020. <<https://www.cbc.ca/news/canada/british-columbia/mercy-for-animals-accusations-leads-b-c-to-adopt-national-dairy-cow-guidelines-1.3143973>>
- Charbonneau, France and Renaud Lachance. *Rapport final de la Commission d’enquête sur l’octroi et la gestion des contrats publics dans l’industrie de la construction*. Montréal : Bibliothèque et Archives nationales du Québec, 2015. Accessed 22 January 2020. <https://www.ceic.gouv.qc.ca/fileadmin/Fichiers_client/fichiers/Rapport_final/Rapport_final_CEIC_Integral_c.pdf>
- Commission sur l’avenir de l’agriculture et de l’agroalimentaire québécois. Homepage. Undated(a). Accessed 19 May 2020. <<http://www.caaaq.gouv.qc.ca>>
- Commission sur l’avenir de l’agriculture et de l’agroalimentaire québécois. “Qui sommes-nous?” Undated(b). Accessed 19 May 2020. <<http://www.caaaq.gouv.qc.ca/commission/qui.fr.html>>
- Cook, Emily. Ontario SPCA and Humane Society. “Canada given ‘D’ in animal protection,

- welfare.” 7 January 2015. Accessed 20 January 2020. <<http://ontariospca.ca/blog/canada-given-d-in-animal-protection-welfare/>>
- Corbey, Raymond and Annette Lanjouw. “Introduction: Between Exploitation and Respectful Coexistence,” in eds Raymond Corbey and Annette Lanjouw, *The Politics of Species: Reshaping our Relationships with Other Animals*. Cambridge: Cambridge University Press. 2014.
- Corman, Lauren. “Impossible Subjects: The Figure of the Animal in Paulo Freire’s Pedagogy of the Oppressed.” *Canadian Journal of Environmental Education* 16 (2011): 29-45.
- Corman, Lauren. “The Ventriloquist’s Burden : Animal Advocacy and the Problem of Speaking for Others.” In *Animal Subjects 2.0*, eds. Jodey Castricano and Lauren Corman. Waterloo: Wilfrid Laurier University Press, 2016.
- Corporate Europe Observatory. “Corporate Capture in Europe: When big business dominates policy making and threatens our rights.” 24 September 2018. Accessed 22 January 2020. <<https://corporateeurope.org/en/power-lobbies/2018/09/corporate-capture-europe>>
- Cortner, Richard. “Strategies and Tactics of Litigants in Constitutional Cases.” *Journal of Public Law* 17 (1968): 287-307.
- Couture, Stéphane. “Activist Scholarship: The Complicated Entanglements of Activism and Research Work.” *Canadian Journal of Communication* 42.1 (2017): 143-147.
- Dairy Farmers of Canada. “Pro-Action On-Farm Excellence.” Undated. Accessed 22 January 2020. <<https://www.dairyfarmers.ca/proaction>>
- Dairy Farmers of Ontario. “Working Together for Animal Welfare: DFO and OSPCA agree to co-ordinate resources.” *Issues Update*. March 2012. Accessed 22 January 2020. <https://www.milk.org/Corporate/pdf/Farmers-OSPCA_Factsheet.pdf>
- Daugbjerg, Carsten and Peter H. Feindt. “Post-exceptionalism in public policy: transforming food and agricultural policy.” *Journal of European Public Policy* 24.11 (2017): 1565-1584.
- DeKoven, Marianne and Michael Lundblad. “Animality and Advocacy,” in eds. Marianne DeKoven and Michael Lundbland, *Species Matter: Humane Advocacy and Cultural Theory*. Columbia University Press. 2012.
- Derrida, Jacques. *The Animal that I Therefore Am*. Fordham University Press. 2008.
- Donaldson, Sue and Will Kymlicka. *Zoopolis: A Political Theory of Animal Rights*. Oxford University Press. 2011.
- Dunayer. Joan. “The Rights of Sentient Beings: Moving Beyond Old and New Speciesism,” in

- eds. Raymond Corbey and Annette Lanjouw, *The Politics of Species: Reshaping our Relationships with Other Animals*. Cambridge: Cambridge University Press. 2014.
- Duncan, Ian. "Animal Welfare Issues in the Poultry Industry: Is There a Lesson to Be Learned?" *Journal of Applied Animal Welfare Science* 4.3 (2001):207-221
- Duncan, Ian. "Science-based Assessment of Animal Welfare: Farm Animals." *Revue scientifique et technique (International Office of Epizootics)* 24.2 (2005): 483-492.
- Duncan, Ian. "Who's Afraid of The Big Bad Glove? Testing for Fear and Its Correlates in Mink." *Applied Animal Behaviour Science* 133.3 (2011):254-264
- Etzkowitz, H., & Loet Leydesdorff. *Universities and the Global Knowledge Economy: A Triple Helix of University-Industry-Government Relations*. London: Pinter. 1997.
- Fagan, Laurie. "Appeal court reverses SPCA ruling." *Canadian Broadcast Corporation News*. November 14, 2019. Accessed 22 January 2020
<<https://www.cbc.ca/news/canada/ottawa/spca-ontario-animals-cruelty-courts-1.5359877>>
- Flood, Michael, Brian Martin & Tanja Dreher. "Combining Academia and Activism." *Australian Universities' Review* 55.1 (2013): 17-26.
- Francois, Twyla. "Ditching in Drovers: Why Canadians Are Dropping Milk." Huffington Post. Published December 15, 2014. Accessed December 21, 2017.
<http://www.huffingtonpost.ca/twyla-francois/canadians-dairy-industry_b_6280934.html>
- Fraser, David, Katherine E. Koralesky, and Geoff Urton. "Toward a Harmonized Approach to Animal Welfare Law in Canada." *The Canadian Veterinary Journal* 59.3 (2018): 293-302.
- Garner, Robert. *A Theory of Justice for Animals*. Oxford University Press. 2013.
- Garner, Robert. "Political ideological and the moral status of animals." *Journal of Political Ideologies* 8.2 (2003).
- Gillespie, K. and Rosemary-Claire Collard, eds. *Critical animal geographies: Politics, intersections and hierarchies in a multispecies world*. New York: Routledge. 2015.
- Global News. "Strong Reaction to Chilliwack Dairy Farm Animal Abuse." *Global News*. 10 June 2014. Accessed nd. <<https://globalnews.ca/video/1386880/strong-reaction-to-chilliwack-dairy-farm-animal-abuse>>
- Gouvernement du Québec. B-3.1 *Loi sur le bien-être et la sécurité de l'animal*. 2015a
<<http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/B-3.1?langCont=fr>>

- Gouvernement du Québec. P-29. *Loi sur les produits alimentaires*. 2000.
<<http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/P-29>>
- Gouvernement du Québec. P-41.1. *Loi sur la protection du territoire et des activités agricoles*. 1996.
- Gouvernement du Québec. P-42, r.11. *Regulation respecting the sale of livestock by auction*. 1981. <<http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/P-42,%20r.%2011/>>
- Gouvernement du Québec. P-42, r.4.2 *Regulation to designate contagious or parasitic diseases, infectious agents and syndromes*. 2015b
<<http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/P-42,%20r.%204.2/>>
- Gouvernement du Québec. P-42, r.7. *Regulation respecting the identification and traceability of certain animals*. 2009. <<http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/P-42,%20r.%207/>>
- Gouvernement du Québec. “Profil sectoriel de l’industrie bioalimentaire au Québec : Édition 2018.” 2018a. Accessed 22 January 2020
<<http://www.stat.gouv.qc.ca/statistiques/agriculture/profil-bioalimentaire2018.pdf>>
- Gouvernement du Québec. *Projet de Loi 54 :Loi visant l’amélioration de la situation juridique de l’animal*. 2015c.
- Gouvernement du Québec - Entreprises Québec. “Stratégies et plans d’actions gouvernementaux.” Last updated 13 December 2019(a). Accessed May 22, 2019.
<<https://www2.gouv.qc.ca/entreprises/portail/quebec/infosite?lang=fr&x=1498132266>>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation. “Guide d’application de la loi sur le bien-être et la sécurité de l’animal.” 2018b. Accessed 27 September 2019.
<https://www.mapaq.gouv.qc.ca/fr/Publications/Guideapplication_Loi_Bien_etre_animal.pdf>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation. “Être partenaire.” 2019(b), Accessed 19 May 2020.
<https://www.mapaq.gouv.qc.ca/fr/unesante/partenerariat/Pages/partenaire.aspx>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation. “Concertation.” 2015d. Accessed 19 May 2020.
<<https://www.mapaq.gouv.qc.ca/fr/unesante/partenerariat/Pages/Concertation.aspx>>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation. *La fierté d’en vivre, le plaisir de s’en nourrir : une vision gouvernementale d’avenir pour l’agriculture et l’agroalimentaire Québécois*. 2008.
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation.

- “Recommendations issues du processus de concertation 2011.” 2011. Access n.d.
<<https://www.mapaq.gouv.qc.ca/fr/uneseante/Pages/uneseante.aspx>>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation. “Stratégie québécoise de santé et de bien-être des animaux.” 2010. Accessed 22 January 2020. <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/agriculture-pecheries-alimentation/publications-adm/strategie/PO_strategie_sante_bien-etre_animaux_MAPAQ.pdf?1546023874>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation. “Stratégie québécoise de santé et de bien-être des animaux: Bilan 2010-2015 – Les partenaires en action.” 2015e. Accessed 22 January, 2020.
<https://www.mapaq.gouv.qc.ca/SiteCollectionDocuments/Santeanimale/StrategieUNEsante/Bilan_2010-2015_sante_bien-etre_animaux_final.pdf>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation. “Stratégie québécoise de santé et de bien-être des animaux : Liste publique des organisations partenaires.” 2019c. Accessed 22 January 2020.
<<https://www.mapaq.gouv.qc.ca/SiteCollectionDocuments/Santeanimale/StrategieUNEsante/Listepubliquepartenairesoctobre2019.pdf>>
- Gouvernement du Québec - Ministère de l’Agriculture, des Pêcheries et de l’Alimentation – Direction générale de l’inspection et du bien-être animal. “Statistiques – Nombre d’inspecteurs et inspections – MAPAQ et Ville de Montréal.” 2017. Accessed 22 January 2020.
<https://www.mapaq.gouv.qc.ca/SiteCollectionDocuments/MinisterePortail/Access_information/Demandes_acces/2017/Aout2017/2017-07-18-009_Document.pdf>
- Gouvernement du Québec - Ministère de l’Économie et de l’Innovation. “Publications.” Last Updated 20 November 2019d. Accessed 20 May 2019.
<<https://www.quebec.ca/gouv/ministere/economie/publications/#c32261>>
- Gouvernement du Québec. *Règlement sur la réduction de la pollution d’origine agricole*. 1997. Repealed 2002-06-15. <<https://www.canlii.org/fr/qc/legis/regl/1997-goq-2-3483/24767/1997-goq-2-3483.html>>
- Government of British Columbia. *Animal Health Act* [SBC 2014] Chapter 16. 2014a. Accessed 30 May 2020.
<<http://www.bclaws.ca/civix/document/id/complete/statreg/14016#section79>>
- Government of British Columbia. “Animal Welfare.” Undated. Accessed 31 October 2019.
<<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/animals-and-crops/animal-welfare>>
- Government of British Columbia. *Bill-9 Prevention of Cruelty to Animals Act*. 2011. Accessed 22 January 2020.
<<http://www.bclaws.ca/civix/document/id/bills/billsprevious/3rd39th:gov09-1>>

- Government of British Columbia. Dairy Cattle Regulation. *Prevention of Cruelty to Animals Act*, B.C. Reg 132/2016 O.C. 366/2015. Latest version 2016. Accessed 22 January 2020. <http://www.bclaws.ca/civix/document/id/loo99/loo99/132_2015>
- Government of British Columbia. *Freedom of Information and Protection of Privacy Act* [RSBC 1996] Chapter 165. Latest version 2020b. Accessed 2 February 2020. <http://www.bclaws.ca/civix/document/id/complete/statreg/96165_06#section75>
- Government of British Columbia. *Milk Industry Act* [RSBC 1996] Chapter 289. Latest Version 2020c. Accessed 30 May 2020. <http://www.bclaws.ca/civix/document/id/complete/statreg/00_96289_01#section3>
- Government of British Columbia – Ministry of Agriculture. “Commodity – Dairy” Order No. 870.218-7. 2014b. Accessed 30 May 2020. <https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/farm-practices/870218-7_dairy.pdf>
- Government of British Columbia. *Prevention of Cruelty to Animals Act* [RSBC 1996] Chapter 372. Latest version 2020a. Accessed 22 January 2020. <http://www.bclaws.ca/civix/document/id/complete/statreg/96372_01>
- Government of British Columbia. *Wildlife Act* (RSBC 1996) Chapter 488. Accessed 30 May 2020. <http://www.bclaws.ca/civix/document/id/complete/statreg/96488_01>
- Government of Ontario. *Livestock Community Sales Act, R.S.O. 1990, c. L. 22*. Latest version 2019(a). Accessed 22 January 2020. <<https://www.ontario.ca/laws/statute/90l22>>
- Government of Ontario. *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O. 36*. Latest version 2019(b). Revoked January 1, 2020. Accessed 22 January 2020. <<https://www.ontario.ca/laws/statute/90o36>>
- Government of Ontario. *Provincial Animal Welfare Act, 2008, S.O. 2008, c.16 – Bill 50: An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act*. Revoked January 1, 2020. Accessed 22 January 2020. <<https://www.ontario.ca/laws/statute/S08016>>
- Government of Ontario. *Provincial Animal Welfare Services Act, 2019, S.O. 2019, c.13* Latest version 2020. Accessed 9 February 2020. <https://www.ontario.ca/laws/statute/19p13?_ga=2.72577939.1017162186.1581264083-1719164033.1581264083#BK92>
- Government of Ontario. *Standards of Care and Administrative Standards*. Ontario Regulation 60/09. Under the *Ontario Society for the Prevention of Cruelty to Animals Act*. Latest version 2019(c). Accessed 22 January 2020. <<https://www.ontario.ca/laws/regulation/090060>>

- Grandin, Temple. *Improving Animal Welfare: A Practical Approach, 2nd Edition*. Ed. Temple Grandin. Oxfordshire, United Kingdom: CAB International, 2015.
- Grandin, Temple. *Livestock Handling & Transport, 3rd Edition*. Ed Temple Grandin. Oxfordshire, United Kingdom: CAB International, 2007.
- Grant, Wyn, 1995. "Is Agricultural Policy still exceptional?" *The Political Quarterly* 66.3 (1995): 156-169.
- Hall, Peter. "Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain." *Comparative Politics* 25.3 (1993): 275-296.
- Hancox, Dan. "The unstoppable rise of veganism: how a fringe movement went mainstream." *The Guardian*. 1 April 2018. Accessed January 27 2020.
<<https://www.theguardian.com/lifeandstyle/2018/apr/01/vegans-are-coming-millennials-health-climate-change-animal-welfare>>
- Hinchliffe, Steve, Matthew B. Kearnes, Monica Degen, and Sarah Whatmore. "Urban Wild Things: A Cosmopolitan Experiment." *Environment and Planning D: Society and Space* 23.5 (2005): online publication.
- Howlett, Michael and Ben Cashore. "Conceptualizing Public Policy," in *Comparative Policy Studies: Conceptual and Methodological Challenges* eds. Isabelle Engeli and Christine Rothmayr Allison. London: Palgrave MacMillan – European Consortium for Political Research, 2014.
- Judd, Amy. "Employees fired after video surfaces of alleged animal abuse on Chilliwack dairy farm." *Global News*. 10 June 2014. Accessed 22 January 2020
<<https://globalnews.ca/news/1383736/employees-suspended-after-video-surfaces-of-alleged-animal-abuse-on-chilliwack-dairy-farm/>>
- Kennedy, Liz. "Corporate Capture Threatens Democratic Government." Center for American Progress. 29 March 2017. Accessed 22 January 2020.
<<https://www.americanprogress.org/issues/democracy/news/2017/03/29/429442/corporate-capture-threatens-democratic-government/>>
- Kohut, Tania. "Canadian grocers' move to cage-free eggs an 'important commitment'". *Global News*. Web. Published March 18, 2016. Accessed February 25, 2017.
<http://globalnews.ca/news/2586899/canadian-grocers-move-to-cage-free-eggs-an-important-commitment/>
- KPMG. Financial Statements of Ontario Society for the Prevention of Cruelty to Animals: Year ended December 31, 2017.
- Lavoie, Marc-Antoine. "Viande interdite en Chine: les producteurs de porc du Québec plongés

- dans l'incertitude." Radio-Canada. 26 June 2019. Accessed 22 January 2020. <<https://ici.radio-canada.ca/nouvelle/1199297/viande-porc-fermeture-marche-chine-reactions-incertitude-quebec>>
- Leder, Drew. "Old McDonald's Had a Farm: The Metaphysics of Factory Farming." *Journal of Animal Ethics* 2.1 (2012): 73-86.
- Legislative Assembly of the Province of British Columbia. Bill 9 – 2011. "Prevention of Cruelty to Animals Amendment."
- Les Éleveurs de porcs du Québec. "Accès au marché chinois: L'industrie Canadienne de la viande demande au gouvernement d'agir." 11 September 2019(a). Accessed 22 January 2020. <<https://www.leseleveursdeporcsduquebec.com/actualites/204-acces-au-marche-chinois-lindustrie-canadienne-de-la-viande-demande-au-gouvernement-d-agir.html>>
- Les Éleveurs de porcs du Québec. "Bien-être animal (BEAMC) – PorcBien-être." Undated. Accessed 20 August 2019. <<http://www.leseleveursdeporcsduquebec.com/21-6-production-responsable-bien-etre-animal-beamc-porc-bien-etre.html>>
- Les Éleveurs de porcs du Québec. "Les Éleveurs interpellent aussi le gouvernement du Québec." 23 August 2019(b). Accessed 22 January 2020. <<https://www.leseleveursdeporcsduquebec.com/actualites/200-les-eleveurs-interpellent-aussi-le-gouvernement-du-quebec.html>>
- Lipset, Seymour Martin. *American Exceptionalism: A Double-Edged Sword*. New York: WW Norton & Company. 1997.
- Lowe, Brian M and Caryn F. Ginsberg. "Animal Rights as a Post-Citizenship Movement." *Society and Animals* 10.2 (2015): 203-2015.
- Maciel, Carolina Toschi and Bettina Bock. "Modern Politics in Animal Welfare: The Changing Character of Governance of Animal Welfare and the Role of Private Standards." *International Journal of Sociology of Agriculture & Food* 20.2 (2012): 219-235.
- Martorell, Hugo and Elisabeth Abergel. "Building Joined-Up Agricultural Policies: Lessons from Québec." *Canadian Food Studies* 5.3 (2018): 259-265.
- McKenna, Maryn. "By 2020, Male Chicks May Avoid Death By Grinder." *National Geographic*. 13 June 2016. <<https://www.nationalgeographic.com/culture/food/the-plate/2016/06/by-2020--male-chicks-could-avoid-death-by-grinder/#close>>
- Montpetit, Eric and William D. Coleman. "Policy Communities and Policy Divergence in Canada: Agro-Environmental Policy Development in Quebec and Ontario." *Canadian Journal of Political Science* 32.4 (1999): 691-714.
- Moore, Dene. "Abuse of Cattle at B.C. Dairy Farm Prompts 'Disgust', Calls for Reform"

- The Globe and Mail*. 10 June 2014. Accessed 22 January 2020. <<https://www.theglobeandmail.com/news/british-columbia/animal-cruelty-charges-urged-as-bc-dairy-suspends-workers-over-grisly-video/article19088343/>>
- National Farm Animal Care Council. “Code of Practice for the Care and Handling of Dairy Cattle.” 2009.
- National Farm Animal Care Council. “Code of Practice for the Care and Handling of Farm Animals: Transportation.” 2001.
- National Farm Animal Care Council. “Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chickens and Turkeys.” 2016.
- National Farm Animal Care Council. “Code of Practice for the Care and Handling of Pullets and Laying Hens.” 2017.
- National Farm Animal Care Council. “Implementing Codes of Practice: Canada’s Framework for Developing Animal Care Assessment Programs.” Undated. Accessed 22 January 2020. <https://www.nfacc.ca/resources/assessment/animal_care_assessment_framework.pdf>
- National Farm Animal Care Council. “NFACC Membership.” 2019a. Accessed 22 January 2020. <<https://www.nfacc.ca/membership#conduct>>
- National Farm Animal Care Council. “Partners.” 2019b. Accessed 19 January 2020 <<https://www.nfacc.ca/partners>>
- Nibert, David A. *Animal Oppression and Human Violence: Domesecration, Capitalism, and Global Conflict*. Columbia University Press. 2013.
- Office of the Information and Privacy Commissioner for British Columbia. “Annual Report 2013-2014.” 2014. Accessed 2 February 2020. <<https://www.oipc.bc.ca/annual-reports/2171>>
- Office of the Information and Privacy Commissioner for British Columbia. “Annual Report 2014-2015.” 2015. Accessed 2 February 2020. <<https://www.oipc.bc.ca/annual-reports/2172>>
- Office of the Information and Privacy Commissioner for British Columbia. “Annual Report 2015-2016.” 2016. Accessed 2 February 2020. <<https://www.oipc.bc.ca/annual-reports/2173>>
- Office of the Information and Privacy Commissioner for British Columbia. “Annual Report 2016-2017.” 2017a. Accessed 2 February 2020. <<https://www.oipc.bc.ca/annual-reports/2174>>
- Office of the Information and Privacy Commissioner for British Columbia. “Annual Report

- 2017-2018.” 2018. Accessed 2 February 2020.< <https://www.oipc.bc.ca/annual-reports/2250>>
- Office of the Information & Privacy Commissioner for British Columbia. “Special Report – Timing is Everything: Report Card on Government’s Access to Information Responses, April 1, 2015 – March 31, 2017.” 2017b. Accessed 2 February 2020. <<https://www.oipc.bc.ca/special-reports/2074>>
- Olynk, Nicole J. “Assessing Changing Consumer Preferences for Livestock Production Processes.” *Animal Frontiers* 2.3 (2012): 32-38.
- Ontario Federation of Agriculture. Letter to Mike Zimmerman. December 14, 2016. Accessed 22 January 2020. <<https://ofa.on.ca/wp-content/uploads/2017/12/2016-OFA-letter-regarding-animal-welfare.pdf>>
- Ontario Ministry of Agriculture, Food and Rural Affairs. Legislation and Farming Practices: Factsheet. Order no. 12-027 AGDEX 700. 2012. <<http://www.omafra.gov.on.ca/english/engineer/facts/12-027.htm#4>>
- Ontario SPCA and Humane Society. “2012 Annual Report to Communities.” 2012. Accessed n.d. <http://ontariospca.ca/images/ospca_ar_4pages_jun13.pdf>
- Ontario SPCA and Humane Society. “Beef Farmers of Ontario.” Animals’ Voice Pawdcast. Season 3, Episode 17. 2015a. Accessed 22 January 2020. <<https://soundcloud.com/ospca/beef-farmers-of-ontario-animals-voice-pawdcast-season-3-episode-17>>
- Ontario SPCA and Humane Society. By-Law Number Nine. Undated(a).
- Ontario SPCA and Humane Society. “Memorandum of Agreement signed between OG and OSPCA.” Media Release. 25 February 2015b. Accessed 22 January 2020. <<https://ontariospca.ca/blog/memorandum-of-agreement-signed-between-og-and-ospca/>>
- Ontario SPCA and Humane Society. “Memorandum of Agreement signed between OVA and OSPCA.” Media Release. 25 June 2014. Accessed 22 January 2020. <<https://ontariospca.ca/blog/memorandum-of-agreement-signed-between-ova-and-ospca/>>
- Ontario SPCA and Humane Society. “Ontario Pork.” Animals’ Voice Pawdcast. Season 3, Episode 11. 2015c. Accessed 22 January 2020. <<https://soundcloud.com/ospca/ontario-pork-animals-voice-pawdcast-season-3-episode-11>>
- Ontario SPCA and Humane Society. “Ontario Sheep Marketing Agency.” Animals’ Voice Pawdcast. Season 3, Episode 10. 2015d. Accessed 22 January 2020. <<https://soundcloud.com/ospca/ontario-sheep-marketing-agency-animals-voice-pawdcast-season-3-episode-10>>

- Ontario SPCA and Humane Society. "Ontario SPCA Announces new Partnership with Ontario Pork." Media Release. Date not registered. Access n.d.
<<http://ontariospca.ca/media-centre/media-releases/782-ontario-spca-announces-new-partnership-with-ontario-pork.html>>
- Ontario SPCA and Humane Society. "Ontario SPCA's Partnership with Chicken Farmers of Ontario." Animals' Voice Pawdcast. Season 3, Episode 30. 2015e. Accessed 22 January 2020.
<<https://soundcloud.com/ospca/ontario-spcas-partnership-with-chicken-farmers-of-ontario-season-3-episode-30>>
- Ontario SPCA and Humane Society. "Ontario Veal." Animals' Voice Pawdcast. Season 3, Episode 15. 2015f. Accessed 22 January 2020. <<https://soundcloud.com/ospca/ontario-veal-animals-voice-pawdcast-season-3-episode-15>>
- Ontario SPCA and Humane Society. "Who we are." Undated(b). Accessed 22 January 2020.
<<https://ontariospca.ca/who-we-are/>>
- Perry, David. "A Movement Has Begun to Change The Way We Grow Our Food." *World Economic Forum*. 14 June 2017. Accessed 2 February 2020.
<<https://www.weforum.org/agenda/2017/06/how-consumer-demand-and-new-technologies-will-drive-sustainable-agriculture/>>
- PETA. "PETA Statement: Alberta's 'Ag-Gag' Bill." *News Releases*. 3 December 2019. Accessed 10 February 2020. <<https://www.peta.org/media/news-releases/peta-statement-albertas-ag-gag-bill/>>
- Postmedia News. "Undercover Investigation Reveals Horrific Cruelty at B.C. Dairy Farm, SPCA Recommending Charges." *National Post*. 10 June 2014. Accessed 22 January 2020.
<<https://nationalpost.com/news/canada/undercover-investigation-reveals-horrific-cruelty-at-b-c-dairy-farm-spca-recommending-charges>>
- Potentau, Doyle. "B.C. Cherry Association gets federal funding boost to expand export programs." *Global News*. Published 13 August 2019. Accessed 30 September 2019
<<https://globalnews.ca/news/5761535/bc-cherry-federal-support/>>
- Pynn, Larry. "FOI Documents Show Over 25 Per Cent of B.C. Dairy Farms Failed Inspections." *Vancouver Sun*. 18 September 2016. Accessed 30 May 2020.
<<https://vancouversun.com/news/local-news/foi-documents-show-over-25-per-cent-of-b-c-dairy-farms-failed-inspection>>
- Rowland, Michael Pellman. "Millenials Are Driving The Worldwide Shift Away From Meat." *Forbes*. 23 March 2018. Accessed January 27 2020.
<<https://www.forbes.com/sites/michaelpellmanrowland/2018/03/23/millennials-move-away-from-meat/#b84939ea4a49>>

- Rust, Jean M. “The Impact of Climate Change on Extensive and Intensive Production Systems.” *Animal Frontiers* 9.1 (2019): 20-25.
- Scali, Dominique. “Les inspecteurs de plus en plus victimes d’intimidation.” *Journal de Montréal*. 18 April 2017. Accessed 22 January 2020.
<<https://www.journaldemontreal.com/2017/04/18/les-inspecteurs-de-plus-en-plus-victimes-dintimidation>>
- Schneider, Anne and Helen Ingram. “Social Construction of Target Populations: Implications for Politics and Policy.” *The American Political Science Review* 87.2 (1993): 334-347.
- Scott, John. *A Dictionary of Sociology*. 4th Edition. Oxford: Oxford University Press, 2015. Online.
- Scott-Reid, Jessica. “New gag law prevents exposing animal abuse on farms.” *The Star*. 3 December 2019. Accessed 10 February 2020.
<<https://www.thestar.com/opinion/contributors/2019/12/03/new-gag-law-prevents-exposing-animal-abuse-on-farms.html>>
- Selley, Chris. “Supply management be damned. Is Canada on the brink of a butter revolution?” *The National Post*. Published 3 January 2019. Accessed 30 October 30 2019.
<<https://nationalpost.com/opinion/chris-selley-supply-management-be-damned-is-canada-on-the-brink-of-a-butter-revolution>>
- Shore, Randy. “New Regulations Introduced to Protect B.C. Dairy Cows from Cruelty.” *Vancouver Sun*. 14 July 2015. Accessed 22 January 2020.
<<http://www.vancouversun.com/life/regulations+introduced+protect+dairy+cows+from+cruelty/11211370/story.html>>
- Singer, Peter. *Animal Liberation: A New Ethics for Our Treatment of Animals*. HarperCollins. 1976.
- Skerritt, Jen and Josh Wingrove. “New NAFTA 'slap in the face' to Canada's dairy sector, farmers say.” *BNN Bloomberg*. 1 October 2018. Accessed 30 October 2019.
<<https://www.bnnbloomberg.ca/canadian-dairy-farmers-group-pans-new-usmca-pact-with-u-s-mexico-1.1145579>>
- Skogstad, Grace. “Ideas, Paradigms, & Institutions: Agricultural Exceptionalism in the EU and USA.” *Governance: An International Journal of Policy and Administration* 11. 4 (1998): 463-490.
- Skogstad, Grace. *Internationalization in Canadian Agriculture: Policy and Governing Paradigms*. Toronto: University of Toronto Press. 2017.
- St-Pierre, Michelle. “VISTA on the Agri-food Industry and the Farm Community: Changes in 38 Canadians’ Preferences for Milk and Dairy Products.” Statistics Canada. Report released April 21, 2017.

Statistics Canada. “2006 Census of Agriculture.” Date unspecified (last updated 2014). Accessed 27 January 2020. <<https://www150.statcan.gc.ca/n1/ca-ra2006/articles/snapshot-portrait-eng.htm>>

Statistics Canada. “2016 Census of Agriculture.” 2017. Accessed 27 January 2020. <<https://www150.statcan.gc.ca/n1/daily-quotidien/170510/dq170510a-eng.htm>>

Statistics Canada. “Figure 4: Proportion of all farms by farm type, Canada, 2006 and 2011.” Undated. Last Updated 2016. Accessed 27 January 2020. <<https://www150.statcan.gc.ca/n1/pub/95-640-x/2011001/p1/figs/figure4-eng.htm>>

Stephanopoulos, Nicholas. “Political Powerlessness.” *New York University Law Review*. Public Law Working Paper 526 (2015): 1527-1608.

The Canadian Press. “Bureaucrat who helped write animal welfare laws hired to investigate Ontario SPCA.” *Canadian Broadcast Corporation News*. October 25, 2016. Accessed 22 January 2020. <<https://www.cbc.ca/news/canada/toronto/spca-queens-park-animal-rights-1.3820061>>

The Canadian Press. “Judge finds OSPCA Enforcement Powers To Be Unconstitutional.” *Canadian Broadcast Corporation News*. 3 January 2019a. Accessed 9 February 2020. <<https://www.cbc.ca/news/canada/ottawa/animals-welfare-ospca-court-enforcement-1.4964605>>

The Canadian Press. “Quebec Pork Producers Losing Millions a Week in Trade Spat with China.” *CTV News*. 9 September 2019b. Accessed 22 January 2020. <<https://montreal.ctvnews.ca/quebec-pork-producers-losing-millions-a-week-in-trade-spat-with-china-1.4585008>>

Twine, Richard. “Addressing the Animal-Industrial Complex,” in eds Raymond Corbey and Annette Lanjouw, *The Politics of Species: Reshaping our Relationships with Other Animals*. Cambridge: Cambridge University Press. 2014.

University of Guelph – Campbell Centre for the Study of Animal Welfare. “Study Animal Welfare – Courses Offered.” Webpage undated. Accessed 26 January 2020a. <<https://www.uoguelph.ca/ccsaw/course-outlines>>

University of Guelph – Campbell Centre for the Study of Animal Welfare. “Study Animal Welfare – Undergraduate Programs.” Webpage undated. Accessed 26 2020b. <<https://www.uoguelph.ca/ccsaw/study-animal-welfare/undergraduate-programs>>

University of Guelph – Campbell Centre for the Study of Animal Welfare. “Study Animal Welfare – Graduate Programs.” Webpage undated. Accessed 26 2020c. <<https://www.uoguelph.ca/ccsaw/study-animal-welfare/graduate-programs>>

Vogeler, Colette S. “Farm Animal Welfare Policy in Comparative Perspective: Determinants of

- Cross-national Differences in Austria, Germany, and Switzerland.” *Contemporary Issues of Policy-Making Across Europe* 3 (2017): 20-47.
- White, Richard J. “Animal geographies, anarchist praxis, and critical animal studies,” eds. Kathryn Gillespie and Rosemary-Claire Collard, *Critical animal geographies: Politics, intersections and hierarchies in a multispecies world*. New York: Routledge. 2015.
- Wintonyk, Darcy. “Chilliwack Dairy Farm Workers Speak Out After Shocking Video Released.” *CTV Vancouver*. 10 June 2014. Accessed 22 January 2020.
<<https://bc.ctvnews.ca/mobile/chilliwack-dairy-farm-workers-speak-out-after-shocking-video-released-1.1861404?cache=yesclipId104062?clipId=89830>>
- Wiseman, Nelson. “Provincial Political Cultures,” in *Provinces: Canadian Provincial Politics* ed. Christopher Dunn (3rd edition) Toronto: University of Toronto Press, 2016.
- Wolfe, Cary. “Humane Advocacy and the Humanities: The Very Idea,” in eds. Marianne DeKoven and Michael Lundbland, *Species Matter: Humane Advocacy and Cultural Theory*. Columbia University Press. 2012.
- World Animal Protection. “Next Generation of Travellers Are Opting Out of Harmful Animal Activities.” *NewsWire*. 27 September 2018. Accessed January 27 2020.
<<https://www.newswire.ca/news-releases/next-generation-of-travellers-are-opting-out-of-harmful-animal-activities-694471931.html>>
- World Organisation for Animal Health (OIE). “About Animal Welfare.” Copyright 2020 (otherwise undated). Accessed 22 January 2020. <<https://www.oie.int/en/animal-welfare/>>
- York, Meg. “Dairy Factory Farm Convicted of Animal Cruelty.” *Mercy for Animals*. 13 April 2017. Accessed 22 January 2020. <<https://mercyforanimals.org/breaking-workers-at-canadas-largest-dairy>>

Appendix A: Canadian Farm Production Statistics

Table 7: Canadian Farms by Farm Type, 2006 and 2001

Canadian farms by farm type, 2006 and 2001

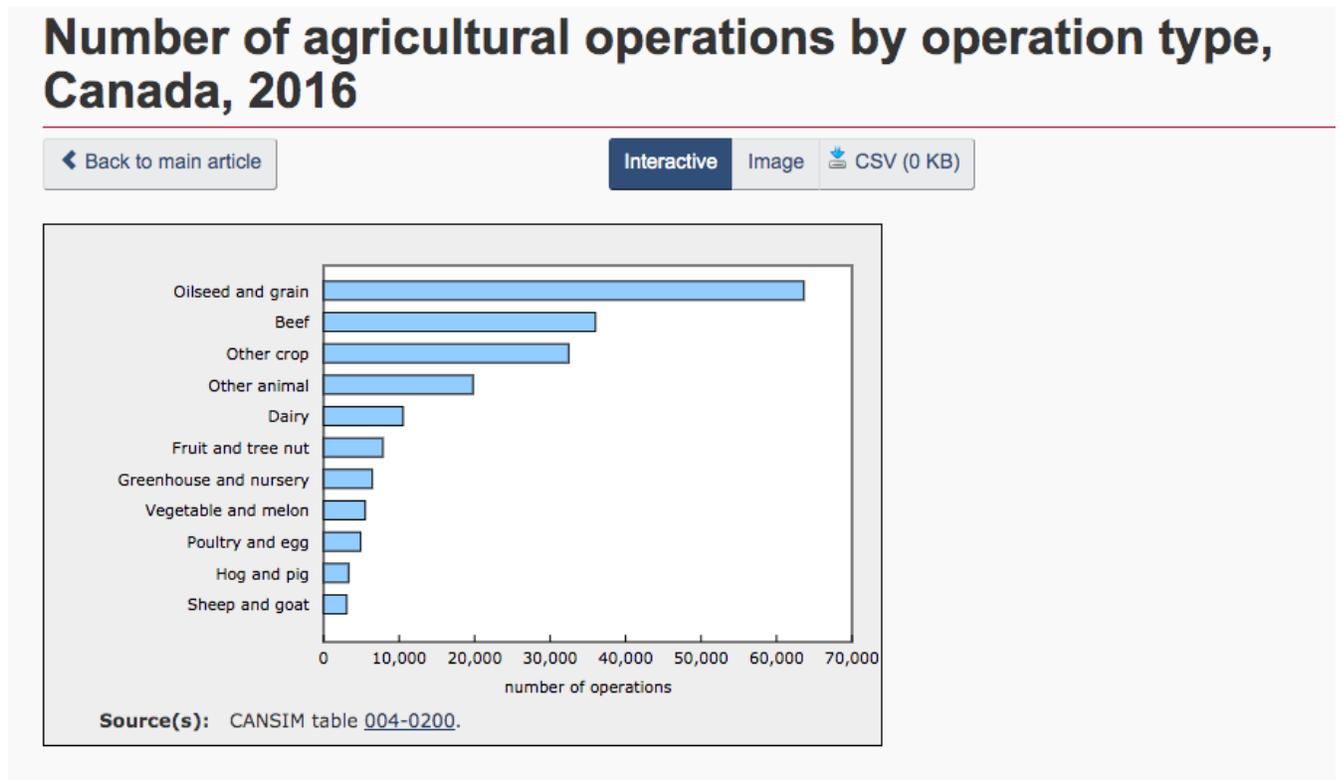
Farm type	2006		2001	
	Number of farms	Percentage of total farms	Number of farms	Percentage of total farms
Dairy	14,651	6.4%	18,321	7.4%
Beef	60,947	26.6%	67,838	27.5%
Hog and pig	6,040	2.6%	7,388	3.0%
Poultry and egg	4,578	2.0%	4,937	2.0%
All other animal production	30,594	13.3%	26,846	10.9%
Field crops	91,277	39.8%	101,041	40.9%
Fruit and vegetables	12,532	5.5%	11,663	4.7%
Greenhouse, nursery and floriculture	8,754	3.8%	8,889	3.6%
All farms	229,373	100.0%	246,923	100.0%

Source: Statistics Canada, Census of Agriculture, 2001 and 2006

Statistics Canada reported in its 2006 Census of Agriculture that while the number of farms are decreasing, their average size is increasing, going from 676 acres to 728 acres.

Source: Statistics Canada. "2006 Census of Agriculture." Date unspecified (last updated 2014). Accessed 27 January 2020. <<https://www150.statcan.gc.ca/n1/ca-ra2006/articles/snapshot-portrait-eng.htm>>

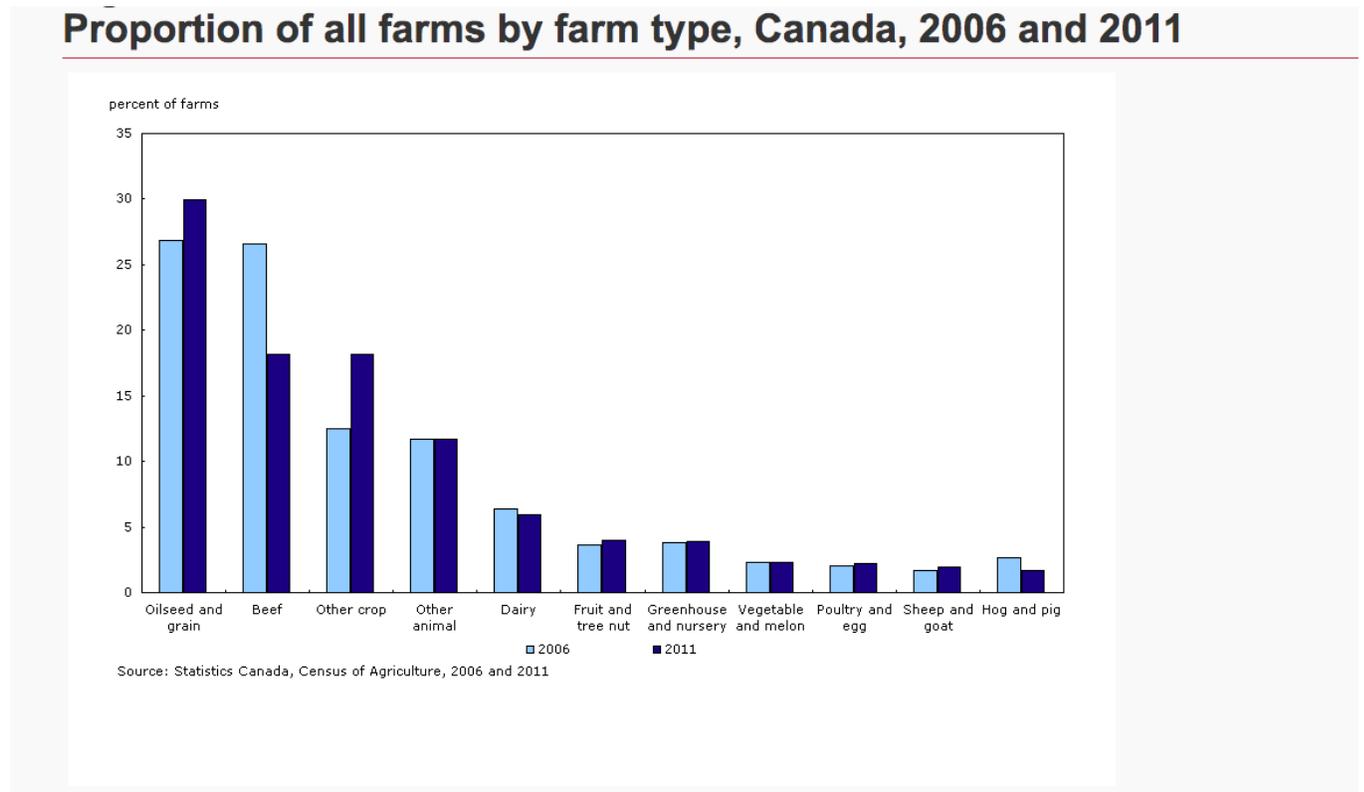
Graph 1: Number of Agricultural Operations by Operation Type, Canada, 2016



Statistics Canada reported in the 2016 Census of Agriculture that the trend of fewer but larger farm continues, with an average size of 820 acres.

Source: Statistics Canada. "2016 Census of Agriculture." 2017. Accessed 27 January 2020. <https://www150.statcan.gc.ca/n1/daily-quotidien/170510/dq170510a-eng.htm>

Graph 2: Proportion of All Farms by Farm Type, Canada, 2006 and 2011

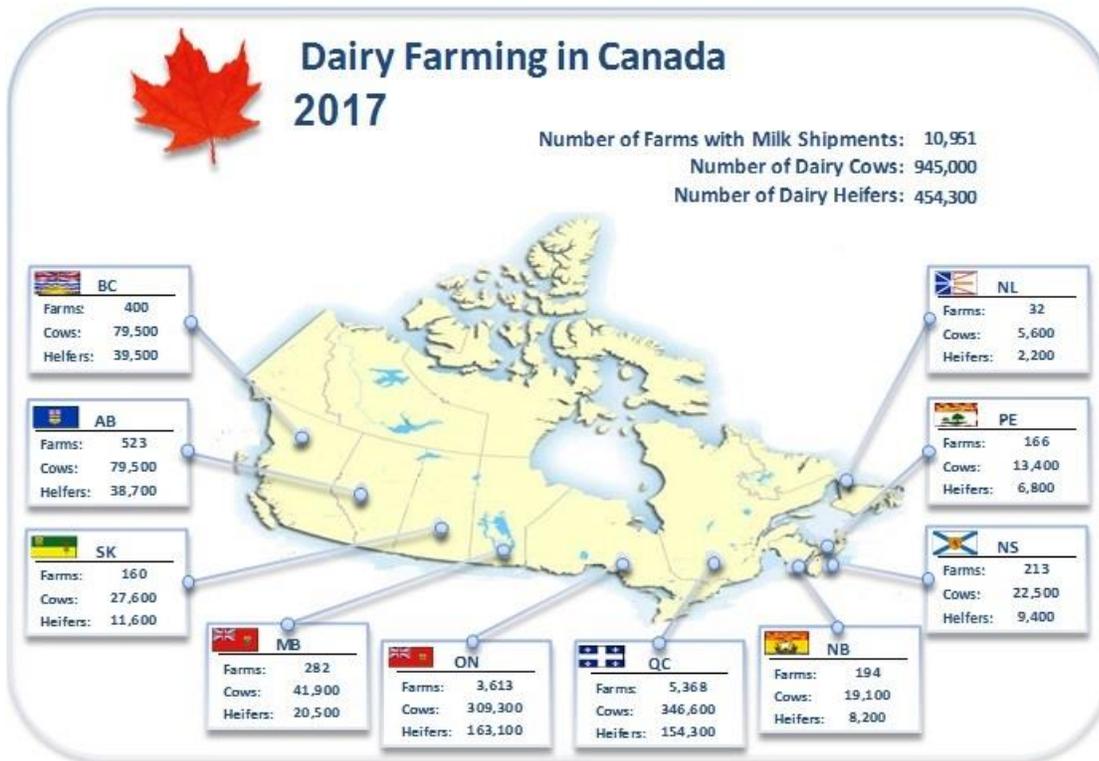


Source: Statistics Canada. “Figure 4: Proportion of all farms by farm type, Canada, 2006 and 2011.” Undated. Last Updated 2016. Accessed 27 January 2020.

<https://www150.statcan.gc.ca/n1/pub/95-640-x/2011001/p1/figs/figure4-eng.htm>

Appendix B: Canadian Farm Animal Numbers

Figure 3: Number of Dairy Farms, Cows, and Heifers by Province, Canada, 2017



Source: Canadian Dairy Information Centre. “Number of farms, dairy cows and heifers: Overview of the Canadian dairy industry at the farm.” Undated (Last modified 2019). Accessed 27 January 2020. <https://www.dairyinfo.gc.ca/index_e.php?s1=df-fcil&s2=farm-ferme&s3=nb>

Table 8: Egg and Other Avian-related Production Statistics by Province, Canada, 2017

2016 Provincial poultry facts											
	BC	AB	SK	MB	ON	QC	NB	NS	PE	NL	CANADA
Chicken producers [2]	325	244	67	118	1,177	748	37	87	8	6	2,817
Broiler stock hatcheries [4]	10	4	2	4	9	5	2	3	0	1	40
Number of federally inspected chicken slaughter plants	9	3	2	2	10	10	2	1	0	1	40
Number of provincially inspected chicken slaughter plants[*]	28	2	1	4	8	1	0	0	0	0	44
Total number of chicken slaughter plants [1]	37	5	3	6	18	11	2	1	0	1	84
Turkey producers [3]	67	48	11	56	179	152	18	20	0	0	551
Turkey hatcheries [1]	1	2	0	1	4	3	0	0	0	0	11
Number of federally inspected turkey slaughter plants	4	2	1	1	5	3	0	1	0	0	17
Number of provincially inspected turkey slaughter plants[*]	24	1	1	4	2	1	0	0	0	0	33
Total number of turkey slaughter plants [1]	28	3	2	5	7	4	0	1	0	0	50
Egg producers [5]	137	179	76	154	345	117	16	22	7	5	1,062
Laying egg hatcheries [1]	2	1	0	2	6	2	2	1	0	0	16
Egg grading stations [6]	23	41	10	22	61	16	7	12	2	1	197
Egg processors [1]	1	1	0	2	8	2	0	0	0	0	14
Broiler hatching egg producers [4]	52	30	10	23	76	36	4	12	0	0	243

Sources:
 [1] Canadian Food Inspection Agency, compiled by AAFC, Market Information (Poultry)
 [2] Chicken Farmers of Canada (CFC)
 [3] Turkey Farmers of Canada (TFC)
 [4] Canadian Hatching Egg Producers (CHEP)
 [5] Egg Farmers of Canada (EFC)
 [6] Farm Products Council of Canada (FPCC)

Source: Agriculture and Agri-Food Canada. "Canada's poultry and egg industry profile." Last Modified June 26, 2017. Accessed January 22, 2018. <<http://www.agr.gc.ca/eng/industry-markets-and-trade/market-information-by-sector/poultry-and-eggs/poultry-and-egg-market-information/industry-profile/?id=1384971854389>>

Appendix C: Response to the British Columbia Information Access Operations Team to Validate that the Request for Information is in the Public Interest for Fee Waiver

Provided to the Information Access Operations Team on December 28, 2018

Dear Nina MacKenzie,

Thank you for your response. I have carefully read the information you have provided. I am indeed opting to request a fee waiver, and do so per Section 75(5) of the FOIPPA 2) the record relates to a matter of public interest, including the environment or public health or safety. Each of the factors highlighted in your correspondence as imperative to the request are addressed below.

I also wish to provide context as to the purpose of my request. I am a Master's Candidate in the Public Policy and Public Administration Program at Concordia University in Montreal. I am conducting a comparative provincial study on governmental actions regarding farm animal welfare. In this instance, I am looking into the integration of the Dairy Code as regulation associated to the BC Prevention of Cruelty to Animals Act, and certain provisions thereof which make reference to "reasonable and generally accepted practices of animal management." (PCA Act article 24). This regulatory integration was a governmental response to cases of cruelty, specifically pertaining to the Chilliwack Farms abuse case in 2014.

Much of the data that I am using to conduct my research is primary data, which means documentation and information drafted, issued, created, and/or communicated by the civil service, ministries, elected officials, as well as interest groups and non-governmental organizations involved in the agricultural and agri-food sector. Since the information openly provided (on official websites, for example) is limited, I am seeking out more detailed information through other means, including access to information requests.

· **Has the information been the subject of recent public debate?**

Yes. The information is inextricably linked to the Chilliwack Farm abuse cases, and the latter, along with other cases and a more general consideration of farm animal treatment, have been the subject of significant and sustained public and media attention since 2014 in Canada. With the advent of social media and the increased popularity of activist organizations such as Mercy for Animals, undercover investigations are increasingly supported and gaining viewership. While the consequences for that particular case came in 2017, yet other cases have surfaced, including the one involving Elite Farm Services. Situations such as these, which can also be found in other provinces, result in strong public sentiment and reaction. The general response is that, while many people still support meat and dairy businesses, they do not wish for the animals involved to be treated poorly, or abused. The most pervasive public response is that legislation regulating the treatment of animals, as well as inspection programs, need to be strengthened so that such situations no longer take place.

More generally, farm animal welfare, or the treatment of farm animals in agricultural production facilities, transportation, and general handling practices, has received growing attention by the

general population in the past five years. According to numerous surveys in the United States, Canada, and Europe, consumers are increasingly aware of and concerned by the provenance of their food and the treatment of animals involved in food production. As a result, farmers and retailers have begun to adopt humane certifications as a way to respond to changing consumer preferences and demands for transparency and adequate animal treatment. Additionally, vegan food innovations are growing at a fast pace, with veganism anticipated as being the greatest food trend of 2019 for its environmental, health, and animal treatment benefits, a testament to growing social consciousness about animals generally and farm animals more specifically.

With an increasing amount of jurisdictions adopting a legal understanding of animals as sentient beings throughout the world, and highly mediatized and successful initiatives such as Proposition 12 in California which aimed to ban the extreme confinement of farm animals (laying hens, breeding pigs, male calves, etc.) in production facilities, it is fair to say that the prevention of cruelty to animals (including farm animals) is not only the subject of recent public debate, but has captivated the popular imagination.

What is more, such concern has infiltrated other areas of our life, including entertainment (Canada is working towards a captured whale and dolphin ban; Portugal has banned wild animal circuses; Florida has banned commercial greyhound racing for 2020), lifestyle (many cosmetics and fashion brands are going “cruelty-free” and have announced in 2018 that they would discontinue animal testing and the use of fur), and culinary preferences (the United States and Vietnam have passed dog meat trade legislation in 2018), and the environment (natural disasters such as Hurricane Florence in the Carolinas in 2018 has resulted in compromised agricultural facilities, with flooded waste pools and potentially contaminated food production as a result; Carolina-based medical practitioners advocated for a vegan diet at that time to avoid the potential of such natural disasters affecting public health on a vast level).

These are just a few examples. Many more legal, political, and social initiatives have taken place addressing animal treatment. As such, there is strong evidence that the prevention of cruelty has been the subject of recent public debate. In fact, there is strong evidence that it is getting sustained and increasing attention.

· Does the subject matter of the record relate directly to the environment, public health, or safety?

The subject matter of the record i.e. prevention of cruelty, relates directly to both the environment and public health.

The adequate treatment of farm animals i.e. treatment devoid of cruelty and abuse, contributes to the maintenance of their safety and health. Farm animals that are treated according to best practices as established by the NFACC, for example, are thus typically raised/living in a sanitary environment (cleanliness) with satisfactory disease management. This ensures the safe production of food products. Sanitary and safe food products in turn contribute to sustained public health and prevent the outbreak of health issues. Consequently, the treatment of farm animals is directly correlated to public health.

If animals are treated poorly, they are increasingly exposed to sub-par conditions that can generate injury and disease; animal injury and disease can impact food production; affected food production can impact public health.

Similarly, the treatment of farm animals can affect the environment. Inadequate care can lead to disease and devastating environmental consequences such as the spread of illness to wild, unregulated animals, which would inevitably affect the balance of our ecosystems and the safety of our lands (for example, we might be banned from visiting certain regions given potentially threatening outbreaks). While there are many other consequences of farm animal production on the environment, these pertain to the existence of animal production and not so much their adequate treatment per se.

- **Would dissemination of the information yield a public benefit by**
 - **disclosing an environmental, public health or safety concern**
 - **contributing meaningfully to the development or understanding of an important environmental, health, or safety issue, or**
 - **assisting public understanding of an important policy, law, program, or service?**

The dissemination of this information would yield a public benefit by assisting public understanding of important governmental action, which might include the adoption of the Dairy Code regulation in the interpretation of the PCA Act. The documentation would likely provide information on the government's reasoning and steps taken in the policy-making aspect of that integration. It will likely shed light on why the integration of the Dairy Code was seen as the best option to prevent abuses such as Chilliwack to occur again, and it will likely provide some of the expert knowledge used to come to this decision.

Often times, crisis situations arise and decisions are made, but the public remains unaware of how this decision came to fruition. The release of this information will serve to enhance public body transparency about their decision-making process and simultaneously will inform the public on at least partial aspects of policy-making. Specifically, it might demonstrate the pieces of information that are taken into considerations and how certain decisional options are weighed when assessing how best to respond to a situation while ensuring policy sustainability and posterity for potential future issues that might arise.

- **Do the records show how the public body is allocating financial or other resources?**

The records will likely not show how the public body concerned is allocating financial or other resources.

If the head decides that the records do relate to a matter of public interest, then he or she must then determine whether you should be excused from paying all or part of the estimated fees. Factors that should be considered would include:

- **Is your primary purpose to disseminate information in a way that could reasonably be expected to benefit the public, or to serve a private interest?**

The primary purpose of my research is to be able to contribute to the public policy and animal welfare literature, and as such, I do expect it to benefit the public.

In addition, with respect, insofar as I am a member of the public, this would be a benefit to my own person as a master's candidate gathering data for research. This information will enable me to get a fuller picture of British Columbia's governmental reflection pertaining to the prevention of animal cruelty. This information is otherwise not accessible to the general public via official online resources.

· **Are you able to disseminate the information to the public?**

The information will be available on record online at the Concordia University Libraries thesis repository, which is accessible to Concordia University stakeholders as well as the general population.

While I do strongly believe that I have provided an accurate demonstration as to the public benefit of releasing this information, I do nonetheless understand the scope and breadth of the information I am requesting, and wish to avail myself of an option your office has provided to reduce the labour associated with my request. As such, my request remains the same (*All meeting minutes and notes of decisions taken at meetings as well as all copies of briefing notes and Orders in Council intended for the Minister of Agriculture which pertain to the Prevention of Cruelty to Animals Act. (Date Range for Record Search: From 06/01/2014 To 04/22/2016)*) with the additional following qualifier:

Electronic copies of all findings