

# Proposal to Develop a Regulation under the *Animal Health Act, 2009* – “Hazard” Definition

## Summary of Proposal

The *Animal Health Act, 2009* (the Act) came into force in January 2010. It gives the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) important tools to detect and respond to findings of significant animal health hazards or other animal-related threats to human health in Ontario. Within the Act, the term “hazard” is a broadly-crafted statutory definition, and it includes more than just animal diseases.

Section 2 of the Act defines a “hazard” in the following way:

“hazard” means,

- (a) a disease or a biological, chemical, physical or radiological agent or factor,
  - (b) a condition of a premises or conveyance or the environment in which an animal, animal product, animal by-product, input, waste material, fomite, vector or any other thing is kept, housed, processed, raised, grown, displayed, stored, assembled, sold, offered for sale, slaughtered, transported or disposed of, or
  - (c) any other thing prescribed as a hazard,
- where in the absence of control, the disease, agent, factor, condition, environment or other thing, as the case may be, adversely affects or is likely to adversely affect the health of any animal or is likely to cause, directly or indirectly, significant harm to human health, but does not include any thing prescribed as excluded;

As contemplated within (c) of the above definition, the Lieutenant Governor in Council may make regulations prescribing that other things are also a hazard and are to be considered as part of the above definition. Clause 63 (1)(a) of the Act provides authority to make this regulation.

OMAFRA is proposing a new regulation to prescribe that, in addition to what is set out in the definition of “hazard” in section 2 of the Act, a “hazard” would also mean a surplus of livestock or poultry in the province that results from restrictions associated with the movement of goods, such as livestock or poultry, across interprovincial or international borders. Being inserted within clause (c) would mean that it would be a hazard where, in the absence of management,

the surplus adversely affects or is likely to adversely affect the health of any animal or is likely to cause, directly or indirectly, significant harm to human health.

This regulation, if approved, would clarify that the authorities in the Act that allow for the prevention, detection and response to a “hazard” could be used, in appropriate circumstances and in accordance with the relevant sections in the Act, to address the disruption that may occur within a supply chain for Ontario livestock or poultry due to a surplus in the province of animals resulting from a border-related restriction.

As per the statutory definition of “hazard” in section 2 of the Act, in the absence of management, the surplus in the province would need to have the potential to adversely affect or be likely to adversely affect the health of any animal or be likely to cause, directly or indirectly, significant harm to human health.

Examples of animal health scenarios that could result in this situation include, the detection of a foreign animal disease in a province or state outside of Ontario (e.g., Foot-and-Mouth-Disease, African swine fever, or highly pathogenic avian influenza) that leads to border-related restrictions or closures.

A regulation prescribing that the definition of “hazard” would include the above would not compel OMAFRA to take response action should such a disruption occur in Ontario. In any such disruption, the government would first seek to work with industry to address the disruption and use any authorities under the Act only as a last resort.

There would be no new reporting, precautionary or other compliance obligations on owners of livestock or poultry as a result of the regulation. No additional related regulations or measures under the Act are being proposed at this time.

## **Consultation**

OMAFRA is seeking input from industry stakeholders and the general public about this regulatory proposal and the recommended prescription of what may constitute a “hazard” under the Act. Your feedback will be considered during the development of a new regulation under the Act.