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# **Standing Committee on Agriculture and Agri- Food**

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**EVIDENCE**

**Tuesday, February 8, 2005**

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**Chair**

**Mr. Paul Steckle**

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## Standing Committee on Agriculture and Agri-Food

Tuesday, February 8, 2005

• (1535)

[English]

**The Chair (Mr. Paul Steckle (Huron—Bruce, Lib.)):** Ladies and gentlemen, I want to begin our meeting. We have a lot of material to go through and a lot of questions to ask today as a result of our meeting in late January in Abbotsford.

Mr. Fadden, have you recovered?

**Some hon. members:** Oh, oh!

**The Chair:** We're looking forward to this meeting. In fact, we've been looking forward to this since we left Abbotsford.

I believe that not only was the committee served but the constituency for whom we tried to resolve some problems felt well served, and for all of us it was a learning experience. So we have learnt. We need to now put into some sort of action plan those kinds of things that we see would help us into the future. This afternoon I want to continue that debriefing and seeing where we go from here.

This afternoon we have witnesses from the Canadian Food Inspection Agency, including of course Richard Fadden, the president, who is no stranger to this committee and who was a witness in Abbotsford. We have with us also Judith Bossé, and she is vice-president of science; Jim Clark, senior staff veterinarian, animal health and production division; and Theresa Iuliano, manager, corporate program administration.

Are you a sister of someone who is very famous?

**Ms. Theresa Iuliano (Manager, Corporate Program Administration, Canadian Food Inspection Agency):** No, I don't think I am.

**The Chair:** You probably have somebody in your family who is very famous.

Anyhow, thank you for attending. I presume, Mr. Fadden, you will be going first. Is that correct?

**Mr. Richard Fadden (President, Canadian Food Inspection Agency):** Yes, and thank you very much, Mr. Chairman.

I'm pleased to appear again before the committee to respond to concerns about the inspection agency's response to the outbreak of avian flu in British Columbia last spring. It's been almost a year since the first case of AI was discovered in the Fraser Valley. We've had some months to look back and analyze what went well and what did not go well and also to plan for the future.

You will not be surprised to hear, Mr. Chairman, that we followed very closely the proceedings of this committee on the issue, and I'd

like to focus my comments today on topics that I know are of interest to you. Specifically, I want to talk about our handling of the outbreak and about humane treatment issues, compensation, consultation, and our future plans for dealing with foreign animal diseases.

I'll start with the handling of the outbreak. Recently we've been criticized for our handling of the outbreak, and I'm not going to deny that there were shortcomings, including some on the part of the agency. As I mentioned in Abbotsford, I think all those involved could have been better prepared.

The operational response was complex as to which challenges were encountered and resolved. Our response effort continuously evolved as events and findings unfolded. At the time, we responded to contain the spread of the disease. Our actions followed science and international animal disease requirements, and we drew from other countries' experiences to determine how best to direct our response.

As I mentioned earlier, the AI outbreak was complex, one of the most complex animal disease incursions into Canada since the fifties. There were significant animal and public health implications as well as a major impact on the poultry and egg industries.

It is important to remember that AI has only quite recently become an issue of broad concern. If you think back two or three years, Mr. Chairman, you'll see it was not in the media and it was not on anybody's public agenda. One of the practical consequences of this is that there has not been a great deal of scientific research on AI in the past few decades. Many of the questions you, the agency, and others have asked do not yet have clear scientific answers, and that was one of the challenges we faced during the outbreak.

[Translation]

Both the Agency and the province of British Columbia executed the existing emergency plans at the beginning of the outbreak. The Agency and British Columbia had signed a Foreign Animal Disease Eradication Support Plan in 2002 and it is this plan which broadly guided the operations.

In the beginning, all tests indicated we were dealing with the strain of virus that had low pathogenicity or causes mild disease. Even amid some criticisms, we decided to err on the side of caution and treat the virus as a highly pathogenic strain on the initial farm. This meant that we imposed an immediate quarantine.

Recognizing that we should review how the outbreak was handled, we met last fall with industry and various levels of government to look at what went well, what did not, and what we could all do better next time. The two-day forum, held in Abbotsford, was considered a success by all who attended. The objective of the forum was to learn the most we could from the experience and to identify areas where improvements were necessary for future issues. In doing so, we hope we can all avoid making the same mistakes in the future.

[English]

I would like to turn, if I could, Mr. Chairman, to allegations of the inhumane treatment of poultry. You may be aware of an article in the *Vancouver Sun* that accused the agency of a number of things.

I want to start by stressing that the agency—and in particular, agency veterinarians—takes its animal welfare responsibilities very seriously. Throughout the entire crisis, we worked closely with the SPCA and provincial and private veterinarians. SPCA inspectors were regularly consulted and kept aware of the CFIA's challenges and decision-making. Various alternatives for depopulation were considered in consultation with the B.C. SPCA.

We determined that carbon monoxide gas, an internationally recognized humane method for euthanizing large groups of birds, including ducks, would be main method for depopulating. This is what is used in the United States, Australia, and the European Union.

It had been suggested that untrained agency staff shot peacocks. Unfortunately, peacocks that could not be caught and euthanized with CO<sub>2</sub> had to be shot. We made sure that this was done as humanely as possible, and these animals were killed only by properly trained provincial conservation officers.

It has also been suggested in the media that agency staff had been caught clubbing birds to death. I had this investigated. In fact, agency staff stopped contract employees from doing this. They were stopped, and as a result, every euthanization operation subsequently had agency supervisors on site.

The overarching point I want to make here is one that we tried to apply in all of our operations throughout the crisis. When we encountered a problem, we tried to find a solution, and we adjusted our operations for subsequent use.

I will talk for a moment or two about the issue of indemnification.

[Translation]

Now I would like to address the issue of compensation. Producers whose flocks were ordered destroyed to halt the spread of AI have already received more than \$63 million under the Health of Animals Act. In addition, the Canadian Agricultural Income Stabilization Program, CAIS, may pay out up to \$40 million to compensate participating farmers for disastrous declines in income.

Having said this, the maximum payments possible under the Health of Animals Act are being reviewed and we hope to be able to announce our stakeholder consultation strategy in a few weeks.

[English]

One of the issues that came up a number of times in Abbotsford was the perceived lack of consultation between ourselves and, in

particular, the private sector. I don't want to list today every phone call and every meeting we had, but I want to share with you some of the ways we did consult and we did communicate with those involved.

We held 36 conference calls with the national and B.C. poultry associations between March 8 and August 27. The agency held daily meetings with provincial and industry representatives at the Abbotsford emergency operations centre, starting April 1. As the pace of the operation slowed, the meetings were reduced to three, and then two times a week, until they were no longer necessary. Prior to April 1, several meetings on AI were held between CFIA, B.C. Ministry of Agriculture, Food and Fisheries, and industry.

As well—and I want to stress this—industry in the province had representatives present in our local emergency operations centre in B.C. from early April to late May. We found this very useful, and I think they did as well.

CFIA headquarters held eight face-to-face meetings with national and B.C. industry representatives on a full range of issues and responded to over 100 letters and electronic messages from these groups.

Several face-to-face sessions were also held in B.C. with other levels of government, industry, and the general public, and the agency held two open-house meetings in the Fraser Valley to promote understanding and to provide practical demonstrations of biosecurity measures.

Finally, the then minister, Bob Speller, visited B.C. on April 1 and May 1. For my part, I visited the outbreak area on April 14 and May 1, the latter with the minister.

● (1540)

[Translation]

The final area I would like to discuss today deals with our future plans for dealing with foreign animal diseases, including AI. The Agency has guidelines and manuals in place to deal with the emergencies related to our mandate. The CFIA Emergency Book sets out guidelines for handling all emergencies including animal health emergencies. The book is currently being revised to incorporate lessons learned from our AI and BSE responses.

The CFIA's Foreign Animal Disease Manual of Procedures addresses organizational responsibilities, foreign animal diseases preparedness, and response and disease information and policies. The last section specifies the response for Highly Pathogenic Avian Influenza, HPAI, and other highly contagious diseases. As our knowledge of diseases improves, the plans are updated accordingly.

Finally, the Foreign Animal Disease Eradication Support Plan outlines the respective roles and responsibilities of the CFIA in each province in case of a foreign animal disease outbreak. We are currently revising our FADES Plan template and we intend to negotiate updated plans with each province this year.

[English]

Before I conclude, I want to mention that the agency has prepared an interim epidemiological report that I believe may be of interest to this committee. The report brings together all the information gathered during the outbreak. We intend to provide information to poultry producers on the current level of knowledge of the AI virus and describe the ongoing and future analysis into its origins and spread. It also provides important information that will be used to deal with future animal outbreaks.

The report is currently undergoing peer review. When this is done, we would first want to share the report with stakeholders in B.C. Should the committee be interested, we would then be pleased to brief you on the findings in the epidemiological report.

In conclusion, for us at any rate, if there's overriding lesson that emerges from the avian influenza outbreak, it's that we must keep learning and keep building on what we know. We must continue to strengthen our partnerships and our relationships with key partners.

I stress that everyone has a role to play in these issues. No one player alone was responsible for the extent of the outbreak, and no one player can respond to and prevent such outbreaks; we must work together.

Canada has an excellent reputation internationally for its comprehensive and responsive food safety system. Around the world we are well respected for our ability to address present and emerging challenges. The influenza outbreak put our safety system to the test; we need to keep improving it.

Looking forward, I can tell you that I am committed to reviewing our emergency management approach to incorporate the lessons learned from the avian influenza outbreak and to adopt, where feasible, best practices used by partner agencies.

To end on a very practical note, we've been working on a 24- to 72-hour outbreak checklist that would guide our actions in the critical first few days of an outbreak. We've consulted B.C. and industry representatives, and we've agreed on most of the key points. We will use all these lessons, and we'll make a strong system even better.

We'd be pleased, Mr. Chairman, to answer any questions you might have.

**The Chair:** Thank you, Mr. Fadden.

With that, we will begin our question period. Mr. Ritz is first, for seven minutes.

**Mr. Gerry Ritz (Battlefords—Lloydminster, CPC):** Thank you, Mr. Chair.

Ladies and gentlemen, it's a pleasure to see you again. Mr. Fadden, welcome back from Abbotsford.

It was an interesting couple of days, no doubt about it. I take exception to a couple of things you've said in here. You're trying to rewrite history a little bit, and of course we all do that when we're trying to cover our assets in any way we can.

In one paragraph here, you mention you work very closely with the SPCA. A gentleman from the SPCA came and said you didn't

work with them at all. I guess there's a little bit of a conflict there, so I would take exception to that.

I've outlined quite a few things here. One of the major things, of course, is to find out what we may have learned and whether we are gaining when we have these outbreaks. I'll get into that in just a minute.

The first thing I want to touch on, though, is compensation. That was one of the things we heard from the producer groups and the actual industry members themselves—that it is never adequate. I understand it's under review, and that's a good thing.

The one thing I want to ask is this. In the second paragraph, you mention that there may be another \$40 million in compensation under the CAIS program. I'm wondering how you are going to make that work, sir, when the Olympic average says the worst year, which this is, doesn't count. You take out the best and the worst years and then you do an average of the other mediocre years. So how is CAIS going to ever kick in when this is the worst year and it doesn't count?

You're talking about changing the maximum payments possible; that's great. Will that be retroactive to these folks who were affected here, or is this just in the future?

Those are the first two questions. I'll get the last of them out, and then I'll let you answer them.

We had a presentation here the other day from the Canadian Animal Health Coalition. They would like to be very much involved in this. Very much science-based, they're asking for \$3.5 million worth of funding, and as a committee we felt it was not a lot of money; let's make it happen. They're concerned that you folks aren't taking their proposition seriously. That's just as a sidebar. I don't need a response to that, but I'd certainly like you to take that more seriously.

You're talking about planning new protocols and changes for the future. Would it be possible to get a comparison of the existing protocols as we went into this, the changes, and how that will reflect on anything that happens in the future? I'd like to see that in black and white, if I could, just so that we know that we're gaining. And how is that reflective of the recommendations from a couple of the local experts? I mean Dr. Vicki Bowes, who was at the meeting as well, and who had a list of 10 or 12 items she felt were mandatory to any new protocol. Have they been covered off? I would like to know if those are in there.

The very last thing is this. On a practical note, you've been working on a 24- to 72-hour outbreak checklist. Is that going to go past the avian flu into BSE and CWD? Are you working on those types of checklists for those outbreaks as well? I know we're getting away from avian flu here, but again we're talking about the efficiency of government and government agencies when it comes to these crises, and we seem to be found lacking more often than not.

I'll stop at that point.

● (1545)

**Mr. Richard Fadden:** Thank you, Mr. Chairman.

I'll try to work my way through all of them.

With respect to the SPCA, I didn't hear what the group told you. I did read all of their material. All I can tell you is that there were regularly SPCA officers at our operations centre in Abbotsford. I can't comment on whether or not we did what they suggested we do, but I'd be happy to give you names and times when there were actually SPCA officers at our ops centre. Clearly, from their perspective they weren't happy with everything we did, but they were present, they were consulted, and in some cases we did take their views into account.

Moving on, I think your second question related to whether or not the caps under the Health of Animals Act would be made retroactive. The answer to that is no. We think it would be difficult to do both administratively and legally, and although I believe it's possible, the standard approach in government is that you don't make these things retroactive. We're moving to make them applicable as soon as we can for the future, but I'm told they will not be made retroactive.

In respect of CAIS, I'm going to have to plead ignorance. I asked AAFC, which manages CAIS, what the numbers were from CAIS, and I did not dwell on it or look into the rationale behind it. I'd be happy to find out from AAFC their rationale. The number I got, I got from them. I just wanted to include it as part of the package.

**Mr. Gerry Ritz:** It's misleading to put this in here, then, that there could be \$40 million, when you don't know that's possible.

**Mr. Richard Fadden:** Well, they told me it was. I was relying upon what colleagues told me.

• (1550)

**Mr. Gerry Ritz:** Well, they tell me lots of things too, and they don't work out.

**Mr. Richard Fadden:** I think we have a pretty good relationship with the Canadian Animal Health Coalition. Their executive director visited not too long ago, and he in fact told us about his request for additional funding. I told him quite up front that I thought they had a role to play in this. We have an annual seminar with them. We do a lot of work with them. But the agency is not equipped to provide that kind of money.

I suggested to him that he should speak to AAFC. They're much better placed and have the kind of budget necessary to make that kind of grant available. My understanding is that he did approach AAFC, but I don't know what kind of outcome he got.

You indicated you would like to see in black and white—and I would be happy to provide that—the differences between the protocols that were in place at the time and those we have now. We'll provide them over the course of the next few days; we're still working on them.

One example would be that we did not have a clear view at the time of the best way to dispose of dead birds, and that caused some difficulty. Because of the scientific work we've done since then, we've concluded that on-farm disposal is by far the best solution because it prevents movement, and of the alternatives available for on-farm disposal, composting is the best approach to be taken. We did some research on virus destruction during the course of the outbreak, and composting invariably resulted in the killing of the virus. That's one small example. There is a whole raft of others. We'll prepare a chart for you and let you have it, through the chair.

I think you mentioned Dr. Bowes.

**Mr. Gerry Ritz:** Yes.

**Mr. Richard Fadden:** She made a number of comments, as did a number of other people. We're trying to capture all the most important ones we've heard, and if you're particularly interested in her, I'd be glad to indicate whether or not we've ignored any of hers. I would simply point out that she's a pathologist, and while I understand she's a very good one, she's not an—

**Mr. Gerry Ritz:** She's internationally recognized.

**Mr. Richard Fadden:** Yes, but she's not an epidemiologist, and some of these things require expert treatment and consultation. For those purposes we're talking with her colleagues and her superiors in the British Columbia Ministry of Agriculture.

Finally—at least, I think it was finally—you asked if the outbreak checklist I referred to would be applied only to AI or whether possibly to BSE. The approach we're taking is that we're trying to get something in place for AI as soon as we can, and I think we're just about there. We would then transpose it to all contagious diseases. It wouldn't apply to diseases like BSE because they're not contagious—we would have to develop a different range of outbreak checklists for BSE—but we hope to use it for contagious diseases generally.

**Mr. Gerry Ritz:** Thank you.

**The Chair:** Thank you, Mr. Fadden, and thank you for your questions, Mr. Ritz.

Now we'll move on to Mr. Gaudet for seven minutes.

[*Translation*]

**Mr. Roger Gaudet (Montcalm, BQ):** Thank you, Mr. Chairman.

In the case of some diseases such as avian influenza, zoning or the breakdown of Canada into geographic regions could help prevent an epidemic from spreading and, consequently, limit the economic slowdown caused by the epidemic.

What is the status of the discussion between the Canadian Animal Health Coalition and the CFIA with respect to zoning? What would be the advantages in the case of an epidemic? What would the national and international obstacles be with respect to trade legislation, for example?

I also have another question to ask.

**Mr. Richard Fadden:** As you probably know, we did have the benefit of a zoning decision in the avian influenza case. The trade restrictions imposed on Canada were limited either to the Fraser Valley or BC. That was the case for the USA and the European Union. That was not the case for all countries because the importing countries are the ones who decide whether they accept the zoning.

During the avian influenza crisis, we made changes and we convinced other countries. I think that at the end of the day, 13 countries accepted the zoning principle.

Where are we overall? We have a general agreement with the European Union on imposing zoning. It's hard to come up with general rules. The rules must be applied based on the specific disease going around.

In the case of bird flu, the incubation period is very short. You know almost immediately whether you have a problem or not. For example, I know that some of your colleagues in Quebec think we should apply the zoning principle for BSE. Now, that's a lot more difficult.

**Mr. Roger Gaudet:** That was my second question.

**Mr. Richard Fadden:** That's what I thought. It's a lot more difficult. We have absolutely no objection to the principle. If you can protect the Canadian economy while establishing zones accepted by other countries, the agency sees no problem there.

However, for BSE, the incubation period covers a number of years. The main argument we used with the USA was to the effect that we have a single or unique zone for North America. Cattle, beef, the genetic material flows over a north-south axis as well as on the east-west axis. We looked at the possibility of setting up a BSE zone but we don't think that we could find a single country in the world that would accept that sort of thing simply because the incubation period is too long and because the Canadian market is too integrated.

That doesn't mean that we won't continue acting along those lines. However, we have had very informal discussions with scientific colleagues from outside Canada and they have told us that our chances were better for contagious diseases rather than in the case of diseases like BSE.

**Mr. Roger Gaudet:** If you're saying that our trade is on a north-south axis and an east-west axis with the Americans, that the cattle was going and coming through wide open doors, why did the Americans refuse our beef? That's what I'm having trouble understanding in the Canadian system.

• (1555)

**Mr. Richard Fadden:** I agree with you. Since the first case of BSE was discovered, Canada has been maintaining that the North American market is an integrated market, and because of that, the import of Canadian beef into the US should not have been prohibited. The Americans, on the other hand, use another approach. We hope that next March 7, there will be, at the very least, a partial reopening of the border to Canadian livestock.

Whatever the case may be, as ministers Speller, Vanclief and Mitchell have said, we believe that, based on science, the border should not have been closed. However, at the end of the day, it's their border.

**Mr. Roger Gaudet:** In that case, is it because Canada might not have put enough pressure on the US, or was this an American rule that was applied because it was an election year and protectionism was the order of the day?

**Mr. Richard Fadden:** I think that's true. That said, the three ministers who have been in place since I've been president have used all imaginable means to try and convince the Americans.

The American political system is even more complex than ours. That was not only the position of the Agriculture Secretary, but also that of the White House, Congress and the lobbyist who cooperated in such a way that the Americans took 13 months to come up with a regulation whose result, I hope, will be the reopening of the border next March 7.

**Mr. Roger Gaudet:** In my case, I was not afraid of eating meat and I didn't stop eating it. How come we did not manage to stop imports from the U.S.? Actually, our animals were all over in the U.S. and they sent them back to us. We ate them as though nothing had happened and we did not take any measures against them. I have a problem with that. I don't get the logic of the Canadian Food Inspection Agency in this matter.

**Mr. Richard Fadden:** Two things. First, we prohibited the import of large quantities of American beef; we are still doing that today. As you know, the agency recently published a science-based proposal that would lead to partial reopening of the border. If you want a detailed report on our import prohibitions, I could give it to you. It is true that we were a bit more generous than the Americans, but we still prohibited a lot of imports.

**Mr. Roger Gaudet:** That would be a good thing to have.

Thank you, Mr. Chairman.

[English]

**The Chair:** Mr. Kilgour, seven minutes.

**Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Lib.):** Thank you, Mr. Chair.

I think that anybody who was with you on the visit should go first, Mr. Chair. As you know, I wasn't there, so I wouldn't like to go ahead of somebody who was there and who wishes to ask questions.

**The Chair:** Mrs. Ur, seven minutes.

**Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.):** Okay. I was not prepared, but I will get my questions going.

I certainly appreciate travelling out to Abbotsford. I thank Randy for getting us organized. I have to say that it was one of the most productive, informative meetings that I've ever travelled to with the ag committee. Our witnesses were excellent, and I really came back thinking that we, as a committee, could certainly give CFIA some good recommendations.

What I heard out there was that CFIA are really policy-makers; they had their scientific data there, and it was excellent. We had the policy agenda there, but what we needed there was the elbow grease—the DART team, or the SART team, as they have in the United States. I'm sure you're well aware of the SART team. I just wonder if in CFIA you're looking at that kind of partnership with government agencies. In the programs they have, they train participants to facilitate a safe, environmentally sound, and efficient response to animal emergencies on local, state, and federal levels. Is that something you're looking at? It certainly appears to be one venue that was brought up more than once.

Also, regarding the timeframe it took to have lab tests done, is there some kind of national travelling lab that could be brought into a disaster area to do those tests, rather than shipping it off to Winnipeg, which was another venue that individuals brought up?

I'll have you respond to that, but third is communications. People felt as if they were in the forest and no one was paying attention to them. That was brought up by every presenter who came before the committee.

If you could respond to those three issues, then I could continue.

•(1600)

**Mr. Richard Fadden:** Yes, thank you, Mr. Chairman.

In respect to the first one, can I take a second or two to describe the agency? We do have a policy component, and I sometimes think it's not as large as it could be, because we could deal more effectively with international issues if it were a bit larger. But we do have quite an active operational arm, which we've used for a lot of crises over the course of the last little while. BSE was one, bovine tuberculosis in Manitoba was another, and we've had a whole raft of others where we've deployed people from across the country to deal with crises.

What we don't have is enough people to be able to deal easily with crises of the magnitude of avian influenza. I think what threw us there was that it was unexpected—we hadn't had a disease like that in this country for 45 years—and its magnitude. The difficulty you have, of course—and we have it as well as Department of National Defence, and any number of other countries—is how many resources you can put aside to deal with those really exceptional cases where you don't have enough resources. What we did in the case of AI was bring people in from across the country, and I think that helped a great deal.

What we are looking at now—and I must admit that it's lower on the priority list than things like what we are going to do in the first 24 to 72 hours of an outbreak, and other things like that—is how we can increase our capacity to be ready for operational emergencies by prestocking things, pretraining things. We have looked, in a preliminary way, at whether or not ... The USDA has a program of reservist veterinarians to whom they pay a small amount, and in a crisis they can call them up. It's not part of the military, but it's the same concept. So we're looking at that.

I take your point, but I want to be clear that we're working on the more infectious diseases part first, and then we'll turn to that issue.

We found the issue of timeframes and travelling laboratories very frustrating. Initially, the first-level testing, to tell us whether we had avian influenza, we sent to Winnipeg. We did get ourselves organized with the B.C. lab. The difficulty, of course, though, is that the kinds of results you get from the B.C. lab initially—and it's now accredited, if that's the right word, to do that—will tell you whether you have avian influenza, but it won't tell you what kind you have and whether it's highly pathogenic. The kind of lab you need to do that is a level-three lab. It is very expensive, it's very difficult to move around the country, and it's been suggested to us that the three or four provinces we've talked to aren't really that enthusiastic about building up that capacity because it takes so much money.

So the short-term answer to your question is that we don't have an answer to that. What we do have is a commitment that if it comes up again we'll get things to Winnipeg faster.

We have had some very preliminary discussions about the possibility of mobile labs, but the difficulty is, if you're dealing at level-three—that's the most contagious level—you really do require something similar to a submarine. You can't just sort of have a railway car and have tests carried out. You need a level of integrity that's very hard to move around the country.

So it is a problem, but we are trying to register labs across the country—provincial and private sector—to do the first- and second-level testing, which would speed up the process a fair bit.

On the communication side, I don't really know what to say, because your interlocutors, your witnesses in Abbotsford, clearly felt, at a visceral level, that we weren't communicating. Many of us in the agency felt that sometimes we were spending so much time communicating that it was pulling us away from managing the crisis. It looks as if there were “two ships passing in the night”. Those things I listed in my opening remarks, all those meetings we held, were with industry. They were not with people from PI. We were talking. We had regular—sometimes three or four times a day—conference calls with B.C. industry and the Government of British Columbia.

When we did our initial review, which Ms. Iuliano coordinated, what we were told was that communications weren't perfect, but by the end, in particular, they were pretty good. What they told you was not the same as they told us initially.

•(1605)

So clearly we have a problem, and we're trying to figure out what happened. We certainly talked at each other a great deal. There's no doubt about it, we gave them information and they gave us views. But if they're to be believed, and I have no reason not to believe them, there wasn't a meeting of the minds in there somewhere. Maybe we need to cut the volume and increase the substance.

**Mrs. Rose-Marie Ur:** Thank you.

Also, the witnesses had indicated where people went in to depopulate flocks and they'd have to go back two to three different times to eventually have all the birds cease. I find that inhumane treatment. I don't know if that falls within your parameter. I find it really difficult to think there isn't a procedure out there that would eradicate all the birds at one time rather than seeing them suffer and have to go back two and three times. I found it a little bit hard to understand why we had that route.

**Mr. Richard Fadden:** Mr. Chairman, I think that goes back in part to what I was saying in my remarks. Until about a year and a half ago, nobody thought about avian influenza and the necessity of killing a large number of birds. The method that the industry in B.C. uses, which has at one level or other been acceptable to the B.C. SPCA, is electrocution. It works relatively well, but it does not work with very large numbers. I think we used that in the second farm and it was clear that it wasn't going to work.

We looked at any number of alternatives, and for large numbers we can't find a better way than CO<sub>2</sub>. We modified the mix of the gas. We tried to make sure the farms were airtight. I agree with you, and for people who are on site, the veterinarians who had to deal with this, it was very difficult for them because they spend their careers trying to protect animals. But there is no internationally recognized method that is foolproof for killing large numbers of birds.

We're continuing to look at the problems with the very large numbers. I know there was a letter-writing campaign during this, when people suggested that we use a mix of argon gas. It's actually better, but they have to be boxed up and we can only do it a small number at a time. We could not have dealt with the numbers in the Fraser Valley by doing that.

**The Chair:** We move to Mr. Julian for seven minutes.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Thank you, Mr. Chair.

You refer in your report to shortcomings and some criticism in what is basically a strong system. I think that's an accurate resumé of your presentation to start with. I have to wonder whether we attended the same hearings in Abbotsford. In fact, Tricia Leslie, a very respected local journalist, had this to say about the presentations that were made in Abbotsford. She said:

Several issues were common among presenters and many condemned the CFIA for: inadequate and untimely compensation; neglecting to consult with industry experts or local veterinarians; ignoring local industry suggestions of pre-emptive culls early in the outbreak to stop the spread; bullying and intimidation tactics; inhumane treatment of the birds; unnecessary killing of some birds and a lack of organization and action locally because all decision-making was done in Ottawa.

I certainly agree that reflects the tenor of the comments. Would you not agree that is in fact what came out of those hearings in Abbotsford?

**Mr. Richard Fadden:** I think it's a fairly good summary. I don't agree substantively with what was said, but I agree that it's a good summary.

**Mr. Peter Julian:** All right.

Now, at that time I asked you two questions. The first was when was the first date that you came to the eastern Fraser Valley, and you said at that time that you would consult with your schedule and you would be able to tell us later.

**Mr. Richard Fadden:** I mentioned that during my opening remarks. I was there on April 14 and May 1.

**Mr. Peter Julian:** All right. So about two months after the initial outbreak.

**Mr. Richard Fadden:** That's correct.

**Mr. Peter Julian:** The second issue was around the "Lessons Learned" review, and as you recall, there was a lot of frustration that this review was issued the day before the committee hearings began, when we actually had witnesses coming forward and raising their concerns about how this crisis was handled. At that time you said you'd be incorporating comments and suggestions that had come out of the hearings. Is that currently in the process of being done or has that been done?

**Mr. Richard Fadden:** Mr. Chairman, we've looked at the comments that were made, and as I think I responded to one of your questions at the time, I don't think anything that was said there was being said for the first time. The intensity with which it was being said I think was unique. To give you an example, a number of your witnesses commented that they were of the view that the euthanization and the disposal on the first farm may have contributed to the spread of the virus. That's not the first time we heard that. The epidemiologists are looking at that, and we're trying to deal with it.

But I could go through the list. We have done that, and I can't think of any item that was mentioned there that had not been mentioned at the Abbotsford two-day session or elsewhere. But the intensity, I agree with you, was different in Abbotsford.

**Mr. Peter Julian:** And you wouldn't agree that changing the report to reflect that intensity and to incorporate the comments that were made about the mishandling of the crisis would be appropriate?

● (1610)

**Mr. Richard Fadden:** No, because, for example, you mentioned that there were examples of inhumane killing. I don't agree that there were. Because other witnesses have suggested that there was inhumane killing doesn't make it so.

We did have the SPCA involved throughout the process. We used internationally recognized methods for killing the birds. I do not agree that there was anything inhumane about it. It would have been better, to pick up Mrs. Ur's point, if we'd been able to do it more effectively or efficiently, but we have been unable to find, anywhere in the world, a better way to do it.

I'm just using this as an example. I don't agree substantively with that conclusion, and a number of others.

**Mr. Peter Julian:** So you're saying that this report will not be changed, though it was issued before the hearing.

**Mr. Richard Fadden:** It was. The report itself won't be changed, but we will create annexes and we will create follow-ups if we find examples where we do agree that we've missed something.

I would just add that despite the fact that a number of your witnesses mentioned in Abbotsford that we didn't consult with them, Ms. Juliano here was responsible for the consultations with the industry. She spent a couple of days in B.C. talking exclusively with the industry. Most, if not all, of their comments were taken into account, what they told us then, substantively very similar to what they told you at Abbotsford, but in a much more balanced and less visceral way. That's what we incorporated.

**Mr. Peter Julian:** I'd submit that there's a real crisis in confidence when a report is issued prior to hearings actually being done on the ground in the epicentre of the crisis. Now what we hear you saying is that you're not going to incorporate those comments, the suggestions that were brought forth in good faith by people who understand the industry—our poultry veterinarians, who are very experienced and who felt that they were being pushed aside by CFIA during the entire period. To not incorporate those comments, I believe, is irresponsible, and it makes the report, as I said at the time, useless. The comments that were made, the effort that people made to bring comments forward in good faith so that CFIA would be better prepared the next time to handle a crisis, should be taken into consideration.

I submit that, I submitted it a few weeks ago, and I submit it again. Unless you do that, this "Lessons Learned" review is useless, for all intents and purposes.

I'll move on now to the broader issue.

[Translation]

Before, you mentioned a preliminary epidemiological study being evaluated by peers of the profession, including people in B.C. Who belongs to that group that is going to be reading the report? Are Dr. Victoria Bowes and Dr. Stewart Ritchie going to be part of that group?

**Mr. Richard Fadden:** Thank you, Mr. Chairman.

I do not have the names. It was decided to call upon international scientists of some renown. Dr. Ritchie and Dr. Bowes are not involved because they are not epidemiologists. Dr. Bowes is a pathologist of some repute, but she is not an epidemiologist. So she was not consulted.

**Mr. Peter Julian:** Who will be consulted? You said people from B.C.

**Mr. Richard Fadden:** I do not have the names here, but I can send them to you. There is a B.C. academic.

[English]

Where are the international reviewers from, which countries?

**Mr. Jim Clark (Senior Staff Veterinarian, Animal Health and Production Division, Canadian Food Inspection Agency):** They're from The Netherlands, the United Kingdom, Hong Kong, Australia, and the United States.

**Mr. Peter Julian:** So there's one person from British Columbia.

**Mr. Richard Fadden:** A university person from British Columbia.

**Mr. Peter Julian:** That's the only person who will examine the report prior to its release.

**Mr. Richard Fadden:** That's correct.

**Mr. Peter Julian:** Again, coming back to the issue of public confidence in how this has been handled, the "Lessons Learned" review, now we have an epidemiological report coming out that is being reviewed by one person in British Columbia, who is on the ground. Would you not agree that there is a lack of confidence in how CFIA has responded to the crisis originally and how it is responding now?

**Mr. Richard Fadden:** I suppose it depends on who you're listening to. We had our handling of the crisis reviewed by an audit team from the European Union. They found very, very small things to criticize.

We talked to our colleagues in the United States Department of Agriculture, who were very concerned about this because, as you probably know, there were thousands and thousands of birds across the border in the United States. They thought the way we handled it was perfectly fine.

It's a standard scientific approach that when you review these scientific papers, you find people who have no implication with the subject matter but who are experts in the area. That's why we took people from around the world.

• (1615)

**The Chair:** Your time has expired, Mr. Julian.

We'll move to Mr. White, for five minutes.

**Mr. Randy White (Abbotsford, CPC):** Thank you, Mr. Chairman.

I too, like Mr. Julian, feel there's a disconnect, quite frankly, between what happened in Abbotsford in the committee's meetings and what I'm hearing now. To say that the U.S. and international academics liked your approach is a far cry from what was said by those who were there on the ground in Abbotsford. They did not like your approach, and that came across very clearly.

You say that inhumane killing came from...you don't agree with that comment, but that comment came from the people who were there, whose birds you were killing. And there'll be no recommendation or comment on that, I suspect, in your report.

I guess that's the disconnect. Because you don't agree—and seemingly everybody else who was affected by it did agree—it doesn't get into a report somehow. I just find that's a real disconnect.

But I want to get at a couple of other issues here.

By the way, you say you have an active operational arm, a sort of response team, but that you didn't have enough people to handle that. On the other hand, you did not use all of the people locally, the experts in the field. So again, I find a disconnect with that. I think the suggestion was made in Abbotsford that having a fast-action response team should be in one of your reports, that you have that in Ottawa, and that as soon as something like this happens, you should recruit in the area, like in Abbotsford, the best professionals you can get and form a team from them. I think that's a good suggestion that came out of that meeting, but you haven't mentioned it yet.

I was listening to the dialogue between you and Mr. Ritz about the compensation, and I take two things out of that: that there will be no retroactive compensation and that CAIS essentially will not apply in this situation. Therefore, wouldn't it be being more honest with everybody to say there isn't any more money? I guess because of that... I notice that the Primary Poultry Processors Association of B. C. is saying there are all kinds of other costs that haven't been considered. I know the specialty farmers are saying the same thing.

So there's that, and one more thing: as you also learned, there was only one backyard flock that was proven to have a live virus, and that flock was likely infected as a result of poor biocontainment in the CFIA depopulation process of a commercial barn across the road. I would like to know—I know you were asked this before in Abbotsford, and I think you said you were going to get it—what is the CAIS definition for a positive AI infection, and where are the laboratory results for those 11 farms?

**Mr. Richard Fadden:** Mr. Chairman, I'll try to work my way through Mr. White's list.

In terms of having the resources available, part of the difficulty we had was that for a lot of the things that needed to be done there were not immediately obvious people available in British Columbia.

When we started, the Province of British Columbia offered the use of their staff, and we did use a fair number of their staff. By the time we had gotten through two-thirds of the crisis we were so desperate for bodies that they actually used some of their prisoners from a provincial prison, because we couldn't find people to do it.

I admit that initially we probably should have used industry staff more than we did, but near the end or by the middle of the process we were using them quite extensively, and I think it was working quite well.

But it is easier said than done in the middle of a crisis to come up with people who are willing to work on the crisis. The Government of British Columbia made a number of offers and did provide some help, but they couldn't find the staff themselves to help us.

I take your point on the action team, and as I said in response to Ms. Ur's question, we are looking at it and will see what can come out of it.

Concerning the money, as I said in response to the earlier question, I took the information I was given by AAFC about CAIS. I apologize; I can't explain it. I took it at face value.

The legislated system that is now in place prevents the agency from compensating producers for anything except the value of the birds. We can't compensate for loss of income; we can't compensate for profit. That's in the statute, and there's not a great deal we can do about it.

We tried quite hard during the crisis to talk to the Department of Justice to see if we had a little more flexibility on this, but that's not the case.

These provisions of the Health of Animals Act were put into place to encourage people to report diseases, not to compensate them for losses. It's not for me to say whether that's appropriate or not, but we compensated them to the extent we could under the Health of Animals Act.

I understand that both the minister and AAFC generally are looking at the issue in broader terms. But from the agency's perspective, there's nothing we can do other than what's authorized under the Health of Animals Act.

One of the other issues you mentioned was the question of the specialty flocks. I just want to mention in passing that we are almost ready to talk to Mr. Mitchell about another regulation that would enable us to compensate some of the people who were not compensated appropriately under the specialty birds category.

I hope we will be able to do that with you within the next two weeks.

I wonder if I could ask one of my scientific colleagues to try to answer the question relating to the case definition and the number of cases in the backyard flocks.

• (1620)

**Mr. Randy White:** Before he does, could you just say whether or not it would be retroactive for the specialty birds?

**Mr. Richard Fadden:** It would cover those specialty birds that were not covered initially.

**Mr. Randy White:** Thank you.

**The Chair:** We will move on to Mr. Kilgour for five minutes.

**Hon. David Kilgour:** I have been listening to what's been happening, Mr. Fadden. You and I have had our differences in the past on the matter of Ukrainian grain. Do you remember that matter?

**Mr. Richard Fadden:** I do indeed.

**Hon. David Kilgour:** It was two or three Christmases ago. You will understand why I have a somewhat skeptical view of your management abilities.

**Mr. Richard Fadden:** Yes.

**Hon. David Kilgour:** You do understand that?

**Mr. Richard Fadden:** I don't agree with you, but I understand it.

**Hon. David Kilgour:** The reason I wasn't in Abbotsford was that I was in Vietnam where they're having a terrible time with the same flu.

Can any of you—perhaps your scientific colleagues—say anything about whether or not this disease can be transmitted by blood, or what is your understanding of how the disease can be passed? I mean not you, but one of your colleagues.

**Ms. Judith Bossé (Vice-President, Science, Canadian Food Inspection Agency):** Yes, I can answer this.

First of all, you have to understand that this is a family of viruses, the influenza A. There are 15 H types. The one that is in Asia is an—

[*Translation*]

**Hon. David Kilgour:** You may speak French, Madam.

**Ms. Judith Bossé:** The strain circulating in Asia, whose contagion for humans seems to be confirmed more and more with the number of cases drawn to our attention, is H5N1. The strain in B. C. was H7N3. With follow-ups done on humans exposed to it, the strain was identified in two humans who had a localized ocular reaction without any seroreaction.

**Hon. David Kilgour:** So it is impossible for one human to transmit it to another?

**Ms. Judith Bossé:** What is hard for us is to predict the potential of one avian strain passing from one species to another. In the case of the H7 strain, we cannot know in advance how it is going to change to adapt to another species. That is what is going on in Asia at this point. The H5 strain, which is an animal strain, seems to be very pathogenic for animals, even for those species of avians that are not usually vulnerable to bird flu, like ducks and geese. With the strain from Asia, those two species are very vulnerable to that strain.

In the B.C. case, we are talking about a different strain.

**Hon. David Kilgour:** Understood. Thank you very much.

[*English*]

Mr. Fadden, you will know what the expression “western alienation” is, will you?

**Mr. Richard Fadden:** I do.

**Hon. David Kilgour:** Do you think maybe what we've heard this afternoon is why, for those of us in B.C., Alberta, Saskatchewan, and Manitoba—and the Atlantic provinces for other reasons—there's a large amount of western alienation in dealing with agencies like yours?

**Mr. Richard Fadden:** That's a very difficult question for me to answer. We have a large staff in the west—to remember your correction from the last time—and we have a large staff in the Maritimes. I think they're as close to issues as you are, as the representative of the people there. So I don't think it's fair to say that, on all issues at all times—

**Hon. David Kilgour:** No, we're not fools, Mr. Fadden.

**Mr. Richard Fadden:** Well, I don't know. You made a very broad statement.

• (1625)

**Hon. David Kilgour:** We're talking about this specific issue. Do you think this has been handled well, from the standpoint of national unity, keeping the national family together?

**Mr. Richard Fadden:** I think to the extent that it could, yes. We took into account the concerns of the rest of the country when we zoned the Fraser Valley in British Columbia. We hope if it happens elsewhere in the country, we'd be able to do the same thing—to give you an example.

**Hon. David Kilgour:** I'm talking about the point Mr. Julian raised and Mr. White raised. These are the points, obviously, that I'm directing you to focus your mind on, please.

**Mr. Richard Fadden:** Do you mean the broad displeasure that was expressed?

**Hon. David Kilgour:** Yes, that you were an agency from another planet that didn't give a tinker's damn about the folks on the ground in the Abbotsford area.

**Mr. Richard Fadden:** No, I think that's dead wrong.

**Hon. David Kilgour:** I knew you were going to say that. But say why you're going to say that.

**Mr. Richard Fadden:** Because we're in the business, and not just me—it's easy to blame me for everything, and I guess I am responsible—but there are a large number of professionals in the agency who spend their lives worrying about this sort of thing. Most of the decisions that were made in Ottawa that applied to the Fraser Valley were taken by professionals, by epidemiologists, by PhDs, by veterinarians. I refuse to agree with the point that they didn't care about what was happening in the Fraser Valley. It's not true.

**Hon. David Kilgour:** How about using the report that was mentioned by Mr. Julian?

**Mr. Richard Fadden:** We did that report on the basis of our internal procedures, which require us to review activities of this nature. We had extensive consultations with both the private sector and with the province in B.C. We recorded faithfully what we were told.

I repeat what I told Mr. Julian. I don't think, substantively, there was an issue mentioned in Abbotsford that we haven't covered in one way or another, with the possible exception of inhumane treatment.

**Hon. David Kilgour:** Why is he shaking his head?

**Mr. Richard Fadden:** I'd be grateful if he'd give me an example—with the exception of inhumane treatment, which I do agree, we didn't treat.

**Hon. David Kilgour:** Thank you, Mr. Chairman.

**The Chair:** Okay. We will move to Mr. Gaudet again, for five minutes.

[*Translation*]

**Mr. Roger Gaudet:** My question will be brief and I might have a second one. How is bird flu transmitted?

**Mr. Richard Fadden:** Could I ask my colleague to answer that one?

**Mr. Roger Gaudet:** Yes, with pleasure.

**Ms. Judith Bossé:** It is a disease where the majority of strains, in the avian species, are endemic in wild ducks. These species however, are not affected by the disease. They carry the virus in their intestinal organs.

Allow me to describe how this disease is spread and how it comes in contact with commercial avian species, including hens. These viruses undergo a lot of mutations, in other words they are constantly changing. When they mutate, they seem to develop the ability to adapt to other tissue, including that of the respiratory system. It is at that point that the virus spreads the most and infects a lot of animals.

Both domestic and wild ducks live with the virus. They have always lived with this virus without being affected by it, except in the case of the Asian strain, which seems to affect them to some extent.

**Mr. Roger Gaudet:** How can you guarantee that such a disease is not spreading as we speak to eastern Canada, to Alberta, Ontario, Quebec and elsewhere? We know that ducks migrate and carry fish to lakes which form in the middle of fields.

**Ms. Judith Bossé:** We are aware that wildlife carries disease throughout the world. Over the years, since 1995 actually, 22 isolated cases of low pathogenicity avian influenza have been detected.

**Mr. Roger Gaudet:** So it has already reached Canada.

**Ms. Judith Bossé:** We have several cases. There is at least one isolated case per year, but of low pathogenicity. This was the first case of high pathogenicity since the 1960s.

**Mr. Roger Gaudet:** Were the cases that were detected in eastern or western Canada?

**Ms. Judith Bossé:** They are everywhere. I have the statistics right here. They are found throughout Canada, especially amongst turkeys. The disease is generally found in animals kept outside, as biosafety measures generally prevent contamination indoors.

Clearly, animals kept outside that come in contact with wild species and with water contaminated by the wild species' excrement are not subject to any prevention methods. There is a whole host of preventive biosafety measures for commercial animals. This is what we are trying to develop with the industry.

**Mr. Roger Gaudet:** Thank you.

[*English*]

**The Chair:** We'll move to Mr. Easter for five minutes.

**Hon. Wayne Easter (Malpeque, Lib.):** Thank you, Mr. Chair.

I wasn't in Abbotsford either with the committee, but I was there the day before on other matters, on farm income. I can say that several of the issues that were brought up to the Standing Committee on Agriculture and Agri-Food were brought up the day I was there in hearings.

I've had experience in similar matters with potato wort involving the CFIA. What I've found, looking back on this, is that hindsight gives you 20/20 vision, and I think we had to be fair with the CFIA in the matter. I think the key is what we can learn from what happened, but in fairness to CFIA—and I think you mentioned this, Mr. Fadden—the compensation issue is an issue well beyond your control, because it is under the animal health act, I believe.

Can you outline, at least for the benefit of the committee, what has to be done to deal effectively with that issue? It's not an issue under your purview, I know. It's more a broader issue of government generally. I think it would be useful for the committee to know, based on your experience, what the parameters are that we may be able to make recommendations on.

• (1630)

**Mr. Richard Fadden:** I can try, Mr. Chairman. In dealing with the Health of Animals Act we're presently limited to including in compensation decisions the value of the actual bird, which can be settled either by the agency or by a joint group with the private sector, and some of the costs that are incurred to bring the bird from birth to the point where the bird is killed. It could include medication or things of that nature. The way the system is structured right now—and this is one of the main frustrations of the industry—we're not able to compensate for lost income or lost profit.

I think if the committee were to make a recommendation, it would have to be to change the current rules to allow for lost profit or lost income to be taken into account. If you do that—and that's certainly your call—it would change to some degree the rationale behind the Health of Animals Act. It applies not only with respect to avian influenza but to BSE and a whole bunch of other areas.

The main objective at the time Parliament passed the act was to encourage people to report contagious diseases, because there were a lot of people who were inclined to do what Mr. Klein suggested, which is to forget about the infectious diseases and bury them. If we don't find out about them, we can't fight them. That was the rationale behind the act.

So the main change would have to be to allow us to include lost income or profit in the calculations.

**Hon. Wayne Easter:** I think, Mr. Chair, we need to take that into consideration in terms of recommendations as a committee for government generally.

On that point, what is different between the case of avian influenza and the compensation for tuberculosis? If you compare what we do on the agricultural side with what we do on the aquaculture side, there's no comparison. One of the problems with the fishery in New Brunswick is that there wasn't a program in place, so people didn't kill quickly enough to get them out of the system, because they were trying to protect their investment to a certain extent.

I think we have a very good system that can always be improved. But is there a comparison between how the compensation works on avian influenza and TB? I haven't heard any complaints on the tuberculosis side from farm to farm.

**Mr. Richard Fadden:** My understanding is that it works effectively in the same fashion—and similarly for scrapie and others. You always have individuals who are of the view that they are not being compensated enough, and there's a tribunal that reviews that level of compensation, up to the maximum set in the act. But the same principles were applied with bovine tuberculosis or scrapie or others.

**Hon. Wayne Easter:** My last question, Mr. Chair, concerns the “lessons learned” report. Where is CFIA on the recommendations made in that report? Is CFIA adopting them all? What we need to know—either today, or they may be in the charts you mentioned to Gerry earlier—is what we have learned from this crisis, and in terms of moving ahead, what improvements have been made by CFIA to deal with any future potential crises.

• (1635)

**Mr. Richard Fadden:** They will be in the chart we promised Mr. Ritz, Mr. Chair.

**The Chair:** Okay.

**Mr. Peter Julian:** I think the issue here is.... I don't believe there has been appropriate hindsight applied. As I mentioned, the fact that the lessons learned review came out prior to the hearings is a source of great concern to me—that CFIA has actually learned, actually has the hindsight coming out of this crisis.

Let me read four paragraphs from the report that was submitted by Dr. Bowes and Dr. Ritchie. I'd like to know whether you agree with the facts as stated here, where you might disagree, and where you believe the facts upon which you agree are found within the lessons learned review.

They submitted their report saying the following:

On February 18, 2004 the CFIA accepted responsibility for disease control by placing the farm

—this is the first outbreak—

under official quarantine. Provisions were made for the euthanasia and depopulation of both flocks on this farm. ... Approximately 3500 kilograms of chicken carcasses were ground up together with 1000 kilograms of barn litter per load. Each of the fifteen mixed loads were transported approximately 400 metres on a public road that also went over a small stream, to the owner's residential driveway where the contents of the portable mixer were dumped directly onto the paved driveway. This material was then pushed with a tractor front end loader into an open dairy feed bunker for the purpose of composting. The owner and attending CFIA veterinarian both commented that there were strong winds originating from the north. The filling of the bunker proceeded throughout the night and at 5:00 AM on February 22, 2004 the bunker was only able to contain the equivalent of 10,000 birds and had reached full capacity at 60% of what was needed to be disposed of.

They continue:

On February 23, 2004, the day after depopulation was completed, the CFIA lifted the quarantine at this first farm despite the presence of a large quantity of composting infected carcasses.

Two weeks later, as we know, we had the second outbreak.

On March 6, 2004, a full 14 days following the depopulation activity on the index farm, a second broiler breeder farm located 1.5 km southwest from the original farm...was diagnosed with AI....

They then proceed to mention that on the second outbreak:

The reasons are unclear why carbon dioxide gas was not chosen as the method of euthanasia on the 2nd farm. Instead, a mobile electric stunning machine developed for the euthanasia of spent commercial egg laying hens was employed. Birds were fed through an electrically charged chute for the killing process and the carcasses were then openly conveyed along a belt to be dropped into the top of reefer trucks.

This procedure, which took place over 3 days, resulted in the dispensing of large quantities of infectious dust and feathers high into the air, as feathers and dust were noted to have travelled a significant distance and to have covered vehicles that were parked nearby. The producer on this farm questioned the wisdom of this method of disposal during strong winds but the process continued to completion.

Seven days later we had the third larger outbreak.

...on March 22, 2004, a third cluster of commercial poultry farms located downwind within 2 km of the first two farms was diagnosed with HPAI. On April 1, 2004 HPAI was diagnosed outside of the original high risk zone, which was defined as 5 km radius zone around the flock where AIV was first diagnosed. over the next 8 weeks a total of 42 commercial poultry farms in the Abbotsford area were identified as being positive....

Do you agree or disagree with the facts as stated in this report?

**Mr. Richard Fadden:** Mr. Chairman, there's no way I can give you and the committee a full answer to that question. There's too much detail in the paragraphs the member has read. I just don't know. I don't carry those kinds of facts in my head, and I don't honestly think any of my colleagues do.

**Mr. Peter Julian:** You said the lessons learned review incorporated everything you've learned from the crisis, and you said everything you heard in Abbotsford was incorporated in this document, which came out the day before the hearings were held.

**Mr. Richard Fadden:** That's true, Mr. Chairman, and I said in Abbotsford, as clearly as I could, that we will not repeat the method of disposal that we used on the first two farms. It was a shortcoming. It was a mistake. We won't do it again. So to that extent you make your point.

**Mr. Peter Julian:** What you're saying is you have these facts—

**The Chair:** Mr. Julian, please. There is an admission here of error. Let's not pursue a point that's already been admitted to. Let's move on the next point, if you have another one.

**Mr. Peter Julian:** The point is we have a report that includes lessons learned. I believe the report does a public disservice. Because the report was issued prior to the actual hearings, I believe it does not take into consideration very important testimony that was given, in good faith, by people who put a lot of work into providing to this committee information that they felt needed to be made public.

I will ask you again, do you intend to revise this report?

• (1640)

**Mr. Richard Fadden:** Mr. Chairman, I don't know quite what to say. The report was an internal report commissioned by the agency to look at what it did. We had no intention at any point during the process of taking into account witnesses who appeared before you. It was a coincidence that the report was issued at the time it was. We had been trying to get it out a few weeks before it got out.

I believe in Abbotsford you took offence to the fact that it was issued just before. I wish it had been issued three or four weeks earlier. We didn't know, when this report was essentially finished in late December, that you were going to have hearings, Mr. Chairman.

I'm not sure I understand entirely the point you're making. Most, if not all, of the points mentioned by Dr. Bowes have been incorporated at one level or other in our report. If the committee feels we have forgotten some, it seems to me you can direct them at the minister, who will direct them to me and we'll deal with them.

**The Chair:** Your time has expired, Mr. Julian, but in fairness to Mr. Julian's question, this committee has a responsibility to respond to those kinds of comments, and it will be this committee doing jurisprudence on this issue to render a report that should include the kinds of considerations that you're trying to have put into a report that's already been written. That's behind us. We have to move onto the next venue.

We will move to Mr. Anderson.

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Thank you, Mr. Chair.

Mr. Fadden, your agency covers a lot of areas. You're involved in trade and animal health, plant health, regulation, enforcement of regulations.

Wayne talked about the fact that hindsight is perfect, and with potato wart, BSE, and the avian influenza, there seems to be a common theme and a common criticism of your organization. I don't think we need hindsight as much as something else. I'm going to suggest that perhaps what you need is more comprehensive oversight. I'd like to hear your reaction to that specifically, because we're dealing with a bill dealing with the reorganization of your agency.

**Mr. Richard Fadden:** Thank you, Mr. Chairman.

You raise a complex issue.

We try, to the extent we can, to anticipate difficulties that we're going to be asked to deal with. In some cases we have been successful in anticipating and in other cases we haven't.

I suggested to the committee when I met with you in Abbotsford that with 20/20 hindsight we should have been far better prepared for avian influenza. If we'd had more resources and had there been other cases, we probably would have been.

We have a group that is focusing on trying to discern what problems we're going to have to face in the future and we're doing the best we can on that. The broad approach we've taken in terms of dealing with infectious diseases is to try to develop some generic plans to the extent that we can and then modify them when we have particular problems. For example, we would use the checklist I was talking to Mr. Ritz about for all infectious diseases.

**Mr. David Anderson:** Mr. Fadden, what you are saying is appropriate for what's going on inside your agency. We're dealing a year later, or almost a year later, with a situation, and I'm not sure anyone's been able to evaluate from the outside what you've done or hold you accountable for that. That's what's trying to be done today.

As we go through this bill, the committee must consider whether we need to call for more comprehensive oversight of what you're doing.

I will make a suggestion too. If you ever find yourself short of people to help you, you're welcome to take the DFO people from the prairies. Take the entire works of them and put them to work. That would be great.

I have a question one of the other MPs had asked.

We have some of these diseases that are now beginning to cross from animals to humans. Should we ever be hit with an attack, there will be a couple of jurisdictions involved. If you're forced into, or in, a situation where you're working with the Public Health Agency directly, I would like to know what are the jurisdictions involved there. What is the communication between your department and who calls the shots in a situation like that?

**Mr. Richard Fadden:** Thank you, Mr. Chair.

Just by coincidence I had a meeting yesterday with the chief public health officer, Dr. Butler-Jones, and we were talking about those very kinds of issues. We also have a number of groups trying to develop some protocols to answer the questions you've just asked.

From my perspective, if you're dealing with the case of human health versus animal health, there's no question that human health has to predominate. I think there are a variety of things that we can do to help in the animal field, even dealing with the possibility of a pandemic. If you can restrict the spread of avian influenza, you reduce the chances of a pandemic. But in the final analysis, if human health is at issue, they call the shots and we'll do what we can to assist them.

• (1645)

**Mr. David Anderson:** I'm a little bit concerned when you say you're just developing the protocols now. I understand that maybe this hasn't been an issue in the past, but when foot-and-mouth broke out and we were wondering if it was going to get here, it was very clear that the agency and AAFC were not ready to deal with it. I hope you'll be ready or well prepared ahead of time, because you've basically had the warning now.

I think Mr. Ritz had a question he wanted to ask.

**Mr. Gerry Ritz:** I read a news report yesterday, I think it was, that the Chinese have developed a vaccine that will be instrumental in allowing the poultry associations to keep AI at bay. Is there validity to that? Have you checked it out? Are we going to be using that in Canada? What's the availability of it? We're in flu season again; it's timely.

**Ms. Judith Bossé:** Coming from a scientific world, I can tell you that scientists like to publish as soon as they have data. That doesn't mean they can withstand whatever they're publishing. It's the first publication on that type of vaccine. We're all as excited as you are to hear about it. We actually will be looking into how much validation there's been with such a vaccine, because vaccines for AI have to be developed strain-specific, and obviously it would be of interest to know how this vaccine is actually so good at protecting when others have failed in the past. So we're very interested and we'll look into it, but it's quite premature.

**Mr. Gerry Ritz:** Mr. Fadden, you mentioned this report that Mr. Julian was talking about, and of course we heard a lot about it in Abbotsford and the timeliness of it coming out the day before our hearings and so on. Yet you said just a couple of minutes ago that the

report was finished at the end of December. Where did it disappear to for two weeks?

**Mr. Richard Fadden:** You'll be aware, Mr. Chair, that when all agencies and departments of the government have reports of one sort or the other that are made public and where there may be significant public interest, there's an internal process for clearing it, not changing the report but making sure that central agencies, that ministers, are aware of them, and as well there was the Christmas season.

**Mr. Gerry Ritz:** We can call that a heads up, yes.

**The Chair:** Mrs. Ur for five minutes.

**Mrs. Rose-Marie Ur:** When we were out in Abbotsford and the witnesses were appearing, and some of them had some really difficult hardship stories to tell us, and also within other organizations, it was quite obvious there was a real necessity for some fence-mending. With that in mind, what is CFIA doing to improve the working relationship within the local organizations, industry and such, out there? What positive steps are you doing to improve that relationship?

**Mr. Richard Fadden:** It's a good question, Mr. Chair. We've been told that the most useful thing we can do is to work with them to plan in the event that there's a similar occurrence.

As I mentioned a little bit earlier, we are talking with industry representatives and with the province on the development of the checklist. We're going to talk to them about the development of the new FADES plan. Everything I've been told, that my colleagues have been told, suggests that this is the most significant we can do, which is to involve them in the planning that we would undertake to avoid a crisis of this sort in the future, and that is ongoing.

**Mrs. Rose-Marie Ur:** Are you planning to go back and have a round table in this area, have individuals come forth? I thought it was very productive what we had done there. Would that show good faith by CFIA to bring...? Not everyone can sit at the same table, but you could certainly have a good representation across the board.

**Mr. Richard Fadden:** I hadn't thought about it, Mr. Chair, but I'd certainly be willing to do that.

**Mrs. Rose-Marie Ur:** It looks like an olive branch. Those little things mean a lot when you've had a disaster like that.

I have one quick comment here; it's not really a question. In your conclusion you state that if there is one overriding lesson that emerges from the avian influenza outbreak, it is that we must keep learning and building and, I would like to include, sharing what we know.

**Mr. Richard Fadden:** Yes, Ma'am.

**Mrs. Rose-Marie Ur:** Thank you.

**The Chair:** We'll move to Mr. Gaudet for the next question.

[Translation]

**Mr. Roger Gaudet:** That's fine, they have answered my question.

[English]

**The Chair:** Then we'll go to Mr. Julian.

**Mr. Peter Julian:** Regarding the operational approach of CFIA, I mentioned some of the testimony given by Drs. Ritchie and Bowes, which seemed to indicate mistakes at every level—the first outbreak and the second outbreak, which led to the third outbreak. We heard producers talk about the fact that their plan for culling was not accepted, which led to, in the opinion of many people who testified that day in Abbotsford, an expansion of the outbreak. The concern raised by a whole variety of people who provided testimony... including the chief of the Abbotsford fire department, who said that the operational control was consistently in Ottawa.

Now, you mentioned that your first visit to Abbotsford—and the buck stops with you, as you know—was actually on April 14, so just shy of two months after the initial outbreak, and certainly after the second and third outbreaks at that point.

What changes would you make operationally to control the initial outbreak and to ensure communication? Everyone, without exception, unless one of my colleagues corrects me, called for on-the-ground coordination, for decisions made in the centre of the outbreak—not for having to go to Ottawa and wait for many days for each decision while there is an increase in the accompanying difficulty and problem and scope of the crisis.

What operational changes would you put into place if this event, God forbid, happened again in a couple of weeks?

• (1650)

**Mr. Richard Fadden:** That's a very good question, Mr. Chairman.

I think one of the first things we would do, and we're working on it now, would be to determine much more clearly what are the operational decisions that need to be taken in the area and what are the program or policy decisions that need to be taken in Ottawa.

I cannot recall one single instance of where the committee in Ottawa that was reviewing the issues we were dealing with took an operational decision. We did not tell the executive director on the ground or the British Columbia authorities the order in which they were to do something, or how they were going to do something. We tried to restrict ourselves to policy decisions.

You give as an example the decision to not do the depopulating; March 9, I think it was. I admit that was taken in Ottawa. The reason that was taken was that at the time there had been a two-week period without further infectivity, and everybody, including the industry at the time, thought we had gotten the virus under control. We could not see, on the basis of the science we had available, how we could justify a broad depopulation effort. So that kind of decision, I think, needs to be taken in Ottawa.

I'm not trying to avoid accountability. I am the president, and I'm responsible to the minister. But in terms of these scientific decisions, I do not delude myself that I have the expertise to take them. We had a large group, involving the vice-presidents of science and programs, including Dr. Clark, who reviewed the international science, talked to their colleagues, and tried to get a grip on what was the best way to proceed. My colleagues can correct me if I'm wrong, but I don't think I overrode them in any single instance. In some instances I said we had to talk to the minister, or we had to worry about other factors.

I don't think you can have a large number of highly trained experts, who have contacts with other colleagues in Ottawa and around the world, transposed to the middle of a crisis area. What I do think you can do, and I agree with you here, is define quite carefully what's operational, and then Ottawa has to stay out of it.

We tried to do that. I don't know if we did it perfectly, but that's one thing we would want to make very clear. Operational decisions are left to the crises, but there are some policy and program decisions that, with great respect, I continue to believe should be taken in Ottawa.

**Mr. Peter Julian:** How would you distinguish between those two? Because that certainly wasn't clear to people on the ground during the crisis.

**Mr. Richard Fadden:** Yes.

Perhaps Mr. Clark can try this one.

**Mr. Jim Clark:** I believe the overwhelming responsibility of the program and policy people is to give clear direction prior to the event, so that there are clear-cut decision-making tools available to the people who have to implement them. That's not to say that any policy that's developed may have all of the answers to all of the problems. Some of those problems will be unique and will be represented at the time the outbreak is occurring.

In situations where the people who have operational responsibilities seek advice during those periods of time for the questions that aren't answered with the current policy, that's when we may become involved at the Ottawa level. There are opportunities for clear decisions or recommendations to be made from a local perspective. Those are situations in which the people who are local are aware of certain factors that may influence how those policies may be formulated.

I think the obvious example that I might use where there was a recommendation made, or a policy decision that was referred to Ottawa, was associated with a collection of pigeon squab. Where we had not been, prior to the event, aware of situations where pigeons may have been not particularly affected, we were certainly asked to provide advice on that particular situation, and in formulating the decision we looked at what was available.

There is a moving body of scientific information there that may not be available to local people in order to come to a complete and good decision. Those types of situations need to be referred to the national level. However, when the policy and direction is clear prior to it, then the operational people should be able to move forward quickly.

• (1655)

**The Chair:** Time has expired. I should at this point perhaps point out—yes we're coming back to take a few more questions—that we do have to give some time, members, to consideration of witnesses to appear with the committee on Bill C-27. I would appreciate if members of the committee would remain in their chairs until we have dealt with that matter. We need quorum here to do that. If you could do that, please, I would appreciate that.

We move now to Mr. Easter, if you have any questions.

**Hon. Wayne Easter:** No further questions.

**The Chair:** Mrs. Ur? Nothing.

Then we move to Mr. Bezan.

**Mr. James Bezan (Selkirk—Interlake, CPC):** Thank you, Mr. Chair.

Mr. Fadden, you were talking about looking at the entire foreign animal disease review and the planning you've gone through. Have you done much consultation with industry in that manner yet?

**Mr. Richard Fadden:** We tend to consult, Mr. Chairman, on a disease-by-disease basis. On the major review that we're referring to, no, we have not. As I think I said in Abbotsford, it would be our intention to do that.

Having said that, though, because I don't want to mislead you, the people in the industry have a very valid perspective to bring to bear, but they're not epidemiologists or pathologists or PhDs or veterinarians, so we end up sometimes taking a position different from the one they advocate. But it is our intention to consult broadly.

**Mr. James Bezan:** I hope that as someone who works servicing the industry, you would work with industry. We had in here last week the Canadian Animal Health Coalition. They have some very good ideas on implementing, including a national laboratory network, so that things such as avian flu can be tested in a more rapid and cost-efficient way.

One of the things you're also looking at and we've talked about already is the compensation levels. If I'm correct, you said there are \$63 million of them paid out—what's allowable under the act.

**Mr. Richard Fadden:** Yes, Mr. Chairman.

**Mr. James Bezan:** According to some of the industry numbers, the losses directly have been over \$200 million. When you take in secondary and other costs associated with avian flu, they have been over \$380 million. What exactly are you looking at for extra compensation for the industry?

**Mr. Richard Fadden:** Mr. Chairman, I cannot help on that issue. It's a matter for Agriculture and Agri-Food Canada. I'm not trying to avoid your question, but we have the Health of Animals Act to deal with on compensation. We have no other tools.

**Mr. James Bezan:** Would there be any recommendations to come forward, though, if you're looking at that shortfall, to help with policy decisions?

**Mr. Richard Fadden:** As I was saying earlier, we are looking at the caps under the Health of Animals Act. We want to do that as soon as we can. Then we would intend to look at the regulations under the Health of Animals Act. If the committee makes a recommendation on the Health of Animals Act, that may be able to speed up review of this issue.

I don't want to argue for or against it. I just make the point, though, that the Health of Animals Act was put into place by Parliament for a particular purpose. If Parliament shifts it to provide for full compensation of the sort that might be contemplated under other programs, you should do that, as they say in French,

[*Translation*]

with full knowledge of the facts,

[*English*]

because you will be fundamentally changing the nature of that statute, which may be desirable, but it won't necessarily make it easier to deal with animal diseases.

**Mr. James Bezan:** The one thing we can say of the avian flu is that we did contain it despite the catastrophe, but maybe we got a little bit lucky because it was in an isolated area. What types of changes have you already started to implement in case this had broken out in southern Manitoba or southern Ontario, where it could have spread a lot more rapidly?

**Mr. Richard Fadden:** There are two or three things that we're putting into place, Mr. Chairman. First, we will lower our threshold for the imposition of quarantines. Whether it's high path, low path, or anything at all that meets the basic criteria, we will now impose a quarantine.

In consultation with our lawyers, we've also developed the capacity to impose what's called a "stand still order". This is an idea that originated in the Netherlands. When they had the problem, until they could come to grips with it, what they did was basically freeze the industry. We're just about ready to have that as an additional tool as well.

The other thing we're putting into place is arrangements with other laboratories across the country to deal with the first and second levels of testing. That will speed things up.

Finally, we're discussing with the industry what we need to do in terms of a pre-emptive cull, which is something they're very keen on. Under the Health of Animals Act, however, we have to have the reasonable suspicion of a disease before we can order the destruction and trigger all the compensation. We're now talking about what that threshold is. In other words, if you run into a barn of 10,000 birds and 35 birds are sick, in my view, and in the view of the scientists and the agency, that's not enough to cause a pre-emptive cull. If you have 5,000, there's no argument. So what we're trying to do is come up with a policy framework that would enable us to do pre-emptive culls, but in a way that's reasonable and that will not be unduly wasteful of the public's money.

Those are the main things, Mr. Chair.

• (1700)

**Mr. James Bezan:** My colleague, Randy White, had just one quick question.

**The Chair:** Okay, Randy.

**Mr. Randy White:** I just want to clarify something, Mr. Chairman.

I asked a question earlier about what the case definition was for a positive AI infected bird. You were going to get the laboratory results on each test of those eleven specialty birds, because there is some question as to whether or not they were infected. You were about to answer that but ran out of time.

**Mr. Richard Fadden:** May I ask Dr. Clark to answer?

**Mr. Jim Clark:** The case definition is well spelled out by the OIE, the World Organisation for Animal Health, in terms of the index case—in other words, the first property that may or may not have the disease. In order to notify them, it's very prescriptive in terms of the number of tests that have to be done. That does not mean the CFIA could not act prior to the full definition of those. However, it would be extremely unlikely that we would wind up with the minister making a declaration of a control area before all of those tests were available.

In the outbreak in AI in British Columbia, we employed another set of criteria after that initial premise was diagnosed with high-path AI. We employed a test called a PCR matrix test, which detects the presence of influenza A, as a decision-making tool to go further and depopulate those flocks. The rationalization would be that since we were dealing with a known influenza A with high pathogenicity, the most probable organism or virus that was causing the matrix test to be positive would have been that highly pathogenic avian influenza in the Fraser Valley. That test is not sensitive or specific enough, on an ongoing basis, to be used outside of an outbreak situation in order to make a decision to depopulate a flock.

Does that answer the question?

**Mr. Randy White:** That did. And on the eleven farms...?

**Mr. Jim Clark:** I'd be happy to answer that question.

Even though the matrix test was positive in those eleven situations, virus was only isolated on one of those particular farms. There are a number of reasons why that may have occurred. Simply because the matrix test is positive, that does not necessarily mean any science has the ability to go ahead and isolate the virus from the tissues or the samples that are submitted. There's no 100% guarantee that because you have a test that's positive, it actually indicates that the virus is there.

**The Chair:** Okay. We move now to Mr. Gaudet for a very short question.

[Translation]

**Mr. Roger Gaudet:** Have any of the farmers who got rid of all their birds started production again?

**A witness:** Yes, Mr. Chair.

**Mr. Roger Gaudet:** Thank you. That answers my question.

[English]

**The Chair:** I think we're going to shut it down. Everybody is pretty much through. I do have just one or two questions, though.

Basically we've been talking about level 3 laboratories. How many of those do we have in Canada? And for the record, is there more than one? Is it possible that you can respond to that?

**Ms. Judith Bossé:** In terms of level 3 animal diagnostic laboratories, CFIA has currently three that are certified to work at level 3.

• (1705)

**The Chair:** Can you tell us where they are?

**Ms. Judith Bossé:** There's one in Winnipeg, Lethbridge, and Nepean. We have another potentially that we can use in P.E.I.

**The Chair:** At level 3.

**Ms. Judith Bossé:** It can be used at level 3. However, there's no program being delivered in P.E.I. for animal level 3 currently, but the facility had been, at one point, built for that capacity.

**The Chair:** Is there a need in Canada for a higher-level laboratory, as they have in the U.S.? Is there a need for that here or not?

**Ms. Judith Bossé:** The U.S. doesn't have a higher-level laboratory than we have. As a matter of fact, they have very comparable capacity to what we have in terms of level 3. Level 3 are very expensive to build as well as very expensive to maintain, not just in terms of maintaining the infrastructure, but maintaining the process to operate them as a level 3, as well as the dedicated equipment that can only be used for those programs. It is very expensive, especially if it's there just as a back-up in case of an emergency. It makes the rationale even harder to dedicate the resources just for emergency response. This is why CFIA has level 3 in operation where we actually are delivering a level 3 program for tuberculosis, anthrax, BSE, and foreign animal infectious diseases.

**The Chair:** What about a level 4 bio-containment laboratory?

**Ms. Theresa Iuliano:** We have one level 4 for animals in Winnipeg, and it's shared with the human side of things. There are very few level 4 infectious agents. Currently they're all present in Asia and have not moved outside of Asia.

**The Chair:** We have one presenter at the table who did not speak today. I understood your job was communications. Wasn't your job communicating messages and working with people on the ground in Abbotsford?

**Ms. Theresa Iuliano:** No. I was responsible for coordinating the CFIA's lessons learned review.

**The Chair:** What lessons can you tell us you learned from this experience that you would do differently?

Quickly, please. I want to give you an opportunity to speak because you are at the table today.

**Ms. Theresa Iuliano:** I think the lessons that came out of the lessons learned review pertained primarily to emergency planning, preparedness—activities that we could undertake to ensure that we had our protocols well prepared, well understood, and shared with our partners—so that in the event of an outbreak we were ready to react as immediately as we could.

**The Chair:** Thank you very much.

I know sometimes these meetings can be.... We have issues that we're very passionate about and we're representing a constituency of people who have endured some tremendous losses through this. Many more questions could have been asked today, and obviously that will be for another day.

I would ask my committee members to remain at the table, please.

You may be excused from the table. Thank you again for appearing. We look forward to meeting you again, but perhaps on a different subject next time. Thank you very much.

We will now ask for a motion to go in camera.

**An hon. member:** I so move.

**The Chair:** We have a motion to go in camera. I would ask that those who are not part of this group to leave the room, please. *[Proceedings continue in camera]*

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