

# Animal Welfare on BC Dairy Farms: Lessons Learned and Moving Forward

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## ■ Take Home Messages

- ▶ If you offer to lead and what you propose is the right thing to do, people will follow—eventually. Regarding the dairy cow welfare incident on a BC farm last year, because everyone at the BC Milk Marketing Board cares about cows, it was clear that animal welfare was the priority, but the best means to ensure that outcome, as a regulator, was not clear from the outset.
- ▶ The Board's key challenge throughout the crisis was to remain focused on restoring orderly marketing while navigating the new terrain of animal welfare authority in an emotionally charged and very public landscape.
- ▶ Because of the immediacy and potential impact of global communication, dairy farmers are no longer alone on their farm. Transparency was always the goal and it has arrived and is more transparent than ever imagined. This is not a bad thing for dairy farmers—and it is a good thing for the dairy industry moving forward.
- ▶ More work lies ahead for everyone in the dairy industry to ensure that all dairy farmers are aware and comfortable with full transparency, and to rebuild public trust.
- ▶ Social license is never guaranteed and the public's trust must continually be earned.

## ■ What Happened?

On June 2, 2014, the BC SPCA received an undercover video from a national activist group, which triggered the organization to launch an animal cruelty investigation at a large dairy farm in the Fraser Valley. On June 4, 2014, the SPCA notified the BC Dairy Association (BCDA), the association that represents BC dairy producers' interests, of the investigation. After signing a confidentiality agreement, the SPCA allowed the BCDA to view some of the

terrible video footage, which showed employees of the farm in question abusing dairy cows. The BCDA informed the BC Milk Marketing Board (the Board) of potential animal abuse but was restricted with the information that it could provide. BCDA also advised the Board that the activist video coverage was scheduled to be included in a CTV national news story for the evening news on Monday June 9, 2014.

The Board immediately held crisis management meetings and prepared staff, to the extent possible with limited information, as well as milk transporters for possible protests over the weekend. The idea of dairy cows being abused is an emotional issue even prior to viewing any video footage, so it was important to give staff a chance to express these emotions and to understand that the Board would do the right thing once it knew all the facts.

On Monday, June 9, 2014, the news story broke in the afternoon via Twitter, of course, and news radio at approximately 3:40 pm. At 6:00 pm, the full news story on the Fraser Valley farm and the abuse of dairy cows was the lead story on the CTV dinner hour news. The broadcast story included just under a minute of the activist video footage. It was enough. Furthermore, there was a longer video posted on the CTV website, and it was easy enough to find the activists' website from there. The story named a large national processor as the receiver of the farm's milk, and the Vancouver Humane Society stated that this processor should ensure that its products are ethically sound. By 9:00 pm that night, the processor posted its first press release expressing its concerns for "high standards in animal care," and "seeking clarity from the BC Milk Marketing Board." This large processor, like all processors in a "pooled milk" system, have no control over which specific farms supply their raw milk.

On Tuesday, June 10, a media storm and consumer outrage erupted. As busy as the Board's phone lines were, the e-mail and website traffic to the Board was even busier. And it was angry. A heavy volume of media and stakeholder phone calls and email started to come in to everyone at the Board, from the administration to the CEO and the Chair of the Board—and many of the staff in between.

The issue began as a local one, but quickly became national and international in nature. Many calls and emails were directed to the BCDA because it is the association responsible for media and stakeholder relations, as well as dairy producers' interests. However, as soon as the processor publicly called on the BC Milk Marketing Board for "clarity" in its first press release, media and consumers wanted to talk to the Milk Board directly about milk pick-up, regulations and of course, animal welfare.

## ■ What Actions Did the BC Milk Marketing Board Take?

As horrific as the video images were, as a regulator, the Board could not react emotionally to the images or to the public, media and processor pressure—facts were needed. The Board's primary mandate is to maintain the orderly marketing of milk, ensuring pick-up and delivery of milk and meeting BC's milk supply demand. Moreover, the Board had no clear authority over animal welfare.

Thus, the Board contacted both the BC Ministry of Agriculture and the BC Farm Industry Review Board to seek its own clarity regarding authority to act. Animal welfare, strictly speaking, was only clearly governed by the *Prevention of Cruelty to Animals Act (BC)*. SPCA constables are appointed under the BC Police Act and accountable to the Ministry of Agriculture. The Board also contacted the SPCA directly to understand its actions, orders for the farm and the SPCA's next steps.

The SPCA had recommended charges of animal cruelty to the Crown Counsel, but appeared to have reached the limits of its authority to act further in this regard.

*What was clear* was that the Board did not have to debate the issue of animal care ever—the mistreatment of animals was (and is) absolutely unacceptable. Furthermore, there was an unspoken agreement among the Board's members that even though something may not be your responsibility, when it becomes apparent that action needs to be taken, you step in because it is the right thing to do. This action was fundamental, not just because of the Board's role as a regulator responsible for orderly marketing, but because we care about the treatment of cows.

So, once the Board confirmed the SPCA orders regarding animal care on June 12, milk pick-up at the farm was suspended. The Board knew it was on uncertain legal ground, but it also knew that it had to be assured that the cows were being well taken care of. It was a question of ethical responsibility, not just jurisdiction.

Next, the Board requested veterinary reports regarding the state of animal care at the farm, and specifically the farm's response to the SPCA orders. The producer had willingly cooperated with all authorities including the SPCA, the Board and all veterinary inspections. This aided the process significantly. After reviewing the first of several veterinary reports that showed that the farm was taking necessary and appropriate actions concerning animal care, the Board resumed milk pick-up on June 13.

The Board also made a number of public commitments:

- to implement ongoing independent inspections of the farm
- to provide oversight to the independent expert team to ensure that proper dairy animal welfare practices are adhered to and valued at the farm<sup>1</sup>
- to include regulatory changes in the Board's policies for quota exchange, credit transfer and quality bonus with appropriate requirements for mandatory compliance with the Code of Practice for the Care and Handling of Dairy Cattle
- to invite key dairy industry stakeholders to participate in a “next steps” meeting, with the ultimate objective being a clear and accountable plan for dairy animal welfare

Throughout the animal care “crisis”, as it came to be known, the Board kept stakeholders informed via “Industry Notices” that were posted to the Board website. Media interviews were done as time permitted and responses were sent to all consumer emails and letters. The Chair and CEO also held regular phone calls (often at *irregular* hours) with its stakeholders in the dairy industry to keep them informed as appropriate.

## ■ ***Then What Happened?***

From the beginning, the large national processor's brand was the main target of the activists who recorded the video and initiated a global petition that called for a boycott of the processor's dairy products. Public and retailer pressure on the processor was tremendous. To protect its brand, the large national processor refused to accept milk from the farm and subsequently all other processors followed suit.

Even after the Board was satisfied by independent veterinary reviews that assured the farm was taking appropriate actions to address all issues of animal welfare, the processors remained firm in their refusal of the milk. There was, in fact, no clear process in place to determine how the Board would require a processor to resume accepting qualifying milk, where it has previously refused to do so, based upon consumer reaction to animal welfare.

The Board therefore needed to develop a process that was credible, using sound governance principles, and that would assure the Board, consumers and processors that the situation was being addressed and that cows were

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<sup>1</sup> An “Animal Welfare Steering Committee” was set up by the Board to oversee independent inspections at the farm. The members included the chief veterinary officer for the province of BC.

being treated properly. The Board's focus was on the proper treatment of dairy cows and orderly marketing. To that end, the Board developed a process for independent inspections of the farm and further audits of the farm, so that everyone could be confident that adherence to animal welfare standards was being maintained.

Because the processors continued to refuse the milk, that meant that there was a lack of market available for the milk being produced at the farm. Thus, the Board redirected the milk from the farm to a bio-digester facility.<sup>2</sup> The milk was redirected until processors agreed, following additional veterinary reports that assured *again* that appropriate animal welfare standards were being adhered to on the farm, to resume accepting the milk from all producers in the milk pool on June 20, 2014. It was clear from the media and consumers that destroying quality milk was the wrong thing to do - it would not help the cows.

### ■ **Some Challenges, Successes and Lessons Learned**

The subject of animal abuse, under any circumstances, is emotionally charged, and the horrible video images were extremely difficult for everyone. This made the initial responses of consumers very emotional, often irrational and much of the time directed personally at members and staff at the Board. This public vitriol was not just directed at the Board, however. It was directed at everyone along the dairy value chain: from processors to dairy producers across the country. And everyone, it seemed, wanted to do the right thing. The difficulty was that while everyone agreed that dairy cows needed to be well taken care of, there was no consensus on how to ensure that and what steps should be taken and when. Nearly all agreed on the end, but none seemed to agree on the means—at least not during the crisis itself.

In other words, the Board's key challenge throughout the crisis, as a regulator, was to remain focused on restoring orderly marketing, while navigating the new terrain of animal welfare authority in an emotionally charged and very public landscape.

Despite the challenges, there are a number of items that should be noted in the "success" column. The fact that the producer at the farm fully cooperated with all authorities and committed to improved animal welfare practices was good for everyone, including, of course, *the cows*.

The Board provided timely and accurate information throughout the crisis, despite constantly shifting circumstances and ongoing media and consumer pressure, and without staff dedicated to this type of work. The plan was transparent and the Board was (and is) accountable for its actions as an

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<sup>2</sup> Bio-digesters convert biological matter into energy using anaerobic digestion.

independent regulator and an elected Board. Additionally, the pressure of the crisis itself ensured that all in the dairy industry agreed without hesitation to attend an in-person meeting with the goal of a clear plan for the accountability and monitoring of dairy animal welfare in BC.<sup>3</sup>

Because this was an unprecedented new regulatory role, the lessons learned column may be slightly longer than the successes column. Here are some of them:

- Collaboration and communication with dairy industry colleagues is of significant importance. Any minor misunderstanding of roles and responsibilities across organizations will quickly become magnified and likely problematic in a crisis situation.
- Define the “crisis” as quickly and clearly as possible. To respond appropriately from both an operations and communications standpoint, the following need to be asked and answered: what exactly are the issues?, and who are the stakeholders involved? The relevant issues for the Board were not the media and public pressure, or even specifically the activist video footage—those were *contributory*. As a regulator, the issue was that animal welfare became an issue of the orderly marketing of milk.
- Prepare a crisis plan BEFORE a crisis emerges.
- Be clear on your priorities, but stay true to your values.
- The work continues long after the media goes away.

## ■ Now What?

The good news is that the Dairy Farmers of Canada (DFC) voluntarily adopted the National Farm Animal Care Council's (NFACC) *Code of Practice for the Care and Handling of Dairy Cattle* in 2009. The really good news is that everyone was at the table when the NFACC standards for the *Code* were created, including the SPCA, processors, dairy farmers and consumers. Furthermore, the DFC's “proAction” program includes an animal welfare “pillar” that uses the NFACC *Code of Practice* as the standard to be incorporated across Canada.

So, when the dairy industry met on June 26, 2014, there was already an

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<sup>3</sup> The Board hosted the dairy industry meeting on June 26, 2014 in Abbotsford, BC. Attendees included: the BC Ministry of Agriculture (including the Minister's office), the BC Farm Industry Review Board, the BC Dairy Council, the BC Farm Animal Care Council, the BC SPCA, the BCDA, the Dairy Farmers of Canada and the BC Milk Marketing Board.

agreed-upon *Code of Practice* and a process in place. However, there was consensus at the meeting that monitoring and compliance of the *Code* would need to be accelerated in BC; waiting for the full “proAction” process to roll out was no longer acceptable. The public’s trust in the dairy industry had been severely shaken and this, in turn, had eroded the social license to operate. *Voluntary* was no longer an option; *mandatory* was now called for by retailers, consumers and processors.

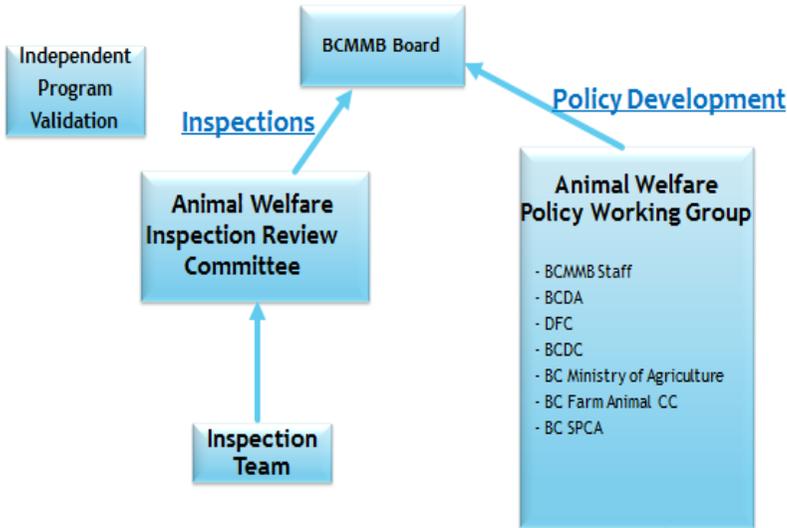
The Board was therefore given direction at the June 26 meeting to quickly provide mechanisms for monitoring and mandatory compliance with the *Code* in its Consolidated Orders. On August 1, 2014, the BC Farm Industry Review Board (BC FIRB) sent a letter to all commodity boards in BC clarifying its expectations around the issue of animal welfare and orderly marketing. Here, it stated that the *Natural Products Marketing Act (BC)* provided sufficient scope and authority to boards to “require producers to adhere to certain production standards related to animal welfare so as to ensure orderly marketing.”

After further consultation with stakeholders, the Board approved Amending Order 16, which made the on-farm requirements of the *Code* mandatory effective October 1, 2014. The detailed policy development of how that will be implemented is yet to be fully worked out; it requires more consultation with stakeholders.

To be clear, the Board’s plan is not to aggressively pursue dairy producers, who may be non-compliant, but rather to educate and support dairy producers on the aspects of the *Code*. The goal is to ensure that all BC dairy producers are fully familiar with and compliant with the *Code*. However, the Board will act immediately and firmly regarding any confirmed abuse of dairy animals. The most serious offences could result in the suspension of a dairy producer’s license to produce milk.

It is important to note that while the Board was drafting an amending order on the mandatory *Code*, the BCDA began in the fall of 2014 to implement BC’s pilot project of the DFC “proAction” animal welfare pillar on farms in the province, which includes training and feedback from producers on the program. The Board, however, remains responsible for the implementation of the mandatory *Code*.

At its recent fall producer meeting (December 2014), the Board discussed its proposed organization chart for the implementation of the mandatory *Code*, which outlines the separation between Inspections and Policy Development at the BC Milk Marketing Board (Figure 1).



**Figure 1: Preliminary operational plan for the implementation of the mandatory Code of Practice for the Care and Handling of Dairy Cattle.**

The Animal Welfare Policy Working Group would include stakeholders, as outlined in Figure 1, who would have input as the Board develops the specifics of policy compliance. The independent Inspection Team would be responsible for on-farm inspections. This team will be overseen by the group of technical experts sitting on the Animal Welfare Inspection Review Committee.

Once the program has been established and the Board is engaged in regular and random on-farm inspections, the goal is to have an external, i.e., 3rd party, expert organization conduct Independent Program Validations as a matter of ongoing assurance for everyone in the dairy value chain including processors and consumers.

## ■ Conclusion

At this stage, the Board's policy development is still in the consultation phase, so the details in Figure 1 are subject to change. But the circumstances that got us here cannot be changed; mandatory animal welfare standards are here to stay.

Indeed nearly all aspects of industrial food production are under very close

scrutiny everywhere. This is not news to farmers. The re-commitment of the dairy industry to animal welfare standards will help prevent any further erosion of the public's trust, and the work ahead - ensuring that dairy cows are well taken care of - will help rebuild it. The social license granted to farmers to operate is not a guarantee. Trust must continually be earned.



