



May 30, 2025

DELIVERED VIA EMAIL

Dear Members of Parliament,

Re: Urgent Call to Halt CFIA Culling, Reform *Health of Animals Act*, and Review other related Acts and Policies

The Canadian Food Inspection Agency's (CFIA) directive to cull 398 ostriches at Universal Ostrich Farms (UOF) in Edgewood, British Columbia **needs your urgent attention**. This cull order was initiated on suspicion of avian influenza only and followed by limited PCR testing of two carcasses, conducted internally at CFIA self-regulated laboratories, without a comprehensive investigation nor confirmation by gold-standard testing, such as autopsy and/or tissue sampling, and independent diagnostic testing. Under the ***Health of Animals Act (S.C. 1990, c. 21)* s.48(1)(a)–(c)**, the Minister, with CFIA, **may dispose (kill all livestock) on mere suspicion of disease** without any confirmatory testing. This senseless killing not only undermines scientific rigour but also erodes the farmers rights of due process, independent verification, and fair treatment under Canadian law. At this stage farmers do not have any legal recourse. Additionally, the CFIA, as a federal government agency, is legally protected under several doctrines and statutes.

This letter is not just about an ostrich farm. It speaks for all farmers impacted by a destructive stamping out policy administered and enforced by CFIA. The goal is to expose this reality and ignite change.

Background

Outbreak timeline: From December 14, 2024 to January 14, 2025, a fraction of UOF's herd succumbed to illness. No new cases or deaths have occurred since January 15, 2025, which is almost 5 months ago.

Antibody profile: Antibody tests of the farmer's own blood, demonstrate that they have robust H5N1 antibodies, **confirming natural immunity in humans was achieved**. Also, ostrich eggs laid prior to the December 2024 illness, were tested in April 2025, have H5N1 antibodies, hence **proving the egg-laying ostriches have achieved natural immunity and resistance to H5N1**.

On May 24th, 2025, Joselynn, a Canadian teen who contracted and recovered from H5N1, visited UOF to see and support the ostriches. This family recognizes the value of research, as Joselynn's blood is regularly taken and her antibodies studied. However, the CFIA refuses and prohibits UOF from conducting similar blood antibody tests on the ostriches, with threats to UOF of up to \$250K fines (*Health of Animals Act s.66(a)(b)*) or up to 2 years imprisonment if they do any testing. H5N1 antibodies in both humans and animals offer a rare opportunity to study disease resistance and improve public and animal health, but this research can only be done if these ostriches are allowed to live.

US Government Interest

On May 22, 2025, Robert F. Kennedy Jr., U.S. Secretary of Health and Human Services (HHS), conversed with CFIA President Paul MacKinnon, regarding UOF and their ostrich livestock. An official HHS letter dated May 23, 2025 (attached and available here: [RFK X Post](#)) proposes collaboration to study UOF's herd to understand immune response.

*“HHSGov is so grateful to President Paul MacKinnon and the Canadian Food Inspection Agency for their willingness to spend time with [@DrMakaryFDA and @NIHDirector_Jay] and myself yesterday, and for their openness to **discussing a collaborative project with NIH, FDA and CDC to conduct a long-term study on the BC Ostrich flock to expand our knowledge of their immune response to Avian Flu.** It’s our hope that this collaboration will help us understand how to better protect human and animal populations and perhaps lead to the development of new vaccines and therapeutics. **We at HHS are excited about this opportunity for cooperation among our governments in a promising scientific partnership.**”*

Primary Concerns

Killing of all livestock on the farm – Legislative Overreach – a legal framework needs review and reform. Killing is ordered by CFIA solely based on the suspicion of disease. This results in sweeping powers without requiring any testing nor conclusive evidence nor case by case scientific rationale. See below Health of Animals Act S.48(1)(a)-(c).

Prohibition of Independent Testing and Exemption - UOF’s request for independent lab testing has been met with threats of up to \$250K fines or up to 2 years imprisonment. Denying exemptions for genetically valuable stock, uniqueness, or possession of antibodies, jeopardizes both health, research, breeding sustainability and more.

Lack of Transparency and Fairness – CFIA has failed to follow its own *Open and Transparent Agency Policy* by **failing to communicate its “transparent decision making”** process to UOF in making its December Decision. UOF did not receive full laboratory reports which is just one of several aspects that lacked due process in their experience with CFIA. On January 2, 2025, a CFIA officer provided written exemption approval based on rare genetics, which was rescinded eight days later without reason. Additionally, two unjustified \$10,000 fines were issued to UOF. One of the fines was provided, however due process was not followed in serving of documents.

Narrow Investigations – The CFIA focuses solely on avian influenza, overlooking any other pathogens or environmental factors. A broader investigative and diagnostic approach could uncover additional reasons and guide smarter responses.

Trade – The CFIA’s trade-risk rationale collapses under scrutiny. UOF flightless birds aren’t part of our food chain, they are not a risk as they clearly developed natural herd immunity, and they live hundreds of Km’s from any poultry operation. Our biggest trade partner, U.S, and heads of HHS, NIH and FDA have formally urged CFIA to halt this cull.

Legislation – CFIA’s key legislative tools demand urgent and long overdue reform. Their wide range powers, with no accountability, are harming farmers, and their operations. They block vital research without any justified and truly scientific evidence. Your leadership in revising these laws is critical to restore true justice, fairness and transparency.

The Health of Animals Act (S.C. 1990, c. 21), under [Section 48\(1\)\(a\)\(b\)\(c\)](#) Disposal of affected or contaminated animals and things, permits destruction of animals suspected of infection with no conclusive proof required.

48 (1) The Minister may dispose of an animal or thing, or require its owner or any person having the possession, care or control of it to dispose of it, where the animal or thing

(a) is, or is **suspected of being, affected or contaminated by a disease or toxic substance;**

(b) has been in contact with or in close proximity to another animal or thing that was, or is **suspected** of having been, affected or contaminated by a disease or toxic substance at the time of contact or close proximity; or

(c) is, or is **suspected** of being, a vector, the causative agent of a disease or a toxic substance.

Canadians Request the Following Actions from Members of Parliament:

1. Immediate Exemption for UOF's Ostriches to grant exemption from culling based on:

- The presence of a H5N1 antibody profile confirming natural immunity.
- Time passed, currently almost five months with no illness, deaths or new clinical cases.
- Non-commercial breeding and geographic isolation from commercial poultry.
- Important research potential in studying natural immunity.

2. Suspend Cull Orders

- Halt all animal culling where only suspicion and partial testing is performed.
- Suspend cull orders until diagnostics are verified by independent labs and multidisciplinary scientific panels.
- Consider animals that may have already recovered through 'burning out' (running its course), as this CFIA option was acceptable prior to 2021, to develop antibodies and reach natural herd immunity.

3. Reform the *Health of Animals Act*

- Farmers must be part of the planning and decision-making process which includes the development, approval, and implementation of all laws and policies impacting all farms and farming industry.
- Immediate review of the efficacy of the World Organization for Animal Health (WOAH) Stamping Out policy.
- Require independent, third-party lab testing and transparency with farmers before proceeding with cull and/or disposal order.
- Remove CFIA's unchecked authority to act as judge, jury, and executioner without due process.
- Base culling decisions on verifiable test results, not suspicion.
- Require adequate investigations and scientific justification for each cull order on a case-by-case basis.

4. Implement Transparency and Oversight on CFIA

- Implement mandatory public audits & inspections of CFIA processes on a regular basis to ensure accountability.
- Demand transparency of internal and foreign processes and influences.
- Mandate the release of all lab and antibody test results to farmers with proper disclosure especially regarding pathogenicity: HPAI, LPAI, hybrids and emerging variants.
- If exemptions are considered the requests and rationale for approvals or denials need to be public information.

5. Safeguard Canadian Sovereignty in Public Health

- Repeal Canada's participation in "One Health" until a full citizen-led referendum takes place.
- Implementation of a referendum led system to ensure government transparency and full citizen engagement in decision making.
- Prohibit public agencies from aligning with foreign policies without public discussion, debate and legal ratification by elected representatives.

Harnessing natural immunity research will sharpen our outbreak response, while transparent, fair processes rebuild farmers' trust and uphold Canada's reputation as a global leader in evidence-based animal health policy.

Just because CFIA's current policies say they can cull, doesn't mean they should.

Your prompt action is needed. Together we can reform these regulations to protect public health & Canadian farmers.

Sincerely,

Universal Ostrich Farms Inc.

The Save Our Ostriches Team and Canadian and International Supporters

Visit official website for details: [SaveOurOstriches.com](https://saveourostriches.com)

Read the RFK Jr. HHS/NIH/FDA letter to the CFIA: <https://saveourostriches.com/news/hhs-letter/>